

ORDINANCE NO. 1656

CITY OF LACEY

AN ORDINANCE RELATED TO CRIMINAL IMPERSONATION, AMENDING SECTION 9.32.020, OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, In 1978, the Lacey City Council adopted Ordinance 499, which declares criminal impersonation a gross misdemeanor; and

WHEREAS, The State Legislature subsequently amended RCW 9A.60.040, which amendment resulted in the conduct articulated in LMC 9.32.020 being a class C felony; and

WHEREAS, Further legislative action declared the new crime of Criminal Impersonation in the Second Degree, which is a gross misdemeanor under RCW 9A.60.045.

WHEREAS, The City of Lacey has the authority to prosecute misdemeanors and gross misdemeanors, but not felonies; and

WHEREAS, City staff have recommended amending LMC 9.32.020 to address conduct considered a gross misdemeanor under state law; and

WHEREAS, The City Council finds that the proposed amendments will be in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. Section 9.32.020 of the Lacey Municipal Code is hereby amended to read as follows:

9.32.020 Criminal Impersonation

A. A person is guilty of criminal impersonation if ~~he~~the person:

1. Claims to be a law enforcement officer or creates an impression that the person is a law enforcement officer, and does an act with intent to convey the impression that the person is acting in an official capacity, and a reasonable person would believe the person is a law enforcement officer; or Assumes a false identity and does an act in his assumed character with intent to defraud another or for any other unlawful purpose; or
2. Falsely assumes the identity of a veteran or active duty member of the armed forces of the United States with intent to defraud for the purpose of personal gain or to facilitate any unlawful activity. Pretends to be a representative of some person or organization or a public servant and does an act in his pretended capacity with intent to defraud another or for any other unlawful purpose.

B. Criminal impersonation is a gross misdemeanor.

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

Section 3. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 4. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, at a regularly-called meeting thereof, held this 20 day of
February, 2024.

CITY COUNCIL

By: Andy Olyra
Mayor

Approved as to form:

Matthew for David Schneider
City Attorney

Attest:

Julia Cabane
City Clerk