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SENATE BILL 6024

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State of Washington                      63rd Legislature                      2014 Regular Session

By Senators O'Ban, Keiser, and Roach

Read first time 01/14/14. Referred to Committee on Law & Justice.

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 seven hundred fifty dollars from a mercantile establishment with no  
18 less than 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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