
SENATE BILL 5347

State of Washington

69th Legislature

2025 Regular Session

By Senator Fortunato

1 AN ACT Relating to organized retail theft; and amending RCW
2 9A.56.350.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.56.350 and 2017 c 329 s 1 are each amended to
5 read as follows:

6 (1) A person is guilty of organized retail theft if he or she:

7 (a) Commits theft of property with a value of at least seven
8 hundred fifty dollars from a mercantile establishment with an
9 accomplice;

10 (b) Possesses stolen property, as defined in RCW 9A.56.140, with
11 a value of at least seven hundred fifty dollars from a mercantile
12 establishment with an accomplice;

13 (c) Commits theft of property with a cumulative value of at least
14 seven hundred fifty dollars from one or more mercantile
15 establishments within a period of up to (~~one hundred eighty~~) 365
16 days; or

17 (d) Commits theft of property with a cumulative value of at least
18 seven hundred fifty dollars from a mercantile establishment with no
19 less than (~~six~~) two accomplices and makes or sends at least one
20 electronic communication seeking participation in the theft in the
21 course of planning or commission of the theft. For the purposes of

1 this subsection, "electronic communication" has the same meaning as
2 defined in RCW ((~~9.61.260(5)~~) 9A.90.120(8)).

3 (2) A person is guilty of organized retail theft in the first
4 degree if the property stolen or possessed has a value of five
5 thousand dollars or more. Organized retail theft in the first degree
6 is a class B felony.

7 (3) A person is guilty of organized retail theft in the second
8 degree if the property stolen or possessed has a value of at least
9 seven hundred fifty dollars, but less than five thousand dollars.
10 Organized retail theft in the second degree is a class C felony.

11 (4) For purposes of this section, a series of thefts committed by
12 the same person from one or more mercantile establishments over a
13 period of ((~~one hundred eighty~~) 365 days ((~~may~~) shall, if
14 practicable, be aggregated in one count and the sum of the value of
15 all the property shall be the value considered in determining the
16 degree of the organized retail theft involved. Thefts committed by
17 the same person in different counties that have been aggregated in
18 one county may be prosecuted in any county in which any one of the
19 thefts occurred. For purposes of subsection (1)(d) of this section,
20 thefts committed by the principal and accomplices ((~~may~~) shall, if
21 practicable, be aggregated into one count and the value of all the
22 property shall be the value considered in determining the degree of
23 organized retail theft involved.

24 (5) The mercantile establishment or establishments whose property
25 is alleged to have been stolen may request that the charge be
26 aggregated with other thefts of property about which the mercantile
27 establishment or establishments is aware. In the event a request to
28 aggregate the prosecution is declined, the mercantile establishment
29 or establishments shall be promptly advised by the prosecuting
30 jurisdiction making the decision to decline aggregating the
31 prosecution of the decision and the reasons for such decision.

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