

# SENATE BILL REPORT

## SB 5501

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As Reported By Senate Committee On:  
Judiciary, March 5, 2003

**Title:** An act relating to auto theft.

**Brief Description:** Changing provisions relating to auto theft.

**Sponsors:** Senators Roach, Kastama, Brandland and Keiser.

**Brief History:**

**Committee Activity:** Judiciary: 2/28/03, 3/5/03 [DPS-WM].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5501 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Johnson, Kline, Roach and Thibaudeau.

**Staff:** Aldo Melchiori (786-7439)

**Background:** A person is guilty of taking a motor vehicle without permission (TMVWP) in the first degree if a person takes a motor vehicle without permission and (1) alters the vehicle in order to change its appearance or primary identification; (2) removes or participates in removing a part or parts from the vehicle; (3) exports or attempts to export the vehicle across state lines or out of the U.S. for profit; (4) intends to sell the motor vehicle; or (5) is engaged in a conspiracy and the object of it is the theft of motor vehicles for sale. This offense is a class B felony and is ranked at seriousness level V (six-12 months for a first offense). Juvenile offenders may receive up to 30 days detention.

The crime of TMVWP in the second degree is committed if the person takes a motor vehicle without permission or voluntarily rides in it with knowledge of the fact it was unlawfully taken. This is a class C felony ranked at seriousness level I (0-60 days for a first offense). Juvenile offenders may receive up to 30 days detention.

In 2002, the Sentencing Guidelines Commission was directed to study whether additional sanctions or penalties are needed to reduce the incidence of the crime of taking a motor vehicle without permission. The report is due by December 2004.

**Summary of Substitute Bill:** The crime of TMVWP in the second degree is ranked at seriousness level II (0-90 days for a first offense). The juvenile range remains the same (up to 30 days detention). However, for a first adult offense and the first three juvenile offenses of TMVWP in the second degree, the minimum sentence that the court may order is 30 days of home detention.

The Washington Association of Sheriffs and Police Chiefs (WASPC) appoints an auto theft task force program steering committee. Steering committee membership is specified. The committee awards grants to units of local governments to establish regional task forces (subject to the availability of funds), develops grant criteria and operational guidelines, reviews regional task force operations, and reports to the Legislature annually. Multiple jurisdictions may cooperate to establish regional task forces. Grant applications must demonstrate a regional auto theft problem, include at least one deputy prosecuting attorney dedicated to auto theft cases, and include planning for interlocal agreements, when required, and cost reimbursement.

**Substitute Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** As of December 1, 2002, Washington has the fourth highest automobile theft rate in the nation. This bill does not go far enough, but it is the best we can hope for in the current fiscal crisis.

**Testimony Against:** The inference of intent is impermissible under Washington law (remedied in the committee substitute).

**Testified:** PRO: Greg Edwards, Kirkland Police Department; Michael West, Autobody Craftsman Association; Tim Shellberg, WASPC; Mel Sorenson, National Association of Independent Insurers; CON: Robert Quillian, WACDL, WDA.