



TO: T.C. Broadnax, City Manager
FROM: Jean K. Hayes, Deputy City Attorney, City Attorney's Office *JKH/bw*
Elizabeth A. Pauli, City Attorney *for William Foster Acting City Attorney*
COPY: City Council and City Clerk
SUBJECT: Ordinance – Repealing Tacoma Municipal Code (“TMC”) 8.12.026 and Enacting a New Chapter, TMC 8.37A, Vehicle Prowling 2°, to adopt RCW 9A.52.100, Vehicle Prowling 2°, - October 1, 2013
DATE: September 12, 2013

SUMMARY:

This ordinance would repeal Tacoma Municipal Code (“TMC”) 8.12.026, Vehicle Prowling, and enact a new chapter, designated as TMC 8.37A, Vehicle Prowling in the Second Degree, to adopt RCW 9A.52.100, Vehicle Prowling 2°, as now enacted or hereafter amended.

BACKGROUND:

SB 5053, effective July 28, 2013, makes the third or subsequent conviction of vehicle prowling in the second degree a class C felony. The current Code language was adopted in 1976 without specific reference to state law, although consistent with it at the time. The current Code is not designated as second degree and convictions pursuant to it may not qualify as priors for the new penalty enhancement. Penalties in the current ordinance are inconsistent with current state law.

ISSUE:

This amendment should be made to make the TMC consistent with state law.

ALTERNATIVES: The alternative is to not adopt the changes, which would put the City out of compliance with state law.

RECOMMENDATION:

The City Attorney’s Office recommends repealing Tacoma Municipal Code 8.12.026, Vehicle Prowling, and enacting a new chapter, designated as TMC 8.37A, “Vehicle Prowling in the Second Degree,” to adopt RCW 9A.52.100, as now enacted or hereafter amended, to be consistent with state law.

FISCAL IMPACT:

There is no fiscal impact.