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DATE: October 29, 2024

TO: Mayor Robinson and City Councilmembers

FROM: Councilmember Nieuwenhuis

SUBJECT: Mandatory Minimum Sentences for Public Disorder Crimes

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## **REQUEST TO THE COUNCIL**

I am asking for the Council's support to have staff conduct the necessary research and analysis, beyond the eight-hour limitation, and if appropriate, bring back options for mandatory minimum sentences for repeat offenders (potentially defined as those with three or more convictions within any two-year period) of "public disorder" crimes, such as theft, criminal trespass, criminal mischief, vehicle prowling, drug-related crimes and assault, for Council consideration.

## **BACKGROUND**

The City of Bellevue Prosecution Division of the City Attorney's Office prosecutes misdemeanor and gross misdemeanor crimes committed in Bellevue. Most of these crimes are established by the Washington State Legislature and adopted into the Bellevue City Code by reference. There are also some misdemeanor crimes, such as lewd acts, urinating in public, provoking assault, and other miscellaneous offenses, created by the Bellevue City Code.

Misdemeanor crimes have a maximum sentence of 90 days; gross misdemeanor crimes have a maximum sentence of 364 days. In other words, prosecutors currently have discretion to ask the court to impose anywhere from 0 to 90 days for misdemeanors and 0 to 364 days for gross misdemeanors of jail time. Actual sentencing is determined by the judge.

For some misdemeanor crimes (e.g. Driving Under the Influence and Driving While License Suspended in the First Degree), the State Legislature has established mandatory minimum sentences. This means that there is a set floor of jail time for a person who re-offends. In these circumstances, minimum penalties increase based on the number of prior convictions, lessening or eliminating prosecutorial and judicial discretion and consideration of other facts. The State Legislature has not set minimum sentences for public disorder crimes.

## **CURRENT STATUS**

A couple of cities (Everett and Marysville) have adopted ordinances in late 2023 to impose minimum sentences of 30-days for repeat offenders of public disorder crimes. These ordinances are similar in identifying negative effects of these crimes, such as financial loss and decreased public safety and their stated intent to increase public safety and order, lower recidivism, and create a more positive outlook for both the community and offenders. But the elements in these

ordinances vary, such as the degree of prosecutor discretion, the definition of repeat or prior offense, the crimes to be included, and the role of diversion or deferred sentencing.

I have spoken with staff about the Everett and Marysville ordinances and generally about mandatory minimum sentences. I have learned that Bellevue does not currently have its own mandatory minimum sentences.

To explore a mandatory minimum sentencing ordinance in Bellevue, certain data, such as the number of public disorder crimes, percentages of repeat offenses and current sentences, should be collected and analyzed. Additionally, intersecting current, planned and proposed programs, such as the Interlocal Agreement with King County Court, community court, and the City's diversity, equity and inclusion plan, should be reviewed for coordination and alignment.

I am asking for your support to have staff perform the necessary work on how mandatory minimum sentencing for repeat offenders of public disorder crimes can be implemented in Bellevue. This work will require going beyond the eight-hour limitation.

#### **PROPOSED MOTION**

I move to direct staff to conduct the necessary research and analysis, beyond the eight-hour limitation, and if appropriate, bring back options for mandatory minimum sentences for repeat offenders of public disorder crimes for Council consideration.