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**Community Safety, Justice, & Reentry  
Committee**

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**SB 6133**

**Brief Description:** Deterring robberies from cannabis retail establishments.

**Sponsors:** Senators McCune, Keiser and Padden.

**Brief Summary of Bill**

- Establishes a special allegation and 12-month sentencing enhancement for Robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet by using a vehicle to damage or gain access to the retail outlet or in concert with another individual or individuals.
- Requires a cannabis retail outlet to report any attempt or incident of Robbery in the first or second degree at the retail outlet to the Washington State Liquor and Cannabis Board (LCB) within 10 days of the attempt or incident.
- Requires the LCB's chief enforcement officer to regularly consult with the Washington State Patrol to provide details of attempts or incidents of Robbery in the first or second degree of a cannabis retail outlet and to discuss any evidence that indicates a pattern of, or coordinated effort by, a criminal enterprise.

**Hearing Date:** 2/15/24

**Staff:** Lena Langer (786-7192).

**Background:**

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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 part of the legislation nor does it constitute a statement of legislative intent.*

Classification of Crimes.

Crimes are classified as misdemeanors, gross misdemeanors, or class A, B, or C felonies. While there are exceptions, the classification of a crime generally determines the maximum term of confinement and fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

For most felony offenses, the Sentencing Reform Act determines a specific sentence range within the statutory maximum according to a sentencing grid. The sentencing grid provides a standard sentence range based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the person's criminal history. Additional sentencing policies, such as sentencing enhancements, may affect a person's standard sentence range. For example, in a criminal case where a person is convicted of Robbery in the first or second degree and there is a special allegation pleaded and proven beyond a reasonable doubt that the person committed a Robbery of a pharmacy, the person's standard sentence range must be increased by 12 months.

Criminal Penalties Related to Robbery.

*Robbery in the First Degree.*

A person is guilty of Robbery in the first degree if the person commits a robbery within and against a financial institution, or, in the commission of a robbery or immediate flight therefrom, the person:

- is armed with a deadly weapon;
- displays what appears to be a firearm or other deadly weapon; or
- inflicts bodily injury.

Robbery in the first degree is a class A felony.

*Robbery in the Second Degree.*

A person is guilty of Robbery in the second degree if the person commits a robbery in a manner that does not constitute Robbery in the first degree. Robbery in the second degree is a class B felony.

Cannabis Retail Outlets.

In November of 2012 Washington voters enacted Initiative 502, legalizing the production and retail sale of cannabis for persons 21 years or older. The Washington State Liquor and Cannabis Board (LCB) licenses and regulates state cannabis producers, processors, and retailers. Retail outlets are locations licensed by the LCB for the retail sale of cannabis concentrates, useable cannabis, and cannabis-infused products.

**Summary of Bill:**

A special allegation and sentencing enhancement are established for Robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet by using a vehicle to damage or gain access to the retail outlet or in concert with another individual or individuals. The sentencing enhancement increases the standard sentence range for such crimes by 12 months.

Every cannabis retail outlet must report any attempt or incident of Robbery in the first or second degree at the retail outlet to the LCB within 10 days of the attempt or incident. The LCB's chief enforcement officer must regularly consult with the Washington State Patrol to provide details of attempts or incidents of Robbery in the first or second degree of a cannabis retail outlet and discuss any evidence that indicates a pattern of, or coordinated effort by, a criminal enterprise.

**Appropriation:** None.

**Fiscal Note:** Available.

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