



TO: T.C. Broadnax, City Manager
FROM: Jean Hayes, Deputy City Attorney, City Attorney’s Office
Elizabeth A. Pauli, City Attorney
COPY: City Council and City Clerk
SUBJECT: Ordinance – Amending Chapter 8.44 of the Tacoma Municipal Code – February 25, 2014
DATE: February 13, 2014

SUMMARY:

Amending Chapter 8.44 of the Tacoma Municipal Code by enacting a new Section 8.44.160, entitled “Criminal Mischief,” to adopt the changes to RCW 9A.84.010, changing the crime of “Riot” to the crime of “Criminal Mischief.”

STRATEGIC POLICY PRIORITY:

The action aligns with the strategic policy priority of an open, effective, results-oriented organization. By adopting the most current state law regarding the crime of Criminal Mischief, the City of Tacoma will be in a position to enforce the law as it is enforced throughout the state.

BACKGROUND:

Substitute Senate Bill No. 5021, which became effective January 1, 2014, amends RCW 9A.84.010, changing the crime of “Riot” to the crime of “Criminal Mischief.” The City must adopt the change in order to ensure compatibility with state law and enable enforcement within the City of Tacoma.

ISSUE:

TMC 8.44.160 should be enacted to ensure compatibility with state law.

ALTERNATIVES:

No alternatives available. If TMC 8.44.160 is not adopted, the crime of Criminal Mischief cannot be prosecuted in the City of Tacoma.

RECOMMENDATION:

The City Attorney’s Office recommends passage of the proposed TMC 8.44.160 in order to ensure compatibility with state law and allow the crime of Criminal Mischief to be prosecuted in the City of Tacoma.

FISCAL IMPACT:

There is no fiscal impact.