

CERTIFICATION OF ENROLLMENT

SENATE BILL 6338

58th Legislature
2004 Regular Session

Passed by the Senate February 16, 2004
YEAS 48 NAYS 0

President of the Senate

Passed by the House March 2, 2004
YEAS 94 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SENATE BILL 6338 as passed by the
Senate and the House of
Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6338

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senators Johnson and Kline

Read first time 01/19/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to stolen merchandise pallets; and amending RCW
2 9A.56.020 and 9A.56.140.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.56.020 and 1975-'76 2nd ex.s. c 38 s 9 are each
5 amended to read as follows:

6 (1) "Theft" means:

7 (a) To wrongfully obtain or exert unauthorized control over the
8 property or services of another or the value thereof, with intent to
9 deprive him or her of such property or services; or

10 (b) By color or aid of deception to obtain control over the
11 property or services of another or the value thereof, with intent to
12 deprive him or her of such property or services; or

13 (c) To appropriate lost or misdelivered property or services of
14 another, or the value thereof, with intent to deprive him or her of
15 such property or services.

16 (2) In any prosecution for theft, it shall be a sufficient defense
17 that:

18 (a) The property or service was appropriated openly and avowedly

1 under a claim of title made in good faith, even though the claim be
2 untenable; or

3 (b) The property was merchandise pallets that were received by a
4 pallet recycler or repairer in the ordinary course of its business.

5 **Sec. 2.** RCW 9A.56.140 and 1998 c 236 s 3 are each amended to read
6 as follows:

7 (1) "Possessing stolen property" means knowingly to receive,
8 retain, possess, conceal, or dispose of stolen property knowing that it
9 has been stolen and to withhold or appropriate the same to the use of
10 any person other than the true owner or person entitled thereto.

11 (2) The fact that the person who stole the property has not been
12 convicted, apprehended, or identified is not a defense to a charge of
13 possessing stolen property.

14 (3) When a person has in his or her possession, or under his or her
15 control, stolen access devices issued in the names of two or more
16 persons, or ten or more stolen merchandise pallets, or ten or more
17 stolen beverage crates, or a combination of ten or more stolen
18 merchandise pallets and beverage crates, as defined under RCW
19 9A.56.010, he or she is presumed to know that they are stolen.

20 (4) The presumption in subsection (3) of this section is rebuttable
21 by evidence raising a reasonable inference that the possession of such
22 stolen access devices, merchandise pallets, or beverage crates was
23 without knowledge that they were stolen.

24 (5) In any prosecution for possessing stolen property, it is a
25 sufficient defense that the property was merchandise pallets that were
26 received by a pallet recycler or repairer in the ordinary course of its
27 business.

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