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**SENATE BILL 5160**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senator Torres

Prefiled 01/05/23.

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

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

4 **Sec. 1.** RCW 9A.56.350 and 2017 c 329 s 1 are each amended to  
5 read 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~~) \$750 from a mercantile establishment with an  
9 accomplice;

10 (b) Possesses stolen property, as defined in RCW 9A.56.140, with  
11 a value of at least (~~seven hundred fifty dollars~~) \$750 from a  
12 mercantile establishment with an accomplice;

13 (c) Commits theft of property with a cumulative value of at least  
14 (~~seven hundred fifty dollars~~) \$750 from one or more mercantile  
15 establishments within a period of up to (~~one hundred eighty~~) 180  
16 days; or

17 (d) Commits theft of property with a cumulative value of at least  
18 (~~seven hundred fifty dollars~~) \$750 from a mercantile establishment  
19 with no less than six accomplices and makes or sends at least one  
20 electronic communication seeking participation in the theft in the  
21 course of planning or commission of the theft. For the purposes of

1 this subsection, "electronic communication" has the same meaning as  
2 defined in RCW (~~(9.61.260(5))~~) 9A.90.120(8).

3 (2) A person is guilty of organized retail theft in the first  
4 degree if the property stolen or possessed has a value of (~~five~~  
5 ~~thousand dollars~~) \$5,000 or more. Organized retail theft in the  
6 first degree is a class B felony.

7 (3) A person is guilty of organized retail theft in the second  
8 degree if (~~the~~): (a) The property stolen or possessed has a value  
9 of at least (~~seven hundred fifty dollars~~) \$750, but less than  
10 (~~five thousand dollars~~) \$5,000; or (b) the person commits theft of  
11 property with a cumulative value of at least \$750 from a mercantile  
12 establishment with no less than two accomplices and each accomplice  
13 enters the mercantile establishment within five minutes of each other  
14 seeking participation in the theft. Organized retail theft in the  
15 second degree is a class C felony.

16 (4) 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~~) 180 days may be aggregated in one  
19 count and the sum of the value of all the property shall be the value  
20 considered in determining the degree of the organized retail theft  
21 involved. Theft committed by the same person in different counties  
22 that have been aggregated in one county may be prosecuted in any  
23 county in which any one of the thefts occurred. For purposes of  
24 subsection (1)(d) of this section, thefts committed by the principal  
25 and accomplices may be aggregated into one count and the value of all  
26 the property shall be the value considered in determining the degree  
27 of organized retail theft involved.

28 (5) The mercantile establishment or establishments whose property  
29 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  
33 or establishments shall be promptly advised by the prosecuting  
34 jurisdiction making the decision to decline aggregating the  
35 prosecution of the decision and the reasons for such decision.

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