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**Criminal Justice & Corrections  
Committee**

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**HB 1373**

**Brief Description:** Revising provisions relating to motor vehicle theft.

**Sponsors:** Representatives Carrell, Newhouse, Mielke, Roach, McMahan, Boldt, Kristiansen, Holmquist, Delvin, Ahern, Pearson, Bush and Campbell.

**Brief Summary of Bill**

- Increases the penalties for juveniles who intentionally take a motor vehicle without permission in the first and second degrees.
- Changes the way the offender score is calculated with respect to prior convictions for the crime of taking a motor vehicle without permission.

**Hearing Date:** 2/5/03

**Staff:** Yvonne Walker (786-7841).

**Background:**

Under the Sentencing Reform Act (SRA), an adult offender convicted of a felony has a standard sentence range that is based on the seriousness of the offense and the offender's felony convictions. The number of points an offender receives for current and prior felonies varies according to certain rules. For example, if the offender is convicted for a manufacturing methamphetamine drug offense, three points are added for each adult prior manufacturing methamphetamine drug offense conviction and two points are added for each prior juvenile manufacturing methamphetamine drug offense. The effect of receiving an additional point means that the standard sentence range is longer.

Similar to adults, juveniles who commit criminal offenses are also sentenced under a determinate sentencing model, which for an offense committed on or after July 1, 1998, is based on the seriousness of the offense and the number of prior adjudications.

First degree Taking a Motor Vehicle without Permission. The crime of taking a motor vehicle without permission in the first degree is a category C offense on the juvenile offender

sentencing grid. A juvenile is guilty of taking a motor vehicle without permission in the first degree if the juvenile intentionally takes a motor vehicle without permission and he or she:

- 1) Alters the vehicle to change its appearance or identification numbers;
- 2) Removes parts from the vehicle with the intent to sell the parts;
- 3) Exports or attempts to export the vehicle out-of-state or out of the country for profit;
- 4) Intends to sell the vehicle; or
- 5) Is engaged in a conspiracy with the objective being the theft of motor vehicles for sale to others for profit.

Second degree Taking a Motor Vehicle without Permission. The crime of taking a motor vehicle in the second degree is also a category C offense on the juvenile offender sentencing grid. This crime involves intentionally taking a motor vehicle without permission, or voluntarily riding in a vehicle knowing it was taken without permission.

A first time offender, with no previous criminal history, would receive a local sanction for a category C offense. Local sanctions can include any combination of the following: zero-30 days confinement; zero-12 months community supervision; zero-150 hours community service; and a fine of \$0 to \$500.

### **Summary of Bill:**

The penalties for the juvenile offenses of taking a motor vehicle in the first and second degree are increased. In addition, adult offenders convicted of taking a motor vehicle without permission in either the first or second degree will have two points added to their offender score for each prior juvenile adjudication for this offense.

First degree Taking a Motor Vehicle without Permission. The first violation of the crime of taking a motor vehicle without permission in the first degree is increased to a category B crime. A first-time juvenile offender, with no previous criminal history, would receive a local sanction. The penalty increases to a category B+ crime for any juvenile adjudicated of a second or subsequent offense of taking a motor vehicle without permission in the first degree. The penalty for subsequent violations of this offense would include incarceration in a Juvenile Rehabilitation Administration facility.

Second degree Taking a Motor Vehicle without Permission. Taking a motor vehicle without permission in the second degree is increased to a category B crime. A juvenile offender, with two or less adjudications of any kind in his or her criminal history, would receive a local sanction sentence.

**Appropriation:** None.

**Fiscal Note:** Requested on January 29, 2003.

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