

SENATE BILL REPORT

SB 6338

As Passed Senate, February 16, 2004

Title: An act relating to stolen merchandise pallets.

Brief Description: Creating an affirmative defense from theft and possession of stolen merchandise pallets.

Sponsors: Senators Johnson and Kline.

Brief History:

Committee Activity: Judiciary: 1/28/04 [DP].

Passed Senate: 2/16/04, 48-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

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

Staff: Lidia Mori (786-7755)

Background: There are businesses in Washington that repair or recycle pallets. Sometimes, in the ordinary course of business, a pallet recycler will receive pallets that have been mislaid or misplaced and the recycling business arranges to have them returned to their rightful owners. A fee is charged for this service.

Summary of Bill: In a prosecution for theft or possession of stolen property, it is a sufficient defense that the property was merchandise pallets that were received by a pallet recycler or repairer in the ordinary course of its business.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill gives protection to people who recycle and repair pallets. Pallet recyclers receive pallets in the ordinary course of business. If there is a name on some of the pallets, they are presumed to have been knowingly stolen. This bill provides a defense to that claim.

Testimony Against: None.

Testified: Denton Sherry, NEPA Pallet & Container Co.