

SENATE BILL REPORT

SB 5438

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 22, 1991

Brief Description: Increasing stolen property values for determining degree of theft.

SPONSORS: Senators Nelson, Owen, Talmadge and Moore.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5438 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Erwin, Hayner, L. Kreidler, Madsen, and Rasmussen.

Staff: Jack Brummel (786-7428)

Hearing Dates: February 13, 1991; February 22, 1991

BACKGROUND:

Theft of property or services worth \$250 or less, possession of stolen property worth \$250 or less, or unlawful issuance of a bank check worth \$250 or less are each gross misdemeanors. According to the Office of the Administrator for the Courts, such crimes are not being prosecuted in many places because inflation has diminished the real value of the \$250 limitation and prosecutors do not believe it is worth their while to prosecute. Theft of an item which resulted in a light sentence five years ago can now mean substantial time under incarceration because of the inflated value of the item.

SUMMARY:

The dollar limitations are raised for first, second and third degree theft, possession of stolen property in the first, second, and third degree, and unlawful issuance of a bank check. Property or services with a value that is difficult to ascertain shall be deemed to be worth less than \$1,000.

EFFECT OF PROPOSED SUBSTITUTE:

The dollar amount changes for unlawful issuance of a bank check are eliminated. \$250 is restored as the upper limit for third degree theft and third degree possession of stolen property. \$250 is restored as the bottom of the range for second degree theft.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This bill will plug some holes in the system. Prosecutors are not filing charges because the dollar amount of some stolen goods doesn't justify felony convictions.

TESTIMONY AGAINST:

Prosecutors in smaller counties will charge cases at the \$250 limit because their volume of case is not as high as in King and Pierce Counties.

TESTIFIED: Melanie Stewart, District Court Judges Assoc. (pro):
Pat Cooper, Washington Assoc. of Prosecuting Attorneys (con)