

# SENATE BILL REPORT

## SB 6491

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As Reported By Senate Committee On:  
Judiciary, February 1, 2006

**Title:** An act relating to taking a motor vehicle without permission.

**Brief Description:** Revising penalty provisions relating to taking a motor vehicle without permission.

**Sponsors:** Senators Kline, Johnson, Hargrove, Esser and Oke.

**Brief History:**

**Committee Activity:** Judiciary: 1/18/06, 2/1/06 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6491 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

**Staff:** Aldo Melchiori (786-7439)

**Background:** The offense of taking a motor vehicle without permission (TMVWOP) in the second degree occurs when a person intentionally takes or drives away any automobile or motor vehicle that is the property of another, without the permission of the owner or person entitled to possession. The offense also takes place when a person voluntarily rides in or upon the automobile or motor vehicle knowing that it was unlawfully taken. TMVWOP in the second degree is a class C felony and is ranked at level I (0 to 60 days for a first offense).

**Summary of Substitute Bill:** The offense of TMVWOP in the second degree is an unranked class C felony. In cases of "unranked crimes," courts are required to impose a determinate sentence which may include not more than one year of confinement and may also include community service, legal financial obligations, a term of community supervision not to exceed one year, and/or a fine. If an offender has a criminal history that includes two or more prior convictions for TMVWOP in the first or second degree, a subsequent conviction for TMVWOP in the second degree is ranked at seriousness level IV (12+ to 14 months in prison).

A person is guilty of TMVWOP in the third degree if he or she, without the permission of the owner or person entitled to possession, voluntarily rides in or upon the automobile or motor vehicle knowing that it was unlawfully taken. This is a misdemeanor (not more than 90 days confinement).

**Substitute Bill Compared to Original Bill:** The rank of TMVWOP in the second degree is changed from level II to level IV and the offender need only have two prior convictions,

instead of five, before being subject to the ranked offense. The crime of TMVWOP in the third degree is added.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 2006.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** The additional discretion given to judges will allow them to impose more just sentences. People who are merely passengers in a stolen car should receive lesser sentences.

**Testimony Against:** None.

**Testimony Other:** The bill could be improved by ranking TMVWOP at level II on the sentencing grid. The increased ranking would send car thieves to prison sooner in their criminal careers.

**Who Testified:** PRO: Amy Muth, WACDL and WDA.

CON: No one.

OTHER: Tom McBride, WAPA.