

SENATE BILL REPORT

SB 5323

As Reported by Senate Committee On:
Law & Justice, January 30, 2025

Title: An act relating to the penalties for theft and possession of stolen property from first responders.

Brief Description: Concerning the penalties for theft and possession of stolen property from first responders.

Sponsors: Senators Warnick, Lovick, Fortunato, Holy, Boehnke, Wilson, J., Schoesler, Muzzall, Dozier, Christian, Torres, Wagoner, Goehner, King, Braun, Chapman and Hasegawa.

Brief History:

Committee Activity: Law & Justice: 1/28/25, 1/30/25 [DPS].

Brief Summary of First Substitute Bill

- Makes stealing or possessing stolen property that is used in firefighting or emergency medical service a first-degree felony when stolen from a fire station or emergency medical service building or vehicle.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5323 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Holy, Ranking Member; Fortunato, Lovick, Salomon, Torres and Wagoner.

Staff: Patrick Moore (786-7535)

Background: Theft and possession of stolen property are both crimes with three degrees of severity based on the underlying conduct. First-degree theft and first-degree possession of

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stolen property are the most severe of the three categories, constituting class B felonies which are punishable by up to ten years in a state prison, or a fine up to \$20,000, or both.

Summary of Bill (First Substitute): The crimes of first-degree theft and first-degree possession of stolen property are expanded to include stealing or possessing stolen property that is used by firefighters or emergency medical service providers in the course of their duties when that property is stolen from a fire station or emergency medical service facility or vehicle.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Adds a requirement that theft or possession of stolen property used by first responders be property that is critical to their emergency work in order to constitute those crimes in the first degree.
- Inserts "or" between the categories of stolen property so that possession of stolen property that is in excess of \$5,000 in value for first responder property that is critical to their emergency work is a first degree offense.

Appropriation: None.

Fiscal Note: Requested on January 27, 2025.

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 on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Firefighters have had their fire engines fail to start because parts were stolen from them. There have been instances of people using Jaws of Life to break into ATMs. Raising the penalty might make people think twice about stealing from fire stations and emergency medical services.

CON: Criminal defense attorneys do not support this bill. There are dollar values for degrees of theft. Under this bill, stealing Band-Aids, gloves, and tongue depressors would be first degree theft which is a felony. Items like Jaws of Life already cost thousands of dollars and would be punishable as first degree theft without this bill. There should be a minimum required value in this bill if it passes so that theft of Band-Aids is not a felony.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor.

CON: Ramona Brandes, Washington Defender Association/Washington Association of Criminal Defense Lawyers.

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