
Public Safety Committee

SB 5539

Brief Description: Creating a pilot program for the supervision of motor vehicle-related felonies.

Sponsors: Senators Billig, Padden, Pedersen and Baumgartner.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Authorizes Spokane County Superior Court to participate in a pilot program for sentencing certain property offenders to one year of community custody.
--

Hearing Date: 2/19/18

Staff: Omeara Harrington (786-7136).

Background:

Community Custody.

Community custody is the portion of an offender's sentence served in the community under the supervision of the Department of Corrections (DOC). The length of a community custody term for an offense is established in statute. While on community custody, offenders are subject to a variety of conditions imposed by the court and DOC. The DOC must assess the offender's risk to reoffend and may establish and modify the offender's conditions of community custody based on the offender's risk to community safety and conditions imposed by the court. If an offender violates the conditions of community custody, he or she may be subject to confinement or non-confinement sanctions.

Courts are mandated to order community custody for offenders convicted of certain crimes, including sex offenses, serious violent offenses, violent offenses, and other offenses specified in statute, as well as for offenders sentenced under a sentencing alternative program.

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.

Motor Vehicle Offenses.

There are a number of criminal offenses addressing the unauthorized taking or use of motor vehicles.

A person who commits Theft of a Motor Vehicle is guilty of a class B felony. Possession of a Stolen Vehicle is also a class B felony.

Taking a Motor Vehicle Without Permission in the first degree is a class B felony that is committed when a person, without the permission of the owner or person entitled to possession, intentionally takes or drives away an automobile or motor vehicle that is the property of another, and he or she:

- alters the motor vehicle for the purpose of changing its appearance or primary identification, including obscuring, removing, or changing the manufacturer's serial number or the vehicle identification number plates;
- removes, or participates in the removal of, parts from the motor vehicle with the intent to sell the parts;
- exports, or attempts to export, the motor vehicle across state lines or out of the United States for profit;
- intends to sell the motor vehicle; or
- is engaged in a conspiracy and: (1) the central object of the conspiratorial agreement is the theft of motor vehicles for sale to others for profit; or (2) has solicited a juvenile to participate in the theft of a motor vehicle.

Taking a Motor Vehicle Without Permission in the second degree is a class C felony committed when a person, without the permission of the owner or person entitled to possession, intentionally takes or drives away any automobile or motor vehicle that is the property of another, or he or she voluntarily rides in or upon the automobile or motor vehicle with knowledge of the fact that the automobile or motor vehicle was unlawfully taken.

Summary of Bill:

Subject to the availability appropriated funds, a pilot program is established for the supervision of certain felony offenders. Until June 30, 2021, the Spokane County Superior Court may sentence an offender to community custody for a term of one year when the court sentences the person to prison for one or more of these offenses:

- Theft of a Motor Vehicle;
- Possession of a Stolen Vehicle;
- Taking a Motor Vehicle Without Permission in the first degree;
- Taking a Motor Vehicle Without Permission in the second degree; or
- a crime against property with a prior conviction of one of the above offenses.

By November 1, 2022, the DOC must submit a report to the Governor and the appropriate committees of the Legislature analyzing the effectiveness of supervision in reducing recidivism among offenders committing felonies relating to the theft or taking of a motor vehicle. The DOC must consult with the Washington State Institute for Public Policy in guiding its data tracking efforts and preparing the report.

Appropriation: None.

Fiscal Note: Requested on February 16, 2018.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.