
SENATE BILL 6546

State of Washington 57th Legislature

2002 Regular Session

By Senators Johnson, Kline and Stevens

Read first time 01/21/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to stolen merchandise pallets; and amending RCW
2 9A.56.020 and 9A.56.140.

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

4 **Sec. 1.** RCW 9A.56.020 and 1975-'76 2nd ex.s. c 38 s 9 are each
5 amended to read as follows:

6 (1) "Theft" means:

7 (a) To wrongfully obtain or exert unauthorized control over the
8 property or services of another or the value thereof, with intent to
9 deprive him or her of such property or services; or

10 (b) By color or aid of deception to obtain control over the
11 property or services of another or the value thereof, with intent to
12 deprive him or her of such property or services; or

13 (c) To appropriate lost or misdelivered property or services of
14 another, or the value thereof, with intent to deprive him or her of
15 such property or services.

16 (2) In any prosecution for theft, it shall be a sufficient defense
17 that:

1 (a) The property or service was appropriated openly and avowedly
2 under a claim of title made in good faith, even though the claim be
3 untenable; or

4 (b) The property was merchandise pallets that were received by a
5 pallet recycler or repairer in the ordinary course of its business.

6 **Sec. 2.** RCW 9A.56.140 and 1998 c 236 s 3 are each amended to read
7 as follows:

8 (1) "Possessing stolen property" means knowingly to receive,
9 retain, possess, conceal, or dispose of stolen property knowing that it
10 has been stolen and to withhold or appropriate the same to the use of
11 any person other than the true owner or person entitled thereto.

12 (2) The fact that the person who stole the property has not been
13 convicted, apprehended, or identified is not a defense to a charge of
14 possessing stolen property.

15 (3) When a person has in his or her possession, or under his or her
16 control, stolen access devices issued in the names of two or more
17 persons, or ten or more stolen merchandise pallets, or ten or more
18 stolen beverage crates, or a combination of ten or more stolen
19 merchandise pallets and beverage crates, as defined under RCW
20 9A.56.010, he or she is presumed to know that they are stolen.

21 (4) The presumption in subsection (3) of this section is rebuttable
22 by evidence raising a reasonable inference that the possession of such
23 stolen access devices, merchandise pallets, or beverage crates was
24 without knowledge that they were stolen.

25 (5) In any prosecution for possessing stolen property, it is a
26 sufficient defense that the property was merchandise pallets that were
27 received by a pallet recycler or repairer in the ordinary course of its
28 business.

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