

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 5/14/2018

AGENDA ITEM:	
Adopting Penalties Related to Extreme Risk Protection Orders	
PREPARED BY:	DIRECTOR APPROVAL:
Jon Walker	
DEPARTMENT:	
Legal	
ATTACHMENTS:	
BUDGET CODE:	AMOUNT:
SUMMARY:	

Chapter 7.94 RCW authorizes the issuance of extreme risk protection orders (ERPO). ERPO's are designed to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms by allowing family, household members, and police to obtain a court order when there is demonstrated evidence that the person poses a significant danger, including danger as a result of a dangerous mental health crisis or violent behavior.

The statute provides penalties for persons who provide false information to a court in an application for an ERPO and for persons who possess a firearm while subject to an ERPO. These penalties must be adopted by the city council in order for the municipal court to have jurisdiction over these crimes.

The chapter also contains three crimes that have been recodified into a single RCW section. These RCW's -- 77.16.250 Loaded firearms in vehicles; 77.16.260 Shooting firearm from public highway; and 77.16.290 Law enforcement officers exempt -- are now combined in RCW 77.15.460. The amendment reflects this change in the RCW.

RECOMMENDED ACTION: Staff recommends that the Council consider approving the ordinance adopting RCW 7.94.120 by reference and reflecting the recodification of crimes relating to firearms.

CITY OF MARYSVILLE

Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING SECTION 6.60.010 OF THE MUNICIPAL CODE ADOPTING PENALTIES RELATED TO EXTREME RISK PROTECTION ORDERS AND REFLECTING RECODIFIED STATUTES.

WHEREAS, the voters approved Initiative Measure No. 1491 authorizing the issuance of extreme risk protection orders on November 8, 2016; and

WHEREAS, the initiative was codified as chapter 7.94 RCW; and

WHEREAS, to enforce penalties related to extreme risk protection orders it is necessary to adopt RCW 7.94.120, which reads as follows:

(1) Any person who files a petition under this chapter knowing the information in such petition to be materially false, or with intent to harass the respondent, is guilty of a gross misdemeanor.

(2) Any person who has in his or her custody or control, purchases, possesses, or receives a firearm with knowledge that he or she is prohibited from doing so by an order issued under this chapter is guilty of a gross misdemeanor, and further is prohibited from having in his or her custody or control, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm for a period of five years from the date the existing order expires. However, such person is guilty of a class C felony if the person has two or more previous convictions for violating an order issued under this chapter; and

WHEREAS, public safety will be enhanced by adopting the penalties contained in RCW 7.94.120; and

WHEREAS, It is appropriate to amend MMC 6.60.010 to adopt RCW 7.94.120; and

WHEREAS, RCW 77.16.250, 77.16.260, and 77.16.290 are also adopted by reference in MMC 6.60.010, but have since been recodified as RCW 77.15.460 and it is appropriate to reflect this recodification.

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

SECTION 1. Section 6.60.010 of the municipal code is amended 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. 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
_____, 20_____.

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

6.60.010 Statutes incorporated by reference.

The following statutes regarding weapons control are incorporated by reference:

RCW

[7.94.120](#) [Penalties \(Extreme Risk Protection Orders\).](#)

[9.41.010](#) Terms defined.

[9.41.050](#) Carrying firearms.

[9.41.060](#) Exceptions to restrictions on carrying firearms.

[9.41.120](#) Firearms as loan security.

[9.41.140](#) Alteration of identifying marks – Exceptions.

[9.41.230](#) Aiming or discharging firearms, dangerous weapons.

[9.41.240](#) Possession of pistol by person from eighteen to twenty-one.

[9.41.250](#) Dangerous weapons – Penalty.

[9.41.260](#) Dangerous exhibitions.

[9.41.270](#) Weapons apparently capable of producing bodily harm – Unlawful carrying or handling –
Penalty – Exceptions.

[9.41.280](#) Possessing dangerous weapons on school facilities – Penalty – Exemptions.

[9.41.300](#) Weapons prohibited in certain places – Local laws and ordinances – Exemptions – Penalty.

[9.41.810](#) Penalty.

~~[77.15.460](#)~~~~[77.16.250](#)~~ [Loaded rifle or shotgun in vehicle—Unlawful use or possession—Unlawful use
of a loaded firearm—Penalty.](#) ~~[Loaded firearms in vehicles.](#)~~

~~[77.16.260](#)~~ ~~[Shooting firearm from public highway.](#)~~

~~[77.16.290](#)~~ ~~[Law enforcement officers exempt.](#)~~