

City of College Place, Washington
ORDINANCE NO. 24-006

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COLLEGE PLACE, WASHINGTON AMENDING COLLEGE PLACE MUNICIPAL CODE CHAPTER 9.04 – CRIMINAL CODE, TO ESTABLISH MANDATORY MINIMUM SENTENCES FOR REPEAT CRIMINAL OFFENDERS.

Whereas, the City of College Place (City) is a non-charter code city governed by the rules and regulations of Chapter 35A Revised Code of Washington (RCW); and

Whereas, RCW 35A.11.020 allows the city to adopt and enforce ordinances pertaining to local affairs; and

Whereas, Article XI, § 11 of the Washington state Constitution allows the city to make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws; and

Now therefore, the City Council of the City of College Place does hereby Ordain as follows:

Section 1: Ordinance No. 24-006 adding a new section to Chapter 9.04 of the College Place Municipal Code to establish mandatory minimum sentences for repeat criminal offenders as shown in Exhibit A, which is fully incorporated herein.

Section 2: Clerical Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3: Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this legislation or ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this legislation or ordinance. The City of College Place, Washington hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional; and

Section 4: Effective Date. This ordinance shall take effect and be in full force five days after its passage and publication as provided by law.

PASSED by the City Council of the City of College Place, Washington, this 11th day of June, 2024.

DocuSigned by:

Norma L. Hernández

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Norma L. Hernández, Mayor

Attest:

DocuSigned by:

Sherri St. Clair

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Sherri St. Clair, City Clerk

Approved as to form:

DocuSigned by:

Rea L. Culwell

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Rea Culwell, City Attorney

NEW SECTION:

9.04.070 – Mandatory minimum jail and jail alternative sentences for repeat criminal offenders.

- A. This section shall apply to criminal matters filed by the City.
- B. “Prior criminal disposition” means a conviction, stipulated order of continuance or similar agreement, deferred prosecution, and/or deferred sentence.
- C. “Public disorder crime” means a misdemeanor or gross misdemeanor violation of:
 - 1. Chapter 9A.48 RCW (Malicious Mischief)
 - 2. Chapter 9A.52 RCW (Trespass)
 - 3. Chapter 9A.56 RCW (Theft)
 - 4. Chapter 9A.84 RCW (Public Disturbance)
 - 5. RCW 9A.88.010 (Indecent exposure)
 - 6. Chapter 9A.28 RCW (Attempt, Solicitation, and Conspiracy) to commit crime listed in this subsection above, 1-6
 - 7. Chapter 9A.28 RCW (Attempt, Solicitation, and Conspiracy) to commit a class C violation of Chapters 9A.52, 9A.56, 9A.84, and 9A.88.
- D. Upon a conviction for a public disorder crime charged on or after the effective date of the ordinance codified in this section, the court with jurisdiction to adjudicate the City’s criminal cases (Court), shall impose a mandatory minimum sentence of no less than 30 days in jail if, within three years prior to the conviction, the defendant had, in the state of Washington, one or more prior criminal disposition(s) for a public disorder crime.
- E. If a defendant is convicted of two or more public disorder crimes on the same date and the offenses occurred on separate dates, the defendant shall be subject to this section as if the defendant had been convicted of the offense which occurred first prior to being convicted of the offense which occurred last and the Court shall impose a mandatory minimum sentence pursuant to subsection D for each public disorder crime conviction.
- F. Post-Sentencing Petition.
 - 1. A defendant sentenced to a mandatory minimum and serving the sentence may petition the Court for relief from the sentence if he, she, or they meet the following criteria:
 - a. A qualified professional has determined the defendant would benefit from inpatient substance use disorder treatment;

- b. The defendant has a secured Court approved inpatient treatment for a specific treatment facility and date (bed date);
 - c. The defendant executes a waiver to release all treatment information to the Court and the City; and
 - d. The Court finds treatment is an appropriate alternative to jail.
 - 2. If the Court grants the petition, a judge may enter an order of release with appropriate conditions, to include treatment and provision of treatment information to the Court and City.
 - 3. If the defendant provides proof of successful completion of treatment to the satisfaction of the Court, the Court may suspend any remaining jail time.
 - 4. If the defendant fails to successfully enter into, maintain and complete treatment to the satisfaction of the Court, the Court shall require the defendant to serve any remaining mandatory jail sentence.
- G. A defendant who otherwise would be subject to a mandatory minimum sentence under this section and who diverts through a therapeutic or community court program, is subject to a mandatory sentence under this section if he, she, or they opt out of or is terminated from the program due to non-compliance or fails to complete the program. The Court, when sentencing, shall calculate the prior three year period from the date the case was accepted into the therapeutic or community court program so long as the defendant was notified at the time of diversion of the mandatory minimum sentence applicable should the defendant's case be terminated from the program.