

# SENATE BILL REPORT

## SB 5022

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As Reported by Senate Committee On:  
Law & Justice, January 21, 2013

**Title:** An act relating to changing retail theft with extenuating circumstances to retail theft with special circumstances.

**Brief Description:** Changing retail theft with extenuating circumstances to retail theft with special circumstances.

**Sponsors:** Senators Padden, Sheldon and Carrell.

**Brief History:**

**Committee Activity:** Law & Justice: 1/16/13, 1/21/13 [DPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5022 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille, Kline, Ranking Member; Kohl-Welles, Pearson and Roach.

**Staff:** Sharon Swanson (786-7447)

**Background:** A person commits the crime of retail theft with extenuating circumstances if the individual commits theft of property from a mercantile establishment with one of the following circumstances:

- To facilitate the theft, the person leaves the mercantile establishment through a designated emergency exit;
- The person was, at the time of the theft, in possession of an item, article, implement, or device designed to overcome security systems including, but not limited to, lined bags or tag removers; or
- The person committed theft at three or more separate and distinct mercantile establishments within a 180 day period.

Retail theft with extenuating circumstances may be charged in the first, second, or third degree, depending on the value of the items taken.

The term "extenuating circumstances" is not defined in the Revised Code of Washington.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill (Recommended Substitute):** The crime of retail theft with extenuating circumstances is changed to retail theft with special circumstances.

**EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute):** Makes a technical correction to the bill to accurately cross reference the name of the crime in the sentencing grid.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Effective Date:** January 1, 2014.

**Staff Summary of Public Testimony on Original Bill:** PRO: When this statute was adopted in 2006, there was a bit of a grammatical error to call this crime one that contains extenuating circumstances. An extenuating circumstance is defined as one that would render a criminal act as less aggravated. If this change was to include the term aggravating in the crime, that would cause other problems. The solution seems to be to change the crime to one that involves special circumstances as this is the most accurate way to describe what happens with this particular crime.

**Persons Testifying:** PRO: Spokane County Superior Court Judge Salvatore Cozza.