
ENGROSSED SUBSTITUTE SENATE BILL 5178

State of Washington

63rd Legislature

2013 Regular Session

By Senate Law & Justice (originally sponsored by Senators Carrell, Rolfes, Roach, Becker, Padden, Pearson, and Conway)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to organized retail theft; amending RCW 9A.56.350;
2 and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.56.350 and 2009 c 431 s 15 are each amended to read
5 as follows:

6 (1) A person is guilty of organized retail theft if he or she:

7 (a) Commits theft of property with a value of at least seven
8 hundred fifty dollars from a mercantile establishment with an
9 accomplice;

10 (b) Possesses stolen property, as defined in RCW 9A.56.140, with a
11 value of at least seven hundred fifty dollars from a mercantile
12 establishment with an accomplice; (~~or~~)

13 (c) Commits theft of property with a cumulative value of at least
14 seven hundred fifty dollars from one or more mercantile establishments
15 within a period of up to one hundred eighty days; or

16 (d) Commits theft of property with a cumulative value of at least
17 five hundred dollars from a mercantile establishment with no less than
18 six accomplices and makes or receives at least one electronic
19 communication seeking participation in the theft in the course of

1 planning or commission of the theft. For the purposes of this
2 subsection, "electronic communication" has the same meaning as defined
3 in RCW 9.61.260(5).

4 (2) A person is guilty of organized retail theft in the first
5 degree if the property stolen or possessed has a value of five thousand
6 dollars or more. Organized retail theft in the first degree is a class
7 B felony.

8 (3) A person is guilty of organized retail theft in the second
9 degree if the property stolen or possessed has a value of at least
10 seven hundred fifty dollars, but less than five thousand dollars.
11 Organized retail theft in the second degree is a class C felony.

12 (4) A first offense of organized retail theft under subsection
13 (1)(d) of this section is a gross misdemeanor. A second or subsequent
14 offense of organized retail theft under subsection (1)(d) of this
15 section is a class C felony punishable under RCW 9A.20.021.

16 (5) For purposes of this section, a series of thefts committed by
17 the same person from one or more mercantile establishments over a
18 period of one hundred eighty days may be aggregated in one count and
19 the sum of the value of all the property shall be the value considered
20 in determining the degree of the organized retail theft involved.
21 Theft committed by the same person in different counties that have
22 been aggregated in one county may be prosecuted in any county in which
23 any one of the thefts occurred. For purposes of subsection (1)(d) of
24 this section, thefts committed by the principal and accomplices may be
25 aggregated into one count and the value of all the property shall be
26 the value considered in determining the degree of organized retail
27 theft involved.

28 ~~((+5))~~ (6) The mercantile establishment or establishments whose
29 property is alleged to have been stolen may request that the charge be
30 aggregated with other thefts of property about which the mercantile
31 establishment or establishments is aware. In the event a request to
32 aggregate the prosecution is declined, the mercantile establishment or
33 establishments shall be promptly advised by the prosecuting
34 jurisdiction making the decision to decline aggregating the prosecution
35 of the decision and the reasons for such decision.

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