

# SENATE BILL REPORT

## SB 5160

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As Reported by Senate Committee On:  
Law & Justice, January 26, 2023

**Title:** An act relating to organized retail theft.

**Brief Description:** Concerning organized retail theft.

**Sponsors:** Senators Torres, Boehnke, Fortunato, Holy, Rolfes, Schoesler, Shewmake, Warnick and Wilson, L..

**Brief History:**

**Committee Activity:** Law & Justice: 1/23/23, 1/26/23 [DP, w/oRec].

**Brief Summary of Bill**

- Adds an additional way to commit organized retail theft in the 2nd degree.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Wagoner and Wilson, L..

**Minority Report:** That it be referred without recommendation.

Signed by Senator Valdez.

**Staff:** Tim Ford (786-7423)

**Background:** A person can be charged with organized retail theft if the person:

- commits theft of property with a value of at least \$750 from a mercantile establishment with an accomplice;
- possesses stolen property with a value of at least \$750 from a mercantile

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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.*

- establishment with an accomplice;
- commits theft of property with a cumulative value of at least \$750 from one or more mercantile establishments within a period of 180 days; or
- commits theft of property with a cumulative value of at least \$750 from a mercantile establishment with no less than six accomplices, and makes or sends at least one electronic communication seeking participation in the theft in the course of planning or commission of the theft.

Organized retail theft in the second degree is a class C felony ranked with a seriousness level of two. Applied on the sentencing grid, the sentencing range is 0 to 90 days for a person with an offender score of zero.

**Summary of Bill:** A person is guilty of organized retail theft in the 2nd degree if the person commits theft of property with a cumulative value of at least \$750 from a mercantile establishment with no less than two accomplices, and each accomplice enters the mercantile establishment within five minutes of each other seeking participation in the theft.

**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: This bill adds an additional means of organized retail theft in the second degree. This is an important tool in the fight against organized retail crime. Organized retail theft is a multimillion dollar problem and huge loss for business owners. These crimes have a greater impact in bipoc neighborhoods. Theft drives up prices.

OTHER: There was a section of a bill that raised questions but it is no longer in the bill.

**Persons Testifying:** PRO: Senator Nikki Torres, Prime Sponsor; Mark Johnson, Washington Retail Association; Katie Beeson, Washington Food Industry Association.

OTHER: Larry Shannon, Washington State Association for Justice.

**Persons Signed In To Testify But Not Testifying:**

CON: Jason Schwarz.