

SENATE BILL REPORT

SB 5927

As Passed Senate, February 10, 2022

Title: An act relating to the safety and security of retail cannabis outlets.

Brief Description: Concerning the safety and security of retail cannabis outlets.

Sponsors: Senators Honeyford and Saldaña.

Brief History:

Committee Activity: Law & Justice: 1/31/22, 2/03/22 [DP].

Floor Activity: Passed Senate: 2/10/22, 49-0.

Brief Summary of Bill

- Creates a sentencing enhancement for robbery in the first or second degree of a cannabis retail outlet where the perpetrator committed the robbery as a premeditated act in concert with another individual or individuals.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford, Kuderer, Pedersen, Salomon and Wagoner.

Staff: Joe McKittrick (786-7287)

Background: Robbery. An individual who takes personal property from another, or in that person's presence against that person's will by the use or threatened use of immediate force, violence, or fear of injury to that person, that person's property, or the person or property of another is guilty of robbery.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

An individual who commits a robbery is guilty of robbery in the second degree, a class B felony. Robbery in the second degree is classified as a seriousness level 4 offense, meaning an individual with an offender score of zero would face a standard sentence range of three to nine months in jail.

An individual who, in the commission of the robbery or in immediate flight therefrom, is armed with a deadly weapon, inflicts bodily injury, or commits the robbery against a financial institution, is guilty of robbery in the first degree. Robbery in the first degree is a class A felony and classified as a seriousness level 9 offense, meaning an individual with an offender score of zero would face a standard sentence range of 31 to 41 months in prison.

If an individual commits either robbery in the first or second degree, and it is plead and proven beyond a reasonable doubt that the individual committed the crime against a pharmacy, 12 months are added to the individual's standard sentencing range.

Cannabis Retailer Crimes. Washington legalized cannabis for adult recreation use in 2021. Adults over the age of 21 can purchase and possess up to one ounce of cannabis flower, 16 ounces of cannabis-infused edibles in solid form, 72 ounces in liquid form, and 7 grams of cannabis concentrates. Cannabis can only be sold and purchased at state-licensed retail stores. Due to the complex legal status of cannabis, cannabis retailers primarily operate as cash businesses.

Summary of Bill: The special allegation and sentencing enhancement for robbery in the first or second degree of a cannabis retail outlet where the perpetrator committed the robbery as a premeditated act in concert with another individual or individuals is created.

An individual who is convicted of robbery in the first or second degree of a cannabis retail outlet, as described above, will face a sentencing enhancement of 12 months in prison in addition to the individual's underlying standard sentence.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: People are robbing cannabis stores because, due to federal banking restrictions, these are cash businesses.

The number of robberies of cannabis stores are on the rise, and this bill makes improvements for public safety and officer safety.

Cannabis retailers have been suffering from an increasing number of, often violent, thefts which are frequently committed by retail crime rings. This increase in theft leads to increased cost to the businesses and lost tax revenues for the state. This bill is one prong in a multi-prong approach needed to combat retail theft and protect public safety. The bill provides a deterrent to would be criminals and a tool for prosecutors in seeking convictions for this type of crime.

Often this type of crime does not get reported on by the media. This crime is a big problem, and everyone in the industry is worried about the chance that they could be the next victim.

This bill represents one piece of a robust legislative strategy to deal with this issue. This is a cash business which makes retailers an attractive target for crime.

There has been a dramatic rise in robberies of cannabis retailers in the state. Since January first, there have been over 35 robberies at cannabis retailers. Cannabis retailers often have more cash on hand than do banks, and staff at these locations are unarmed.

My businesses have been the victims of these robberies three times over the last three weeks. These crimes are skyrocketing over the last six months. This is not just a policing issue, this is a people problem and people in the industry are scared. This bill brings the cannabis retail industry in line with criminal laws regarding pharmacies.

CON: This bill is evidence of the regulatory problem we have at the liquor and cannabis control board. Often the rule making at the liquor and cannabis control board is conducted to keep the old players in the game. If you want to prevent this type of crime, you cannot have the wolves building the hen house. The regulation of this industry should involve experts in the field. We need sound regulation before we see more criminal punishments.

OTHER: This legislation has sparked meaningful and thoughtful debate in the industry. This bill offers solace that someone is actually doing something about the crisis our retail stores are facing as armed robberies continue to escalate. We understand the desire behind this legislation, however we are concerned that this bill will not provide an impactful change other than putting more people in prison. Those who are desperate enough to commit this crime are often not considering the sentencing consequences of their actions. Furthermore, this bill may serve as another tool in furthering an already inequitable and catastrophic incarceration endemic in America.

Persons Testifying: PRO: Senator Jim Honeyford, Prime Sponsor; Mark Johnson, Washington Retail Association; Chris Thompson, Liquor and Cannabis Board; James Adams, UFCW 21; Adán Espino Jr, Craft Cannabis Coalition; Vicki Christophersen, Washington Cannabusiness Association; Shea Hynes, Lux Pot Shop.

CON: John Worthington, AAMC.

OTHER: Caitlein Ryan, THE CANNABIS ALLIANCE.

Persons Signed In To Testify But Not Testifying: No one.