

CERTIFICATION OF ENROLLMENT

SENATE BILL 5632

Chapter 329, Laws of 2017

65th Legislature
2017 Regular Session

ORGANIZED RETAIL THEFT--ELECTRONIC COMMUNICATION--AGGREGATION

EFFECTIVE DATE: 7/23/2017

Passed by the Senate April 17, 2017
Yeas 43 Nays 5

CYRUS HABIB

President of the Senate

Passed by the House April 11, 2017
Yeas 95 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Approved May 16, 2017 11:39 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5632** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 16, 2017

**Secretary of State
State of Washington**

SENATE BILL 5632

AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

State of Washington 65th Legislature 2017 Regular Session

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

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

1 AN ACT Relating to organized retail theft; amending RCW
2 9A.56.350; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.56.350 and 2009 c 431 s 15 are each amended to
5 read as follows:

6 (1) A person is guilty of organized retail theft if he or she:

7 (a) Commits theft of property with a value of at least seven
8 hundred fifty dollars from a mercantile establishment with an
9 accomplice;

10 (b) Possesses stolen property, as defined in RCW 9A.56.140, with
11 a value of at least seven hundred fifty dollars from a mercantile
12 establishment with an accomplice; (~~or~~)

13 (c) Commits theft of property with a cumulative value of at least
14 seven hundred fifty dollars from one or more mercantile
15 establishments within a period of up to one hundred eighty days; or

16 (d) Commits theft of property with a cumulative value of at least
17 seven hundred fifty dollars from a mercantile establishment with no
18 less than six accomplices and makes or sends at least one electronic
19 communication seeking participation in the theft in the course of
20 planning or commission of the theft. For the purposes of this

1 subsection, "electronic communication" has the same meaning as
2 defined in RCW 9.61.260(5).

3 (2) A person is guilty of organized retail theft in the first
4 degree if the property stolen or possessed has a value of five
5 thousand dollars or more. Organized retail theft in the first degree
6 is a class B felony.

7 (3) A person is guilty of organized retail theft in the second
8 degree if the property stolen or possessed has a value of at least
9 seven hundred fifty dollars, but less than five thousand dollars.
10 Organized retail theft in the second degree is a class C felony.

11 (4) For purposes of this section, a series of thefts committed by
12 the same person from one or more mercantile establishments over a
13 period of one hundred eighty days may be aggregated in one count and
14 the sum of the value of all the property shall be the value
15 considered in determining the degree of the organized retail theft
16 involved. Thefts committed by the same person in different counties
17 that have been aggregated in one county may be prosecuted in any
18 county in which any one of the thefts occurred. For purposes of
19 subsection (1)(d) of this section, thefts committed by the principal
20 and accomplices may be aggregated into one count and the value of all
21 the property shall be the value considered in determining the degree
22 of organized retail theft involved.

23 (5) The mercantile establishment or establishments whose property
24 is alleged to have been stolen may request that the charge be
25 aggregated with other thefts of property about which the mercantile
26 establishment or establishments is aware. In the event a request to
27 aggregate the prosecution is declined, the mercantile establishment
28 or establishments shall be promptly advised by the prosecuting
29 jurisdiction making the decision to decline aggregating the
30 prosecution of the decision and the reasons for such decision.

Passed by the Senate April 17, 2017.

Passed by the House April 11, 2017.

Approved by the Governor May 16, 2017.

Filed in Office of Secretary of State May 16, 2017.

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