
SENATE BILL 5635

State of Washington

65th Legislature

2017 Regular Session

By Senators Padden, Pedersen, Angel, Palumbo, O'Ban, Wilson, Rossi,
and Zeiger

1 AN ACT Relating to retail theft with special circumstances;
2 amending RCW 9A.56.360; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.56.360 and 2013 c 153 s 1 are each amended to
5 read as follows:

6 (1) A person commits retail theft with special circumstances if
7 he or she commits theft of property from a mercantile establishment
8 with one of the following special circumstances:

9 (a) To facilitate the theft, the person leaves the mercantile
10 establishment through a designated emergency exit;

11 (b) The person was, at the time of the theft, in possession of an
12 item, article, implement, or device used, under circumstances
13 evincing an intent to use or employ, or designed to overcome security
14 systems including, but not limited to, lined bags or tag removers; or

15 (c) The person committed theft at three or more separate and
16 distinct mercantile establishments within a one hundred eighty-day
17 period.

18 (2) A person is guilty of retail theft with special circumstances
19 in the first degree if the theft involved constitutes theft in the
20 first degree. Retail theft with special circumstances in the first
21 degree is a class B felony.

1 (3) A person is guilty of retail theft with special circumstances
2 in the second degree if the theft involved constitutes theft in the
3 second degree. Retail theft with special circumstances in the second
4 degree is a class C felony.

5 (4) A person is guilty of retail theft with special circumstances
6 in the third degree if the theft involved constitutes theft in the
7 third degree. Retail theft with special circumstances in the third
8 degree is a class C felony.

9 (5) For the purposes of this section, "special circumstances"
10 means the particular aggravating circumstances described in
11 subsection (1)(a) through (c) of this section.

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