

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6866

AN ORDINANCE adding a new Section 1.16.030 to Chapter 1.16 Enforcement Provisions of the Bellevue City Code to impose repeat offender sentence enhancement for certain theft crimes.

WHEREAS, Bellevue residents, businesses and visitors have been adversely affected by theft crimes, including financial loss, decreased public safety, recidivism and unfavorable community outlook; and

WHEREAS, the City Council desires to address these theft crimes that are most negatively affecting Bellevue; and

WHEREAS, sentences for misdemeanor and gross misdemeanor offenses should be proportionate to the seriousness and impacts of the crime, the offender's criminal history, and the specific facts and mitigating factors of the case; and

WHEREAS, the City Council desires to impose enhanced sentencing for repeat offenders of theft crimes that account for the offender's persistent and recurring criminal activity with the intention of decreasing financial loss, increasing public safety, reducing recidivism and improving long-term community outlook; and now therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1.16.030 of the Bellevue City Code is hereby added to read as follows:

1.16.030 Repeat Offender Sentence Enhancement.

A. Sentencing Range for Repeat Offenders.

A person who is convicted of the crime of theft in the third degree, under RCW 9A.56.050 as adopted by the Bellevue City Code, and who has two or more prior offenses for theft within the last two years, shall be punished by imprisonment for not less than 30 days nor more than 364 days, and a fine of not more than \$5,000.

B. Inpatient Treatment Alternative.

1. A defendant sentenced to a mandatory minimum sentence under this section may petition the court for relief from the jail sentence if the defendant meets the following criteria:

a. A behavioral health provider licensed or certified by the Washington State Department of Health represents in writing that the defendant would benefit from inpatient substance abuse and/or mental health treatment;

- b. An inpatient treatment provider licensed or certified by the Washington State Department of Health represents in writing that it is willing to accept the defendant into an inpatient substance abuse and/or mental health treatment program;
 - c. The defendant provides in writing a specific bed date to enter the inpatient treatment program;
 - d. The defendant executes a voluntary release of information with the treatment provider to the Bellevue Probation Department regarding the defendant's presence in the treatment facility, dates of entrance to and exit from the treatment program, and completion or noncompletion of the treatment program; and
 - e. The defendant agrees in writing to attend the approved inpatient treatment program and comply with all treatment recommendations.
2. If the court finds that the defendant is amenable to inpatient treatment, the defendant will benefit from inpatient treatment, and release to inpatient treatment is otherwise appropriate, the court may enter an order of release to inpatient treatment with appropriate conditions.
 3. If the defendant successfully completes the approved inpatient treatment and provides proof thereof to the court, the court may suspend any remaining jail time.

C. Conversion of Mandatory Minimum Sentence – Medical Exception.

Except as provided in this section, the minimum 30 days of imprisonment under this section may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the defendant's physical or mental well-being. If the defendant shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the defendant's physical or mental well-being, in lieu of the mandatory term of imprisonment, the court may order a minimum of 30 days of electronic home monitoring. Whenever the mandatory minimum sentence is converted, the court shall state in writing the reason for granting the conversion and the facts upon which the suspension or conversion is based.

D. Definitions. For the purposes of this section:

1. A "prior offense for theft" means a conviction for any of the following crimes:
 - a. Theft in the third degree, as defined in RCW 9A.56.050 or equivalent local ordinance, as now or hereafter amended;
 - b. Theft in the second degree, as defined in RCW 9A.56.040 or equivalent local ordinance, as now or hereafter amended;
 - c. Theft in the first degree, as defined in RCW 9A.56.030 or equivalent local ordinance, as now or hereafter amended;
 - d. Organized retail theft, as defined in RCW 9A.56.350 or equivalent local ordinance, as now or hereafter amended;
2. "Within two years" means that the incident date of the prior offense occurred within two years before the incident date for the current offense.

E. Nothing in this section precludes a defendant from participating in diversion programs for which the defendant might otherwise be eligible, even if the result of such diversion program is a dismissal of the case. If a defendant fails to satisfy the conditions of a diversion program and is convicted of theft in the third degree, then the defendant is subject to the sentencing provisions of this section.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in force five (5) days after its passage and legal publication.

Passed by the City Council this _____ day of _____, 2025
and signed in authentication of its passage this _____ day of _____,
2025.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:
Trisna Tanus, City Attorney

Trisna Tanus, City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____