

# HOUSE BILL REPORT

## HB 1305

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**As Reported by House Committee On:**  
Public Safety

**Title:** An act relating to vehicle prowling.

**Brief Description:** Modifying vehicle prowling provisions.

**Sponsors:** Representatives Hope, Moscoso, Klippert, Hayes, Takko, Pettigrew, Sells, Smith, Hurst and Bergquist.

**Brief History:**

**Committee Activity:**

Public Safety: 1/31/13, 2/7/13 [DPS].

**Brief Summary of Substitute Bill**

- Increases the penalty for the crime of Vehicle Prowling in the second degree from a gross misdemeanor to a class C felony on the offender's third or subsequent offense.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew and Takko.

**Staff:** Yvonne Walker (786-7841).

**Background:**

A person is guilty of Vehicle Prowling in the second degree if, with intent to commit a crime against a person or property, he or she enters or remains unlawfully in a vehicle, other than a motor home or a vessel. Vehicle Prowling in the second degree is a gross misdemeanor offense. A gross misdemeanor offense is punishable by a sentence of up to 364 days in jail or a maximum fine of \$5,000, or both imprisonment and a fine.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Generally, gross misdemeanor offenses do not count as part of an offender's score when calculating his or her standard sentence range. However, in the case of multiple prior convictions for the purpose of computing an offender's score, if the present conviction is for an offense involving Theft of a Motor Vehicle, Possession of a Stolen Motor Vehicle, or Taking a Motor Vehicle without Permission, an offender receives:

- one point for each prior conviction involving Vehicle Prowling in the second degree; and
- three points for each prior conviction involving Theft of a Motor Vehicle, Possession of a Stolen Motor Vehicle, or Taking a Motor Vehicle without Permission.

The statutory maximum sentence for a class C felony offense is five years in prison and a \$10,000 fine.

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### **Summary of Substitute Bill:**

On the third and subsequent convictions, the crime of Vehicle Prowling in the second degree is increased to a seriousness level IV, class C felony offense. A third or subsequent conviction means that a person has been previously convicted on at least two separate occasions of Vehicle Prowling in the second degree. Multiple counts of a Vehicle Prowling offense do not count as separate offenses for the purposes of charging as a felony offense if: (1) the multiple counts of the Vehicle Prowling offenses are charged in the same charging document; or (2) the multiple counts of Vehicle Prowling offenses are based on the same date of occurrence.

### **Substitute Bill Compared to Original Bill:**

The statutory provisions relating to an offender's third and subsequent offense is clarified to provide that a person has to be previously convicted on at least two separate occasions for Vehicle Prowling. Also, the amendment specifies that multiple counts of Vehicle Prowling charged in the same charging document or based on the same date of occurrence do not count as separate offenses for purposes of charging as a felony. The seriousness level for Vehicle Prowling in the second degree is decreased from a seriousness level V to a seriousness level IV offense.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Many people look at vehicle prowling as a property crime. But in reality, crimes like Vehicle Prowling and Vehicle Theft can be very disruptive to the lives of victims. As a matter of fact, this crime disproportionately impacts low-income individuals with older cars that can be broken into very easily.

Vehicle Prowling crimes are precursors to other financial crimes. Years ago the Legislature did a good job at cracking down on auto thieves and because of the passage of that legislation car thefts have significantly decreased throughout the state. Now there is a new group of thieves that have emerged that prey upon cars and commit "smash and go" crimes. They have special tools that can allow them to enter a car and steal the contents of a car within seconds. These thieves usually work in areas where malls and park and ride parking lots are located. This bill is designed to be a deterrent and will help to punish repeat offenders.

(Opposed) Originally there were two concerns with the bill. The first concern of the original bill has already been addressed and fixed in the substitute bill relating to an offender's third and subsequent conviction. The second concern is the seriousness level V level where the Vehicle Prowling offense has been placed. It is not proportionate with other crimes in that category.

**Persons Testifying:** (In support) Representative Hope, prime sponsor; Bill Deckard and James Massingale, Everett Police Department; and Doug Levy, City of Everett.

(Opposed) Robert Quillian, Washington Association of Criminal Defense Lawyers and Washington Defenders Association.

**Persons Signed In To Testify But Not Testifying:** None.