
Criminal Justice & Corrections
Committee

HB 1485

Brief Description: Changing provisions relating to auto theft.

Sponsors: Representatives Lovick, O'Brien and Campbell.

Brief Summary of Bill

- Increases the seriousness level for taking a motor vehicle in the second degree from a seriousness level I to a level II and adds a mandatory minimum sentence.
- Requires the Washington Association of Sheriffs and Police Chiefs (WASPC) to establish a Washington Auto Theft Task Force (Task Force) to award grants to localities interested in establishing a regional auto theft task force.
- Establishes a statewide vehicle identification etching program for all new automobiles sold on or after July 1, 2004.

Hearing Date: 2/11/03

Staff: Yvonne Walker (786-7841).

Background:

Taking a Motor Vehicle Without Permission. A person is guilty of taking a motor vehicle without permission in the first degree; if such person 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 the object of which is the theft of motor vehicles for sale to others for profit.

Taking a motor vehicle without permission in the first degree is a class B felony which carries a maximum term of 10 years of incarceration, or a fine of up to \$20,000, or both. It is ranked as a seriousness level V crime under the Sentencing Reform Act (SRA) which, for

a first-time offender has a standard sentence range of six to 12 months.

A person who intentionally takes a motor vehicle without permission, or voluntarily rides in a vehicle knowing it was taken without permission, is guilty of second degree taking a motor vehicle without permission offense. Taking a motor vehicle without permission in the second degree is a class C felony offense which carries a maximum term of five years of incarceration, or a fine of up to \$10,000, or both. It is ranked as a seriousness level I crime under the SRA which, for a first-time offender has a standard sentence range of zero to 60 days.

Washington Association of Sheriffs and Police Chiefs. The WASPC is considered a combination of units of local government. It is responsible for, upon the request of a particular county, assisting that county in helping to develop and implement its local law and justice plan. The association manages the statewide jail booking and reporting system, maintains a central repository for the collection of all malicious harassment type crimes and, on occasion, is responsible for working with other state and local agencies in conducting crime-related studies.

Summary of Bill:

The penalty for taking a motor vehicle in the second degree is increased. An auto theft task force, grant program, and statewide vehicle identification etching program is established and operated by the WASPC. However, the WASPC is not required to implement the Task Force or any of the programs if adequate funding is not provided to them.

Taking a Motor Vehicle Without Permission. The crime of taking a motor vehicle without permission in the second degree is increased to a seriousness level II offense with a mandatory minimum sentence. Generally, a first-time offender with no previous criminal history would receive a presumptive sentence of zero to 90 days in jail, however a provision is added that requires each offender convicted of second degree taking a motor vehicle without permission to serve a minimum sentence of 30 days of home detention.

In addition, a provision is added that states any person in possession of a motor vehicle taken without permission of the owner may be inferred to have acted with the intent to commit the offense, unless the possession can be explained by evidence satisfactory to the trier of fact to have been made without such criminal intent.

Washington Association of Sheriffs and Police Chiefs.

The Washington Auto Theft Task Force is created. The WASPC is responsible for facilitating the Task Force and must appoint a Task Force program steering committee. The steering committee includes, but is not limited to, the following individuals: a chief of police; a county sheriff; the Washington State Patrol; a representative of the Washington Association of Prosecuting Attorneys; a representative of the Washington Council of Police and Sheriffs; a representative of the auto insurance industry; a representative of the auto sales industry; a representative of the auto repair industry; and a representative of the auto auction industry.

The Task Force is responsible for the following activities:

- awarding grants to units of local governments or to teams consisting of multiple units of local governments, for the purpose of establishing regional auto theft task forces;
- developing grant criteria;
- developing general operational guidelines for regional auto theft task forces;
- reviewing all regional auto theft task force operations on an annual basis;
- producing an annual report to the Legislature; and
- developing vehicle identification number etching program objectives and auto dealer minimum standards.

Any unit or team consisting of multiple units of local government may apply to the WASPC for a regional auto theft task force grant, however the grant applications must consist of the following minimum requirements:

- statistically demonstrate an auto theft problem in the county or counties covered in the grant application;
- have at least one prosecuting attorney dedicated to the prosecution of auto theft cases;
- county and city law enforcement officers must be proportionately represented on each regional auto theft task force;
- demonstrate a proposal to reimburse all participating units of local governments for their costs, which include but are not limited to: regional auto theft task force administration costs, law enforcement costs, prosecutor costs, court costs, and county offender confinement costs; and
- if a regional auto theft task force crosses jurisdictional boundaries, demonstrate that any necessary interlocal agreements can be executed so that law enforcement officers and prosecutors can fulfill the duties of the regional auto theft task force across jurisdictional boundaries.

Prior to awarding any grants to regional auto theft task forces, the WASPC must verify that sufficient grant funding exists to cover all proposed task force activities, which include but are not limited to: regional auto task force administration costs, law enforcement costs, prosecutor costs, court costs, and county offender confinement costs.

Vehicle Identification Etching Program: The WASPC must operate a statewide vehicle identification number etching program that is consistent with the program objectives established by the Task Force.

Effective on or after July 1, 2004, it is recommended that all new automobiles sold in Washington have a vehicle identification number etching procedure completed on them prior to being sold. The vehicle identification number etching procedure must be consistent with the vehicle identification number etching minimum standards established the WASPC and the Task Force. The etching program for all new vehicles is a voluntary program however, if all of the etching materials associated with requiring auto dealers to etch the vehicle identification number on new vehicles has been provided to the dealers by the WASPC then the program is mandatory.

Appropriation: None.

Fiscal Note: Requested on February 7, 2003.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed, except Sections 5 and 7, which takes effect July 1, 2004.