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SENATE BILL 5635

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State of Washington                      65th Legislature                      2017 Regular Session

By Senators Padden, Pedersen, Angel, Palumbo, O'Ban, Wilson, Rossi,  
and Zeiger

Read first time 02/01/17. Referred to Committee on Law & Justice.

1            AN ACT Relating to retail theft with special circumstances;  
2 amending RCW 9A.56.360; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 9A.56.360 and 2013 c 153 s 1 are each amended to  
5 read as follows:

6            (1) A person commits retail theft with special circumstances if  
7 he or she commits theft of property from a mercantile establishment  
8 with one of the following special circumstances:

9            (a) To facilitate the theft, the person leaves the mercantile  
10 establishment through a designated emergency exit;

11            (b) The person was, at the time of the theft, in possession of an  
12 item, article, implement, or device used, under circumstances  
13 evincing an intent to use or employ, or designed to overcome security  
14 systems including, but not limited to, lined bags or tag removers; or

15            (c) The person committed theft at three or more separate and  
16 distinct mercantile establishments within a one hundred eighty-day  
17 period.

18            (2) A person is guilty of retail theft with special circumstances  
19 in the first degree if the theft involved constitutes theft in the  
20 first degree. Retail theft with special circumstances in the first  
21 degree is a class B felony.

1           (3) A person is guilty of retail theft with special circumstances  
2 in the second degree if the theft involved constitutes theft in the  
3 second degree. Retail theft with special circumstances in the second  
4 degree is a class C felony.

5           (4) A person is guilty of retail theft with special circumstances  
6 in the third degree if the theft involved constitutes theft in the  
7 third degree. Retail theft with special circumstances in the third  
8 degree is a class C felony.

9           (5) For the purposes of this section, "special circumstances"  
10 means the particular aggravating circumstances described in  
11 subsection (1)(a) through (c) of this section.

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