

**CITY COUNCIL AGENDA TOPIC**

Ordinance amending Chapter 1.16 Enforcement Provisions, Chapter 4.03 Tax Administrative Code and Title 10 Criminal Code of the Bellevue City Code, to update and recodify criminal violations and to update definitions, citations, procedures and other provisions related to criminal offenses, for consistency with state statutes codified in the RCW; providing for severability; and establishing an effective date.

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**EXECUTIVE SUMMARY****ACTION**

This Ordinance amends Chapter 1.16 Enforcement Provisions, Chapter 4.03 Tax Administrative Code and Title 10 Criminal Code of the Bellevue City Code (BCC), to update and recodify criminal violations and to update definitions, citations, procedures and other provisions related to criminal offenses, for consistency with state statutes codified in the RCW.

**RECOMMENDATION**

Move to adopt Ordinance No. 6854

**BACKGROUND/ANALYSIS****Background**

The Bellevue City Attorney's Office prosecutes misdemeanor and gross misdemeanor crimes that occur within the City of Bellevue. For Bellevue's prosecutors to prosecute a crime created by the State Legislature, there must be a City ordinance which adopts the state statutes creating the crimes by reference into the BCC. For any state misdemeanor or gross misdemeanor crimes not adopted into the BCC, the Police Department has to refer arrests involving those crimes to the King County Prosecutor's Office for prosecution.

Bellevue has a history and practice of prosecuting misdemeanor and gross misdemeanor crimes locally, using the City's prosecutors. The City's Criminal Code, BCC 10.00.010.E, states: "By adopting Washington State statutes by reference in this title, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the city of Bellevue."

Bellevue has previously adopted state-created misdemeanors and gross misdemeanors, most recently in 2023 through Ordinance No. 6745. Since this adoption, the State Legislature has created new gross misdemeanor crimes. For Bellevue prosecutors to continue to prosecute all misdemeanor and gross misdemeanor crimes occurring within the city limits, including the new crimes, the City must update and recodify criminal violations. In addition, there are outdated definitions, citations, procedures and other provisions related to criminal offenses in the BCC, specifically Chapter 1.16 BCC Enforcement

Provisions and Chapter 4.03 BCC Tax Administrative Code, and Title 10 BCC Criminal Code that require updating for consistency with the RCW.

Below are some examples, with a redlined strike-draft showing all the amendments included as Attachment A.

- Update and recodify criminal violations in state statutes in the RCW for misdemeanors and gross misdemeanors, including cleaning up citations to RCW chapters and sections.
- Update procedures and other provisions related to the investigation of, arrest for, prosecution of, sentencing for, confinement for, definitions of terms for, defenses to, and enforcement of misdemeanors and gross misdemeanors.
- Revise maximum imprisonment for gross misdemeanor from one year to 364 days for consistency with the RCW.
- Add RCW 9.94A.835 “sexual motivation,” which is a special enhancement that prosecutors can allege based on the facts of the case, and if successfully proven, can result in additional sentencing.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

There is no policy impact associated with this ordinance. If adopted, the City Attorney’s Office will continue to be the primary prosecuting authority for all misdemeanor and gross misdemeanor crimes occurring within the City.

### **Fiscal Impact**

There is no fiscal impact associated with this ordinance.

## **OPTIONS**

1. Adopt the Ordinance amending Chapter 1.16 Enforcement Provisions, Chapter 4.03 Tax Administrative Code and Title 10 Criminal Code of the Bellevue City Code, to update and recodify criminal violations and to update definitions, citations, procedures and other provisions related to criminal offenses, for consistency with state statutes codified in the RCW; providing for severability; and establishing an effective date.
2. Do not adopt the ordinance and provide alternative direction to staff.

## **ATTACHMENTS**

A. Criminal Code Update Redlined Strike-Draft  
Proposed Ordinance No. 6854

## **AVAILABLE IN COUNCIL LIBRARY**

N/A