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**SUBSTITUTE SENATE BILL 5262**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Costa and Winsley)

READ FIRST TIME 01/29/2002.

1 AN ACT Relating to threshold property values for crimes against  
2 property; amending RCW 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.030,  
3 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, and  
4 9A.56.170; and prescribing penalties.

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

6 **Sec. 1.** RCW 9A.48.070 and 1983 1st ex.s. c 4 s 1 are each amended  
7 to read as follows:

8 (1) A person is guilty of malicious mischief in the first degree if  
9 he or she knowingly and maliciously:

10 (a) Causes physical damage to the property of another in an amount  
11 exceeding (~~one~~) four thousand five hundred dollars;

12 (b) Causes an interruption or impairment of service rendered to the  
13 public by physically damaging or tampering with an emergency vehicle or  
14 property of the state, a political subdivision thereof, or a public  
15 utility or mode of public transportation, power, or communication; or

16 (c) Causes an impairment of the safety, efficiency, or operation of  
17 an aircraft by physically damaging or tampering with the aircraft or  
18 aircraft equipment, fuel, lubricant, or parts.

19 (2) Malicious mischief in the first degree is a class B felony.

1       **Sec. 2.** RCW 9A.48.080 and 1994 c 261 s 17 are each amended to read  
2 as follows:

3       (1) A person is guilty of malicious mischief in the second degree  
4 if he or she knowingly and maliciously:

5       (a) Causes physical damage to the property of another in an amount  
6 exceeding ~~((two))~~ seven hundred fifty dollars; or

7       (b) Creates a substantial risk of interruption or impairment of  
8 service rendered to the public, by physically damaging or tampering  
9 with an emergency vehicle or property of the state, a political  
10 subdivision thereof, or a public utility or mode of public  
11 transportation, power, or communication.

12       (2) Malicious mischief in the second degree is a class C felony.

13       **Sec. 3.** RCW 9A.48.090 and 1996 c 35 s 1 are each amended to read  
14 as follows:

15       (1) A person is guilty of malicious mischief in the third degree if  
16 he or she:

17       (a) Knowingly and maliciously causes physical damage to the  
18 property of another, under circumstances not amounting to malicious  
19 mischief in the first or second degree; or

20       (b) Writes, paints, or draws any inscription, figure, or mark of  
21 any type on any public or private building or other structure or any  
22 real or personal property owned by any other person unless the person  
23 has obtained the express permission of the owner or operator of the  
24 property, under circumstances not amounting to malicious mischief in  
25 the first or second degree.

26       ~~(2)((a)) Malicious mischief in the third degree ((under~~  
27 ~~subsection (1)(a) of this section is a gross misdemeanor if the damage~~  
28 ~~to the property is in an amount exceeding fifty dollars; otherwise, it~~  
29 ~~is a misdemeanor.~~

30       ~~(b) Malicious mischief in the third degree under subsection (1)(b)~~  
31 ~~of this section)) is a gross misdemeanor.~~

32       **Sec. 4.** RCW 9A.56.030 and 1995 c 129 s 11 are each amended to read  
33 as follows:

34       (1) A person is guilty of theft in the first degree if he or she  
35 commits theft of:

1 (a) Property or services which exceed(s) (~~one~~) four thousand five  
2 hundred dollars in value other than a firearm as defined in RCW  
3 9.41.010; or

4 (b) Property of any value other than a firearm as defined in RCW  
5 9.41.010 taken from the person of another.

6 (2) Theft in the first degree is a class B felony.

7 **Sec. 5.** RCW 9A.56.040 and 1995 c 129 s 12 are each amended to read  
8 as follows:

9 (1) A person is guilty of theft in the second degree if he or she  
10 commits theft of:

11 (a) Property or services which exceed(s) (~~two~~) seven hundred  
12 (~~and~~) fifty dollars in value other than a firearm as defined in RCW  
13 9.41.010, but does not exceed (~~one~~) four thousand five hundred  
14 dollars in value; or

15 (b) A public record, writing, or instrument kept, filed, or  
16 deposited according to law with or in the keeping of any public office  
17 or public servant; or

18 (c) An access device; or

19 (d) A motor vehicle, of a value less than (~~one~~) four thousand  
20 five hundred dollars.

21 (2) Theft in the second degree is a class C felony.

22 **Sec. 6.** RCW 9A.56.050 and 1998 c 236 s 4 are each amended to read  
23 as follows:

24 (1) A person is guilty of theft in the third degree if he or she  
25 commits theft of property or services which (~~a~~) does not exceed  
26 (~~two~~) seven hundred (~~and~~) fifty dollars in value(~~, or (b) includes~~  
27 ~~ten or more merchandise pallets, or ten or more beverage crates, or a~~  
28 ~~combination of ten or more merchandise pallets and beverage crates~~)).

29 (2) Theft in the third degree is a gross misdemeanor.

30 **Sec. 7.** RCW 9A.56.060 and 1982 c 138 s 1 are each amended to read  
31 as follows:

32 (1) Any person who shall with intent to defraud, make, or draw, or  
33 utter, or deliver to another person any check, or draft, on a bank or  
34 other depository for the payment of money, knowing at the time of such  
35 drawing, or delivery, that he or she has not sufficient funds in, or  
36 credit with (~~said~~) the bank or other depository, to meet (~~said~~) the

1 check or draft, in full upon its presentation, (~~shall be~~) is guilty  
2 of unlawful issuance of bank check. The word "credit" as used herein  
3 shall be construed to mean an arrangement or understanding with the  
4 bank or other depository for the payment of such check or draft, and  
5 the uttering or delivery of such a check or draft to another person  
6 without such fund or credit to meet the same shall be prima facie  
7 evidence of an intent to defraud.

8 (2) Any person who shall with intent to defraud, make, or draw, or  
9 utter, or deliver to another person any check, or draft on a bank or  
10 other depository for the payment of money and who issues a stop-payment  
11 order directing the bank or depository on which the check is drawn not  
12 to honor (~~said~~) the check, and who fails to make payment of money in  
13 the amount of the check or draft or otherwise arrange a settlement  
14 agreed upon by the holder of the check within twenty days of issuing  
15 (~~said~~) the check or draft (~~shall be~~) is guilty of unlawful issuance  
16 of a bank check.

17 (3) When any series of transactions which constitute unlawful  
18 issuance of a bank check would, when considered separately, constitute  
19 unlawful issuance of a bank check in an amount of (~~two~~) seven hundred  
20 fifty dollars or less because of value, and the series of transactions  
21 are a part of a common scheme or plan, the transactions may be  
22 aggregated in one count and the sum of the value of all of the  
23 transactions shall be the value considered in determining whether the  
24 unlawful issuance of a bank check is to be punished as a class C felony  
25 or a gross misdemeanor.

26 (4) Unlawful issuance of a bank check in an amount greater than  
27 (~~two~~) seven hundred fifty dollars is a class C felony.

28 (5) Unlawful issuance of a bank check in an amount of (~~two~~) seven  
29 hundred fifty dollars or less is a gross misdemeanor and shall be  
30 punished as follows:

31 (a) The court shall order the defendant to make full restitution;

32 (b) The defendant need not be imprisoned, but the court shall  
33 impose a minimum fine of five hundred dollars. Of the fine imposed, at  
34 least fifty dollars shall not be suspended or deferred. Upon  
35 conviction for a second offense within any twelve-month period, the  
36 court may suspend or defer only that portion of the fine which is in  
37 excess of five hundred dollars.

1       **Sec. 8.** RCW 9A.56.096 and 1997 c 346 s 1 are each amended to read  
2 as follows:

3       (1) A person who, with intent to deprive the owner or owner's  
4 agent, wrongfully obtains, or exerts unauthorized control over, or by  
5 color or aid of deception gains control of personal property that is  
6 rented or leased to the person, is guilty of theft of rental, leased,  
7 or lease-purchased property.

8       (2) The finder of fact may presume intent to deprive if the finder  
9 of fact finds either of the following:

10       (a) That the person who rented or leased the property failed to  
11 return or make arrangements acceptable to the owner of the property or  
12 the owner's agent to return the property to the owner or the owner's  
13 agent within seventy-two hours after receipt of proper notice following  
14 the due date of the rental, lease, or lease-purchase agreement; or

15       (b) That the renter or lessee presented identification to the owner  
16 or the owner's agent that was materially false, fictitious, or not  
17 current with respect to name, address, place of employment, or other  
18 appropriate items.

19       (3) As used in subsection (2) of this section, "proper notice"  
20 consists of a written demand by the owner or the owner's agent made  
21 after the due date of the rental, lease, or lease-purchase period,  
22 mailed by certified or registered mail to the renter or lessee at: (a)  
23 The address the renter or lessee gave when the contract was made; or  
24 (b) the renter or lessee's last known address if later furnished in  
25 writing by the renter, lessee, or the agent of the renter or lessee.

26       (4) The replacement value of the property obtained must be utilized  
27 in determining the amount involved in the theft of rental, leased, or  
28 lease-purchased property. Theft of rental, leased, or lease-purchased  
29 property is a: Class B felony if the rental, leased, or lease-  
30 purchased property is valued at (~~one~~) four thousand five hundred  
31 dollars or more; class C felony if the rental, leased, or lease-  
32 purchased property is valued at (~~two~~) seven hundred fifty dollars or  
33 more but less than (~~one~~) four thousand (~~five hundred~~) dollars; and  
34 gross misdemeanor if the rental, leased, or lease-purchased property is  
35 valued at less than (~~two~~) seven hundred fifty dollars.

36       (5) This section applies to rental agreements that provide that the  
37 renter may return the property any time within the rental period and  
38 pay only for the time the renter actually retained the property, in  
39 addition to any minimum rental fee, to lease agreements, and to lease-

1 purchase agreements as defined under RCW 63.19.010. This section does  
2 not apply to rental or leasing of real property under the residential  
3 landlord-tenant act, chapter 59.18 RCW.

4 **Sec. 9.** RCW 9A.56.150 and 1995 c 129 s 14 are each amended to read  
5 as follows:

6 (1) A person is guilty of possessing stolen property in the first  
7 degree if he or she possesses stolen property other than a firearm as  
8 defined in RCW 9.41.010 which exceeds (~~(one)~~) four thousand five  
9 hundred dollars in value.

10 (2) Possessing stolen property in the first degree is a class B  
11 felony.

12 **Sec. 10.** RCW 9A.56.160 and 1995 c 129 s 15 are each amended to  
13 read as follows:

14 (1) A person is guilty of possessing stolen property in the second  
15 degree if:

16 (a) He or she possesses stolen property other than a firearm as  
17 defined in RCW 9.41.010 which exceeds (~~(two)~~) seven hundred fifty  
18 dollars in value but does not exceed (~~(one)~~) four thousand five hundred  
19 dollars in value; or

20 (b) He or she possesses a stolen public record, writing or  
21 instrument kept, filed, or deposited according to law; or

22 (c) He or she possesses a stolen access device; or

23 (d) He or she possesses a stolen motor vehicle of a value less than  
24 (~~(one)~~) four thousand five hundred dollars.

25 (2) Possessing stolen property in the second degree is a class C  
26 felony.

27 **Sec. 11.** RCW 9A.56.170 and 1998 c 236 s 2 are each amended to read  
28 as follows:

29 (1) A person is guilty of possessing stolen property in the third  
30 degree if he or she possesses (~~(a)~~) stolen property which does not  
31 exceed (~~(two)~~) seven hundred fifty dollars in value(~~(, or (b) ten or~~  
32 ~~more stolen merchandise pallets, or ten or more stolen beverage crates,~~  
33 ~~or a combination of ten or more stolen merchandise pallets and beverage~~  
34 ~~crates)).~~

1           (2) Possessing stolen property in the third degree is a gross  
2 misdemeanor.

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