

SB 5407: Theft of a Firearm

The proposed amendment is unnecessary as the offense is specifically addressed in statute. The amendment here is already a specific statute which deals with theft of a firearm, which is distinguished from ordinary felony theft. The existing statute is a Class B felony, with a seriousness level of VI. There is no need for the amended statute.

Under almost any of the circumstances cited in the proposed statute to raise the level of the offense to level VII, a person would have also committed the crime of burglary in the second degree, residential burglary, or possibly burglary in the first degree. Very rarely is a firearm stolen from a bag, person or boat. The burglary can be, and generally is, charged in conjunction with the firearm theft to arrive at a more substantial penalty. The new proposed crime is superfluous. Prosecutors already have the tools they need to deal with this type of theft.

Increasing punishment is not a deterrent. According to research published by the National Institute of Justice, increasing punishment does not deter criminal behavior. See [Five Things About Deterrence | National Institute of Justice \(ojp.gov\)](#). See also [Longer Sentences Do Not Deter Crime – ReFraming Justice](#) and [Long-Term Sentences: Time to Reconsider the Scale of Punishment | The Sentencing Project](#). Studies have long shown that longer prison sentences do not have an overall deterrent on crime rates. Rather than increasing prison sentences, the legislature should engage in actual proven techniques of less time in custody and supervision in the community.

The unnecessary amendment will have significant financial impact on cities and counties and on the costs of incarceration to the state. This proposal increases theft of a firearm when not associated with something with a door to a level VII offense, which increases the standard sentence range for a person with an offender score of 0 from 12+ - 14 months to 15-18 months. The average cost of imprisonment in 2019 was \$112.96 per day. The additional 3 to 4 months increases incarceration costs by \$10,166.40 to \$13,555.20 per person (based on 90 days and 120 days). Further, the increased penalty for the same offense will increase trials. Jurisdictions that do not have public defense offices or where conflict counsel represent the accused, pay \$350 - \$700 per day of trial. There will be additional costs for investigators and support staff.

Testimony during the hearing discussed plea bargaining and increased crime rates. Crime rate statistics have not been finalized for 2021. While nationally there has been an increase in crime, Washington has the 17th lowest crime rate. [Crime Rate by State 2021 \(worldpopulationreview.com\)](#). Further, despite claims to the contrary, violent crime across Washington decreased in 2020. [Crime In Washington 2020-small.pdf \(waspc.org\)](#). Plea bargaining is outside the scope of the legislature and occurs for a variety of reasons.

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