

Auto Theft

Overview – The car is typically the second largest investment for citizens after the home. It is an essential part of our daily lives. Yet over 93 cars are stolen every day somewhere in Washington state. In 2003 there were over 40,000 auto thefts reported and the number of stolen cars is increasing almost every year. Auto theft costs Washington citizens more than \$273 million a year in higher insurance rates and lost vehicles. While most property crimes (e.g., burglary, arson) are on the decline or holding steady, since 1994 auto thefts are up 55 percent. Before 2007, it normally took *seven* convictions before the typical auto thief is sent to prison. Following is a summary of current law pertaining to auto thefts and efforts to curb this crime.

“Chop Shop” Legislation – In 2002 the Legislature passed a law dividing the crime of auto theft into two categories. First Degree Auto Theft was aimed primarily at thieves proven to be part of a “chop shop” operation where parts are stripped or stolen cars rebuilt and sold for profit. Enhanced penalties were imposed for “chop shop” offenders. However, the bill did not change the penalties for regular auto thieves that steal a vehicle for joyriding or their own purposes.

Legislative History – House Republicans have consistently proposed increasing penalties to help deter the rising tide of auto theft. The 2002 “chop shop” legislation was significantly watered down after concerns were raised about the cost of incarcerating more auto thieves.

In 2005 House Republicans introduced HB 2822, which would have significantly increased the penalties for auto theft. The bill provided that a person was presumed to know that the vehicles are stolen when he or she possessed or controlled two or more stolen vehicles, or the person was presumed to know that the third and subsequent vehicles in his or her possession or control were stolen if the person had been found in possession or control of a stolen vehicle on two previous occasions. It also established mandatory minimum penalties for juvenile and adult offenders convicted of taking a motor vehicle without permission by imposing minimum escalating sentences of total confinement, community custody, community restitution and fines, made the possession of shaved keys a gross misdemeanor offense, and appropriated \$7 million to the Washington State Patrol for establishing and operating three regional auto theft task forces and \$3 million to the Patrol for establishing and operating pro-action [*pro-action?*] auto theft swat units. HB 2822 never made it out of the House.

Due to the persistent press by House Republicans, the House eventually passed bipartisan auto theft legislation in 2007. E3SHB 1001 provided for increased penalties and triple scoring of prior motor vehicle-related offenses (theft, possession of a stolen vehicle, and taking a vehicle without permission). Juvenile offenders were made subject to risk assessments, home detention, and increased penalties for the same motor vehicle-related offenses listed above. New crimes were created to cover the making and possession of motor vehicle theft tools, such as a slim jim, false master key, master purpose key, altered or shaved key, trial or jiggler keys, slide hammer, lock puller, picklock, bit, nippers, and any other implement shown by facts and circumstances that it was intended to be used in the commission of a motor vehicle theft. The statute relating to rental, leased,

or lease-purchased property was expanded to include loaned property to protect sellers of vehicles against people taking them out for a test ride and then not returning them. The Washington Auto Theft Prevention Authority (WATPA) was established within the Washington Association of Sheriffs and Police Chiefs (WASPC) to review and make recommendations to the Legislature and the Governor regarding motor vehicle theft crimes in Washington.

Issues and Outlook – Auto theft will continue to be a major problem. Over 80 percent of these crimes take place in the heavily populated Central Puget Sound region. As of 2004, nearly 20,000 vehicles had been stolen statewide. It is expected that E3SHB 1001 will help reduce these numbers in the future, but only time will tell. Prosecutors and law enforcement continue to support even tougher sentences, but opponents argue that the cost to incarcerate these criminals is too much. However, Washington residents lose over \$270 million a year to auto theft, far greater than the cost of housing more auto thieves. In 2009, House Republicans should propose strengthening our auto theft laws even more to provide a more effective deterrent to this escalating crime.