

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, SETTING MANDATORY MINIMUM SENTENCES FOR
CERTAIN CRIMES COMMITTED BY REPEAT OFFENDERS AND
AMENDING CHAPTER 6.03 OF THE MUNICIPAL CODE.**

WHEREAS, citizens and businesses in Marysville have been negatively affected by crimes such as theft, criminal trespass, and the public use of illegal drugs and these negative effects include increased public disorder, financial loss, and decreased physical safety; and

WHEREAS, these negative effects discourage the utilization of public amenities in Marysville, discourage business, and negatively affect our residents' quality of life; and

WHEREAS, community protection from repeat offenders is a priority for any civilized society; and

WHEREAS, sentences for criminal offenses should be proportionate to both the seriousness of the crime and the prior criminal history; and

WHEREAS, while first-time offenders should be considered for alternatives to incarceration, individuals who have previously been convicted, received a deferred sentence, or had the benefit of a stipulated order of continuance should be held accountable if they continue to commit crimes; and

WHEREAS, public health and safety will be enhanced by holding repeat offenders accountable and deterring individuals from engaging in repeat criminal behavior.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. A new section is added to chapter 6.03 of the municipal code as set forth in Exhibit A.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 4. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2023.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
_____, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

6.03.120 Mandatory Minimum Sentences for Public Disorder Crimes.

(1) “Public Disorder Crime” means theft in the third degree, vehicle prowling, criminal trespass, and use of a controlled substance in a public place. Multiple charges on the same date count as one Public Disorder Crime.

(2) Upon a conviction for a Public Disorder Crime, the municipal court shall impose a mandatory minimum sentence of no less than 30 days in jail if within the five years prior to the conviction, the defendant had in the state of Washington, two or more of the following dispositions for any crime defined in this section as a Public disorder crime:

- (a) a conviction; or
- (b) a stipulated order of continuance or similar agreement; or
- (c) a deferred sentence.

(3) Upon a conviction for a Public Disorder Crime, the municipal court shall impose a mandatory minimum sentence of no less than 60 days in jail if within the five years prior to the conviction, the defendant had in the state of Washington, four or more of the following dispositions for any crime defined in this section as a Public disorder crime:

- (a) a conviction; or
- (b) a stipulated order of continuance or similar agreement; or
- (c) a deferred sentence.

(4) Upon a conviction for a Public Disorder Crime, the municipal court shall impose a mandatory minimum sentence of no less than 90 days in jail if within the five years prior to the conviction, the defendant had in the state of Washington, six or more of the following dispositions for any crime defined in this section as a Public disorder crime:

- (a) a conviction; or
- (b) a stipulated order of continuance or similar agreement; or
- (c) a deferred sentence.

(5) A stipulated order of continuance shall be considered a disposition for the purposes of this section regardless of whether it has been revoked or whether the defendant successfully completed the terms of the stipulation resulting in the dismissal of the charge.

(6) A deferred sentence shall be considered a disposition for the purposes of this section regardless of whether judgment has been entered or whether the defendant successfully completed the terms of the sentence resulting in the dismissal of the charge.

(7) If a defendant is convicted of two or more Public Disorder Crimes on the same date and the offenses occurred on separate dates, then a mandatory minimum sentence shall be imposed for each Public Disorder Crime conviction.