

ESSB 5178 - H COMM AMD  
By Committee on Public Safety

NOT CONSIDERED

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 9A.56.350 and 2009 c 431 s 15 are each amended to  
4 read as follows:

5 (1) A person is guilty of organized retail theft if he or she:

6 (a) Commits theft of property with a value of at least seven  
7 hundred fifty dollars from a mercantile establishment with an  
8 accomplice;

9 (b) Possesses stolen property, as defined in RCW 9A.56.140, with a  
10 value of at least seven hundred fifty dollars from a mercantile  
11 establishment with an accomplice; (~~or~~)

12 (c) Commits theft of property with a cumulative value of at least  
13 seven hundred fifty dollars from one or more mercantile establishments  
14 within a period of up to one hundred eighty days; or

15 (d) Commits theft of property with a cumulative value of at least  
16 seven hundred fifty dollars from a mercantile establishment with no  
17 less than six accomplices and makes or receives at least one electronic  
18 communication seeking participation in the theft in the course of  
19 planning or commission of the theft. For the purposes of this  
20 subsection, "electronic communication" has the same meaning as defined  
21 in RCW 9.61.260(5).

22 (2) A person is guilty of organized retail theft in the first  
23 degree if the property stolen or possessed has a value of five thousand  
24 dollars or more. Organized retail theft in the first degree is a class  
25 B felony.

26 (3) A person is guilty of organized retail theft in the second  
27 degree if the property stolen or possessed has a value of at least  
28 seven hundred fifty dollars, but less than five thousand dollars.  
29 Organized retail theft in the second degree is a class C felony.

1           (4) A first offense of organized retail theft under subsection  
2 (1)(d) of this section is a gross misdemeanor. A second or subsequent  
3 offense of organized retail theft under subsection (1)(d) of this  
4 section is a class C felony punishable under RCW 9A.20.021.

5           (5) For purposes of this section, a series of thefts committed by  
6 the same person from one or more mercantile establishments over a  
7 period of one hundred eighty days may be aggregated in one count and  
8 the sum of the value of all the property shall be the value considered  
9 in determining the degree of the organized retail theft involved.  
10 Thefts committed by the same person in different counties that have  
11 been aggregated in one county may be prosecuted in any county in which  
12 any one of the thefts occurred. For purposes of subsection (1)(d) of  
13 this section, thefts committed by the principal and accomplices may be  
14 aggregated into one count and the value of all the property shall be  
15 the value considered in determining the degree of organized retail  
16 theft involved.

17           (~~(+5)~~) (6) The mercantile establishment or establishments whose  
18 property is alleged to have been stolen may request that the charge be  
19 aggregated with other thefts of property about which the mercantile  
20 establishment or establishments is aware. In the event a request to  
21 aggregate the prosecution is declined, the mercantile establishment or  
22 establishments shall be promptly advised by the prosecuting  
23 jurisdiction making the decision to decline aggregating the prosecution  
24 of the decision and the reasons for such decision."

25           Correct the title.

EFFECT: Increases the property value threshold from \$500 to \$750  
for the new offense of organized retail theft with at least 6  
accomplices and in which electronic communication facilitates the  
commission of the offense, to match the rest of the organized retail  
theft statute.

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