

ORDINANCE NO. 974

AN ORDINANCE RELATING TO THE PENALTY FOR THE COMMISSION OF CRIMES, SETTING A MINIMUM PENALTY FOR PERSONS CONVICTED OF COMMITTING HATE CRIMES IN THE CITY OF LACEY AND AMENDING SECTIONS 9.04.040 AND 1.12.010 OF THE LACEY MUNICIPAL CODE.

WHEREAS, the Council finds both upon the basis of its own study of the facts and experience and upon the basis of findings made by the Washington State Legislature prior to and as part of the passage of Chapter 127, laws of 1993 that crimes and threats against persons because of their race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicaps are serious and increasing; and

WHEREAS, the Council has determined that a more severe minimum penalty than currently provided for violation of Lacey Ordinances is needed to deter such actions, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 9.04.040 of the Lacey Municipal Code is hereby amended to read as follows:

9.04.040 Classification of offenses and penalties.

(a) For the purposes of this title, offenses are designated as gross misdemeanors and misdemeanors. Any offense not so designated is a misdemeanor.

(b) Except where a different penalty is specifically provided for by ordinance or adopted statute, A a person convicted of a gross misdemeanor under this title shall be punished by a fine of not more than ~~\$500.00~~ \$5,000.00 or by imprisonment for not more than ~~six months~~ one year or by both such fine and imprisonment.

(c) Except where a different penalty is specifically provided for by ordinance or adopted statute, A a person convicted of a misdemeanor under this title shall be punished by a fine of not more than ~~\$500.00~~ \$1,000.00 or by imprisonment for not more than ninety days or by both such fine and imprisonment.

(d) If the court finds that a person convicted of a violation of section 9.12.010 (simple assault), 9.12.020 (reckless endangerment), 9.12.030 (coercion), 9.12.050 (intimidating phone calls), 9.12.060 (harassment), 9.24.010 (disorderly conduct), 9.24.020 (riot), 9.24.060 (disrupting school activities), 9.28.020 (malicious mischief) or 9.28.080 or 9.28.090 (criminal trespass) intentionally committed the acts necessary for conviction because of such persons perception of the race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap of the victim or victims, the court shall impose a minimum fine of not less than \$500.00 and a minimum jail sentence of not less than five days for each such offense. Neither the mandatory minimum jail sentence nor the mandatory minimum fine shall be suspended or deferred, nor shall the jail sentence be served by alternate means.

(e) Nothing in this section shall be construed to repeal or otherwise affect mandatory minimum sentences set for violation of specific ordinances or adopted State statutes.

Section 2. Section 1.12.010 of the Lacey Municipal Code is hereby amended to read a follows:

Except where a different penalty is specifically provided by ordinance or adopted State statute, any person convicted of a misdemeanor under the ordinances of the city of Lacey shall be punished by a fine of not more than ~~\$500.00~~ \$1,000.00 or by imprisonment not to exceed ninety days, or by both such fine and imprisonment, and a person convicted of a gross misdemeanor shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not more than one year or by both such fine and imprisonment. , ~~and each such~~ A person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Lacey is committed, continued, or permitted ~~by any and such person, and he~~ shall be punished accordingly. Nothing in this section shall be construed to repeal or otherwise affect mandatory minimum sentences set for violation of specific ordinance or adopted State statutes.

Section 3. This ordinance shall be effective five (5) days after its passage and publication as required by law.

PASSED BY THE CITY OF LACEY, WASHINGTON this 28TH day of October, 1993.

CITY COUNCIL

By Jon W. Halverson
Mayor

Attest:

Charlotte M. Taylor
City Clerk

Published: November 2, 1993
Tuesday

Approved as to form:

[Signature]
City Attorney