

# HOUSE BILL REPORT

## SSB 5022

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

**Title:** An act relating to changing retail theft with extenuating circumstances to retail theft with special circumstances.

**Brief Description:** Changing retail theft with extenuating circumstances to retail theft with special circumstances.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Padden, Sheldon and Carrell).

#### **Brief History:**

##### **Committee Activity:**

Public Safety: 3/5/13, 3/12/13 [DPA].

#### **Brief Summary of Substitute Bill (As Amended by Committee)**

- Changes Retail Theft with Extenuating Circumstances to Retail Theft with Special Circumstances.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass as amended. Signed by 10 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Ross and Takko.

**Staff:** Sarah Koster (786-7303).

#### **Background:**

A person commits the crime of Retail Theft with Extenuating Circumstances if the individual commits theft of property from a mercantile establishment with one of the following circumstances:

- to facilitate the theft, the person leaves the mercantile establishment through a designated emergency exit;

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- the person was, at the time of the theft, in possession of an item, article, implement, or device designed to overcome security systems including, but not limited to, lined bags or tag removers; or
- the person committed theft at three or more separate and distinct mercantile establishments within a 180-day period.

Retail Theft with Extenuating Circumstances may be charged in the first, second, or third degree, depending on the value of the items taken. Theft of property valued at over \$5,000 is Theft in the first degree, a class B felony. Theft of property valued at more than \$750 but not exceeding \$5,000 is Theft in the second degree, a class C felony. Theft of property valued at \$750 or less is Theft in the third degree, a class C felony.

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**Summary of Amended Bill:**

The crime of Retail Theft with Extenuating Circumstance is changed to Retail Theft with Special Circumstances.

**Amended Bill Compared to Substitute Bill:**

The amendment defines special circumstances to mean the particular aggravating circumstances described in the statutory definition of the offense.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** The bill takes effect on January 1, 2014.

**Staff Summary of Public Testimony:**

(In support) The underlying offense is model legislation adopted by states across the country. This bill contains an English lesson about the difference between extenuating and special. In the Senate, testimony from Judge Couza clarified what the bill does. This bill could help slow down retail theft. This is simply a grammatical correction. "Extenuating" is not found in the Revised Code of Washington and "special" is. Organized retail theft is a huge concern; theft for resale goes to fund organized gangs, organized crime, or even international terrorism.

(Opposed) None.

**Persons Testifying:** Mark Johnson, Washington Retail Association; and Tom Parker, Superior Court Judges Association.

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