

HOUSE BILL REPORT

SB 6133

As Reported by House Committee On:
Community Safety, Justice, & Reentry

Title: An act relating to deterring robberies from cannabis retail establishments.

Brief Description: Deterring robberies from cannabis retail establishments.

Sponsors: Senators McCune, Keiser and Padden.

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 2/15/24, 2/20/24 [DPA].

Brief Summary of Bill
(As Amended by Committee)

- Establishes a special allegation and discretionary 12-month sentencing enhancement for Robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet by using a vehicle to damage or gain access to the retail outlet.
- Requires a cannabis retail outlet to report any attempt or incident of Robbery in the first or second degree at the retail outlet to the Washington State Liquor and Cannabis Board (LCB) within 10 days of the attempt or incident.
- Requires the LCB's chief enforcement officer to regularly consult with the Washington State Patrol to provide details of attempts or incidents of Robbery in the first or second degree of a cannabis retail outlet and to discuss any evidence that indicates a pattern of, or coordinated effort by, a criminal enterprise.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

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

Majority Report: Do pass as amended. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

Staff: Lena Langer (786-7192).

Background:

Classification of Crimes.

Crimes are classified as misdemeanors, gross misdemeanors, or class A, B, or C felonies. While there are exceptions, the classification of a crime generally determines the maximum term of confinement and fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

For most felony offenses, the Sentencing Reform Act determines a specific sentence range within the statutory maximum according to a sentencing grid. The sentencing grid provides a standard sentence range based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the person's criminal history. Additional sentencing policies, such as sentencing enhancements, may affect a person's standard sentence range. For example, in a criminal case where a person is convicted of Robbery in the first or second degree and there is a special allegation pleaded and proven beyond a reasonable doubt that the person committed a Robbery of a pharmacy, the person's standard sentence range must be increased by 12 months.

Criminal Penalties Related to Robbery.

Robbery in the First Degree.

A person is guilty of Robbery in the first degree if the person commits a robbery within and against a financial institution, or, in the commission of a robbery or immediate flight therefrom, the person:

- is armed with a deadly weapon;

- displays what appears to be a firearm or other deadly weapon; or
- inflicts bodily injury.

Robbery in the first degree is a class A felony.

Robbery in the Second Degree.

A person is guilty of Robbery in the second degree if the person commits a robbery in a manner that does not constitute Robbery in the first degree. Robbery in the second degree is a class B felony.

Cannabis Retail Outlets.

In November of 2012 Washington voters enacted Initiative 502, legalizing the production and retail sale of cannabis for persons 21 years or older. The Washington State Liquor and Cannabis Board (LCB) licenses and regulates state cannabis producers, processors, and retailers. Retail outlets are locations licensed by the LCB for the retail sale of cannabis concentrates, useable cannabis, and cannabis-infused products.

Summary of Amended Bill:

A special allegation and discretionary sentencing enhancement are established for Robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet by using a vehicle to damage or gain access to the retail outlet. The sentencing enhancement, if the court chooses to impose it, increases the standard sentence range for such crimes by 12 months.

Every cannabis retail outlet must report any attempt or incident of Robbery in the first or second degree at the retail outlet to the LCB within 10 days of the attempt or incident. The LCB's chief enforcement officer must regularly consult with the Washington State Patrol to provide details of attempts or incidents of Robbery in the first or second degree of a cannabis retail outlet and discuss any evidence that indicates a pattern of, or coordinated effort by, a criminal enterprise.

Amended Bill Compared to Original Bill:

The amended bill removes language from the original bill establishing a special allegation for Robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet in concert with another individual or individuals, but retains language establishing a special allegation for Robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet by using a vehicle to damage or gain access to the retail outlet.

Additionally, the amended bill makes discretionary the 12-month sentencing enhancement for the special allegation for Robbery in the first or second degree of a licensed cannabis

retail outlet.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Staff Summary of Public Testimony:

(In support) Cannabis retail shops experience frequent robberies, often with the perpetrators of the robberies using vehicles to gain access to the stores. The owners of the retail shops have tried different methods to prevent these robberies, including putting barriers in front of the shops. The people committing these robberies are not after cash, they are after the product in the stores. These incidents are happening all over the state. These incidents are violent crimes that put the employees and the larger community at risk.

(Opposed) There is opposition to this bill because this is a continuation of the same failed sentencing policy. Longer sentences do not deter crime or reduce recidivism. This is widely known and accepted among criminologists, but this bill again makes criminal sentences longer. This bill perpetuates the same myth about crimes and longer sentences, which is that the threat of longer sentences for crimes makes communities safer. There is no reason to punish a person who commits a robbery of a cannabis store with an accomplice more severely than a person who commits any other robbery with an accomplice. The special allegation that pertains to using a vehicle in the commission of the robbery is unnecessary. There is already an aggravating factor available for an exceptional sentence that covers this type of extraordinary property damage. Additionally, a potential deadly weapon enhancement is available. Sentencing enhancements have always been disproportionately charged against people of color. If this sentencing enhancement is created, it should be discretionary only, as in the habitual property offender bill, Senate Bill 5056, so the enhancement is imposed only when appropriate.

Persons Testifying: (In support) Senator Jim McCune, prime sponsor.

(Opposed) David Trieweler, Washington Association of Criminal Defense Lawyers and Washington Defender Association.

Persons Signed In To Testify But Not Testifying: None.