

# HOUSE BILL REPORT

## HB 1556

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### As Reported by House Committee On:

Criminal Justice & Corrections

**Title:** An act relating to motor vehicle theft.

**Brief Description:** Increasing penalties for taking a motor vehicle without permission.

**Sponsors:** Representatives Marine, Ballasiotes, O'Brien and Campbell.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 2/9/01, 2/21/01 [DPS].

#### Brief Summary of Substitute Bill

- Divides the crime of taking a motor vehicle without permission into two degrees.
- Requires double-scoring- of an adult offender's prior first degree motor vehicle thefts for the purpose of calculating his or her offender score.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes, Kagi, Kirby and Morell.

**Staff:** Jean Ann Quinn (786-7310).

### Background:

Under the Sentencing Reform Act (SRA), an adult offender convicted of a felony has a standard sentence range that is based on the seriousness of the offense and the offender's felony convictions. The number of points an offender receives for current and prior felonies varies according to certain rules. For example, if the offender is convicted for a drug offense, three points are added for each adult prior felony drug offense conviction

and two points are added for each prior juvenile drug offense. The effect of receiving an additional point means that the standard sentence range is longer.

Intentionally taking a motor vehicle without permission, or voluntarily riding in a vehicle knowing it was taken without permission, is a class C felony, which carries a maximum term of five years, or a fine of up to \$10,000, or both. It is ranked as a seriousness level I crime under the SRA which, for a first time offender, has a standard sentence range of 0-60 days.

Juveniles who commit criminal offenses are also sentenced under a determinate sentencing model, which for an offense committed on or after July 1, 1998, is based on the seriousness of the offense (offense category) and the number of prior adjudications. Taking a motor vehicle without permission is ranked as an offense category C crime which, for a first-time offender, involves local sanctions. Local sanctions can include any combination of the following: 0-30 days confinement; 0-12 months community supervision; 0-150 hours community service; and a fine of \$0 to \$500.

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### **Summary of Substitute Bill:**

The crime is divided into two degrees. The current elements of the crime « intentionally taking the vehicle without permission or voluntarily riding in it knowing it was taken without permission « become second-degree motor vehicle theft.

Taking a motor vehicle in the first degree is created and is committed if a person intentionally takes a motor vehicle without permission and he or she:

- 1) Alters the vehicle to change its appearance or identification numbers;
- 2) Removes parts from the vehicle with the intent to sell the parts;
- 3) Exports or attempts to export the vehicle out-of-state or out of the country for profit;
- 4) Intends to sell the vehicle; or
- 5) Is engaged in a conspiracy the object of which is the theft of motor vehicles for sale to others for profit.

An adult offender convicted of taking a motor vehicle without permission in the first degree will have two points added to his or her offender score for each prior adult and juvenile conviction for this offense.

### **Substitute Bill Compared to Original Bill:**

The substitute bill retains the division of the crime of motor vehicle theft into two degrees, but continues to rank them both at seriousness level I on the sentencing grid. The substitute bill also provides that an adult offender's prior convictions for the crime in

the first degree will count two points for the purposes of calculating the offender's score for this crime.

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**Appropriation:** None.

**Fiscal Note:** (Original bill) available. (Substitute bill) requested on February 21, 2001.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** While property crime in general is on the decline in Washington, car theft continues to rise. Under current sentencing standards, it takes seven convictions before an offender spends even one year in prison, which really means only eight months after good time is figured in. This is unacceptable and needs fixing. Juveniles account for over half of all auto theft arrests. In the juvenile system, it takes five convictions before you get more than 30 days detention. And even then, on the fifth offense it's only 15-36 weeks confinement. Current law is not an adequate deterrent to auto theft.

This is the felony crime you're most likely to be a victim of, and it's pretty devastating to its victims. A Washington State Institute for Public Policy study shows a correlation between incarceration and a reduction in the crime rate when it comes to property offenders. The bill is good policy, but realistically it costs too much. The fiscal impact could be reduced by keeping the section of the bill that differentiates between joy riding and chop shop type activity, but striking the sections that increase the sentences for the crimes. It also would make good sense to keep the double counting of prior motor vehicle offenses, which should eliminate much of the fiscal impact, but still provide significant time for the repeat offenders.

**Testimony Against:** None.

**Testified:** Representative Marine, prime sponsor; and Tom McBride, Washington Association of Prosecuting Attorneys.