

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 5266 SB PL	Title: Theft of Rental Property	Agency: 055 – Admin Office of the Courts (AOC)
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
Total:					

Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 4/19/2017
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would amend RCW 9A.56.096 to include the crime of theft of rental, leased, lease purchased, or loaned property when a person who has control of personal property under a written rental agreement intentionally holds the property beyond the expiration of the rental period without the effective consent of the owner of the property, thus depriving the owner of the property of its use in further rentals.

The bill would not allow a defense that the person returned the property after the expiration date of the rental agreement if the person fails to pay the rental charge for the time the person held the rental property.

This bill differs from SB 5266 by providing that theft of rental property would be a gross misdemeanor if the value of the outstanding obligation is \$750 or more; a misdemeanor if the value of the outstanding obligation is \$250 or more but less than \$750; and a Class 1 civil infraction if the value of the outstanding obligation is \$50 or more but less than \$250.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

If enacted, this bill would:

RCW 9A.56.096 (Section 1(2)) would establish that a person who having had control of personal property under a rental agreement intentionally holds the property beyond the expiration of the rental period without the effective consent of the owner of the property is guilty of theft of rental, leased, lease-purchased, or loaned property. It would not be a defense that the person returned the property after the expiration of the rental agreement if the person fails to pay the applicable rental charge.

RCW 9A.56.096 (Section 1(6)) would make theft of rental, leased, lease-purchased, or loaned property:

- A) A gross misdemeanor if the outstanding obligation is valued at \$750 or more;
- B) A misdemeanor if the outstanding obligation is valued at \$250 or more but less than \$750; and
- C) A class 1 civil infraction if the outstanding obligation is valued at \$50 or more but less than \$250.

II.B - Cash Receipt Impact

Indeterminate. The Administrative Office of the Courts (AOC) does not have data to estimate the number of new theft of rental property crimes that would result from this bill. Fines for theft of rental property would be determined based on the value of the rental property that was not returned or paid for. The maximum fines for theft of rental property range between \$5,000 and \$20,000 – however, the maximum fines are not always ordered, not all fines are collected in full, and fines may take years to collect.

II.C – Expenditures

Indeterminate. The AOC does not have data to estimate the number of new theft of rental property crimes that would result from this bill.

For purposes of illustration, there would need to be more than 110 cases each year to exceed \$50,000 in annual court expenditures, based on average court costs for these type of theft cases.