



Legislation Text

File #: AM No. 21-078, **Version:** 2

TO: Members of the City Council

FROM: Mayor Angela Birney

DEPARTMENT DIRECTOR CONTACT(S):

Executive	Lisa Maher	425-556-2427
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DEPARTMENT STAFF:

Executive	Rebecca Mueller	Supervising Prosecuting Attorney
Executive	Cheryl Xanthos	City Clerk

TITLE:

Approval of an Ordinance Repealing RMC 9.14.020, Possession of Paraphernalia Prohibited, and Adoption of RCW 69-50.4011 - .4014, to be in Compliance with Changes to State Law

- a. Ordinance No. 3037: An Ordinance of the City of Redmond, Washington, Amending Redmond Municipal Code (RMC) 9.14.010, Controlled Substances, and Repealing RMC 9.14.020, Possession of Paraphernalia Prohibited, in Response to Changes in State Law

OVERVIEW STATEMENT:

On May 13, 2021, Governor Inslee signed SB 5476, addressing the *State v. Blake* decision on felony drug possession. The bill now makes drug possession, previously a felony, a misdemeanor and changes the possession of drug paraphernalia statute. The City's current drug paraphernalia code, RMC 9.14.020, is now in conflict with state law. RCW 69.50.4011 - 69.50.4014 have not been adopted into the RMC as for local enforcement.

☒ **Additional Background Information/Description of Proposal Attached**

REQUESTED ACTION:

☐ **Receive Information** ☐ **Provide Direction** ☒ **Approve**

REQUEST RATIONALE:

- **Relevant Plans/Policies:**
Safe and Resilient Budget Priority
- **Required:**
The Council must approve an ordinance changing the Redmond Municipal Code.
- **Council Request:**

N/A

- **Other Key Facts:**

N/A

OUTCOMES:

The sections of SB 5476 addressing drug possession and paraphernalia charges are effective immediately. The City cannot enforce possession of controlled substances locally as the RMC does not adopt statutes 69.50.4011-4014.

COMMUNITY/STAKEHOLDER OUTREACH AND INVOLVEMENT:

- **Timeline (previous or planned):**

N/A

- **Outreach Methods and Results:**

N/A

- **Feedback Summary:**

N/A

BUDGET IMPACT:

Total Cost:

N/A

Approved in current biennial budget:

☐ Yes

☐ No

☒ N/A

Budget Offer Number:

N/A

Budget Priority:

N/A

Other budget impacts or additional costs:

☐ Yes

☐ No

☒ N/A

If yes, explain:

N/A

Funding source(s):

N/A

Budget/Funding Constraints:

N/A

☐ **Additional budget details attached**

COUNCIL REVIEW:

Previous Contact(s)

Date	Meeting	Requested Action
5/25/2021	Committee of the Whole - Finance, Administration, and Communications	Provide Direction

Proposed Upcoming Contact(s)

Date	Meeting	Requested Action
N/A	None proposed at this time	N/A

Time Constraints:

SB 5476 was effective immediately upon Governor signing on May 13, 2021. The City is not currently able to enforce misdemeanor drug possession statutes locally.

ANTICIPATED RESULT IF NOT APPROVED:

City police and prosecution will not be able to enforce and prosecute possession of controlled substance laws as intended by legislature.

ATTACHMENTS:

Attachment A: Ordinance