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## Public Safety Committee

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### HB 1976

**Brief Description:** Creating a pilot program for the supervision of offenders who commit motor vehicle-related and property offenses.

**Sponsors:** Representatives Pellicciotti, Hayes, Riccelli, Irwin, Ortiz-Self, Holy and Ormsby.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Authorizes Spokane County Superior Court and Federal Way Municipal Court to participate in a pilot program for sentencing certain property offenders to one year of community custody.</li></ul>
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**Hearing Date:** 2/13/17

**Staff:** Kelly Leonard (786-7147).

**Background:**

*Community Custody.* Community custody is the portion of an offender's sentence served in the community under the supervision of the Department of Corrections (DOC). The length of a community custody term for an offense is established in statute. While on community custody, offenders are subject to a variety of conditions imposed by the court and DOC. The DOC must assess the offender's risk to reoffend and may establish and modify the offender's conditions of community custody based on the offender's risk to community safety and conditions imposed by the court. If an offender violates those conditions, he or she may be required to serve up to the remaining portion of his or her sentence in confinement.

Courts are mandated to order community custody for offenders convicted of certain crimes, including sex offenses, serious violent offenses, violent offenses, and certain domestic violence and high risk offenders.

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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.*

*Motor Vehicle Offenses.* Theft of a Motor Vehicle is committed when a person theft of a motor vehicle, and it is a class B felony. Possession of a Stolen Vehicle is committed when a person possesses a stolen motor vehicle, and it is a class B felony.

Taking a Motor Vehicle without Permission in the first degree is committed when a person, without the permission of the owner or person entitled to possession, intentionally takes or drives away an automobile or motor vehicle that is the property of another, and he or she:

- alters the motor vehicle for the purpose of changing its appearance or primary identification, including obscuring, removing, or changing the manufacturer's serial number or the vehicle identification number plates;
- removes, or participates in the removal of, parts from the motor vehicle with the intent to sell the parts;
- exports, or attempts to export, the motor vehicle across state lines or out of the United States for profit;
- intends to sell the motor vehicle; or
- is engaged in a conspiracy and the central object of the conspiratorial agreement is the theft of motor vehicles for sale to others for profit or is engaged in a conspiracy and has solicited a juvenile to participate in the theft of a motor vehicle.

Taking a Motor Vehicle without Permission in the second degree is committed when a person, without the permission of the owner or person entitled to possession, intentionally takes or drives away any automobile or motor vehicle that is the property of another, or he or she voluntarily rides in or upon the automobile or motor vehicle with knowledge of the fact that the automobile or motor vehicle was unlawfully taken.

Taking a Motor Vehicle without Permission in the first degree is a class B felony, and Taking a Motor Vehicle without Permission in the second degree is a class C felony.

### **Summary of Bill:**

Subject to the availability of amounts appropriated for this purpose, a pilot program is established for the supervision of certain offenders. Until June 30, 2021, Spokane County Superior Court or Federal Way Municipal Court may sentence an offender to community custody for a term of one year when the court sentences the person to prison for one or more of the offenses:

- Theft of a Motor Vehicle;
- Possession of a Stolen Vehicle;
- Taking a Motor Vehicle Without Permission in the first degree;
- Taking a Motor Vehicle Without Permission in the second degree; or
- a crime against property with a prior conviction of one of the above offenses.

By November 1, 2022, the DOC must submit a report to the Governor and the appropriate committees of the Legislature analyzing the effectiveness of supervision in reducing recidivism among offenders committing felonies relating to the theft or taking of a motor vehicle. The DOC must consult with the Washington State Institute for Public Policy in guiding its data tracking efforts and preparing the report.

**Appropriation:** None.

**Fiscal Note:** Requested on February 10, 2017.

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