

# SENATE BILL REPORT

## SB 6350

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As Passed Senate, February 15, 2016

**Title:** An act relating to motor vehicle property offenses.

**Brief Description:** Addressing motor vehicle property offenses.

**Sponsors:** Senators O'Ban, Padden, Miloscia, Roach, Hewitt, Schoesler and Dammeier.

**Brief History:**

**Committee Activity:** Law & Justice: 1/25/16, 2/03/16 [DP].

Passed Senate: 2/15/16, 48-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

**Staff:** Lindsay Erickson (786-7465)

**Background:** An adult convicted of a felony is sentenced under the provisions of the Sentencing Reform Act (SRA). The SRA specifies a standard sentence range based on the seriousness of the offense and the offender's prior criminal history score. The sentencing judge will sentence the offender to a period of confinement within that standard range, unless there is a finding supporting an exceptional sentence.

Offender Scores for Vehicle Property Crimes. If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2:

- count one point for prior convictions of Vehicle Prowling 2; and
- count three points for each adult and juvenile prior Theft 1 of a motor vehicle, Theft 2 of a motor vehicle, Possession of Stolen Property 1 of a motor vehicle, Possession of Stolen Property 2 of a motor vehicle, Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

Malicious mischief. A person is guilty of malicious mischief in the first degree if he or she knowingly and maliciously:

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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.*

- causes physical damage to the property of another in an amount exceeding \$5,000;
- causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or
- causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts.

Malicious mischief in the first degree is a class B felony with a seriousness level of II.

A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

- causes physical damage to the property of another in an amount exceeding \$750; or
- creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

Malicious mischief in the second degree is a class C felony with a seriousness level of I.

**Summary of Bill:** Adds Malicious Mischief 1 and 2 to the list of vehicle property crime convictions that are triple scored at sentencing.

Increases the seriousness level by one for the following seven vehicle property crime convictions, if the offender is being sentenced for a third or subsequent offense:

- Taking a Motor Vehicle Without Permission 1;
- Malicious Mischief 1 - motor vehicle;
- Possession of a Stolen Vehicle;
- Theft of a Motor Vehicle;
- Malicious Mischief 2 - motor vehicle;
- Taking a Motor Vehicle Without Permission 2; and
- Vehicle Prowl 1.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Washington State has the highest property crime rates in the country. The Legislature has not dealt with property crime as seriously as it should. We need to get chronic property offenders off the street.

**Persons Testifying:** PRO: Senator O'Ban, prime sponsor; Mitch Barker, WA Assoc. of Sheriffs and Police Chiefs.

**Persons Signed In to Testify But Not Testifying:** No one.