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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: S-0404.1/13

ATTY/TYPIST: AI:lel

BRIEF DESCRIPTION: Changing retail theft with extenuating  
circumstances to retail theft with special  
circumstances.

1 AN ACT Relating to changing retail theft with extenuating  
2 circumstances to retail theft with special circumstances; amending RCW  
3 9A.56.360; prescribing penalties; and providing an effective date.

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

5 **Sec. 1.** RCW 9A.56.360 and 2006 c 277 s 3 are each amended to read  
6 as follows:

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

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

13 (b) The person was, at the time of the theft, in possession of an  
14 item, article, implement, or device designed to overcome security  
15 systems including, but not limited to, lined bags or tag removers; or

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

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

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

9           (4) A person is guilty of retail theft with ((~~extenuating~~)) special  
10 circumstances in the third degree if the theft involved constitutes  
11 theft in the third degree. Retail theft with ((~~extenuating~~)) special  
12 circumstances in the third degree is a class C felony.

13           NEW SECTION.   **Sec. 2.** This act takes effect January 1, 2014.

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