

Chapter 9.04

GENERAL PROVISIONS

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9.04.010 Short Title. This title shall be known and may be cited as the Snohomish Criminal Code. (Ord. 1390, 1978)

9.04.020 Effective Date. The provisions of this title shall apply to any offense committed on or after March 7, 1978 which is defined in this title, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such offense. (Ord. 1390, 1978)

9.04.030 Not Retroactive. The provisions of this title do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this title, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if

this title had not been enacted. (Ord. 1390, 1978)

9.04.040 Severability. If any provision of this title, or its application to any person or circumstances held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable. (Ord. 1390, 1978)

9.04.050 Classification of Crimes – Penalties. All offenses defined by this title or by any state statute which is incorporated herein by reference, constitute crimes (Ord. 1390, 1978; Ord. 2229, 2011):

1. Any person convicted of a gross misdemeanor shall be punished by a fine not to exceed \$5,000.00 or by imprisonment in jail for a term not to exceed 364 days, or by both such fine and imprisonment. (Ord. 2229, 2011)
2. Unless otherwise provided, any person convicted of violating the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000.00 or by imprisonment in jail for a term not to exceed 90 days, or by both such fine and imprisonment. (Ord. 2229, 2011)

9.04.060 Restitution. If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof the court, in lieu of imposing the fine authorized by Section 9.04.050 of this section, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or the victim's loss from the commission of a crime. Such amount shall be used to provide restitution to the victim at the order

of the court. In such case the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain sufficient evidence to support such finding, the court may conduct a hearing upon the issue. For the purposes of this section, the terms "gain" or "loss" refer to the amount of money or the value of property or services gained or lost. (Ord. 1390, 1978)

9.04.070 Collection of Judgment. Upon a judgment for fine and costs rendered on a conviction, execution may be issued against the property of a defendant and returned in the same manner as in civil actions. (Ord. 1390, 1978)

9.04.080 Civil Contempt. A court may, in its discretion, treat any intentional failure to comply with a court order in respect to fines or costs or both, upon conviction, as civil contempt. (Ord. 1390, 1978)

9.04.090 Costs of Prosecution – Credit for Work or Imprisonment. Whenever anyone is convicted of an offense under this title, in addition to the fine imposed, he must pay the costs of prosecution. Costs of prosecution include any or all of the following: cost of docketing, cost of issuing the warrant, cost for mileage in processing the warrant, a fee for a personal recognizance bond, and costs for witness fees. If in default, the defendant may be imprisoned until such fine and costs of prosecution are paid or worked out at a community service project designated by the court or the city. A defendant shall be given credit for ten dollars per each full day of imprisonment or twenty four dollars for each full day of work on a community service project. (Ord. 1390, 1978)

9.04.100 Age of Capacity. Children under the age of eight years are incapable of committing crime. Children of eight and under twelve years of age are presumed to

be incapable of committing crime, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his examination by one or more physicians, whose opinion shall be competent evidence upon the question of his age. (Ord. 1390, 1978)

9.04.110 Statute of Limitations.

- A. Prosecutions for criminal offenses shall not be commenced after the periods proscribed in this section.
 - 1. No gross misdemeanor may be prosecuted more than two years after its commission.
 - 2. No misdemeanor may be prosecuted more than one year after its commission.
- B. The periods of limitation proscribed in subsection 1 of this section do not run during any time when the person charged is not usually and publicly resident within in this state.
- C. If, before the end of a period of limitation proscribed in subsection 1 of this section, an indictment has been found or a complaint or information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside. (amended Ord. 1763, 1994)

9.04.120 Presumption of Innocence. Every person charged with the commission of a crime is presumed innocent unless

proved guilty. No person may be convicted of a crime unless each element of such crime is proved by competent evidence beyond a reasonable doubt. (Ord. 1390, 1978)

9.04.130 Arrests – Citations – Warrants.

A peace officer may arrest a person without a warrant if the officer has probable cause to believe that such person has:

- A. Committed a crime in the officer's presence; or
- B. Committed a crime not in the officer's presence if allowed by RCW 10.31.100 as now or hereafter amended.

Whenever a person is arrested for a violation of the law, the arresting officer, or any other authorized peace officer, may serve upon the arrested person a citation and notice to appear, in lieu of continued custody, as provided by the Criminal Rules for Courts of Limited Jurisdiction, as now or hereafter amended.

Warrants shall issue and bail be set for persons who violate their promise to appear in court as provided by the Criminal Rules for Courts of Limited Jurisdiction, as now or hereafter amended. The Criminal Rules for Courts of Limited Jurisdiction shall apply to procedures relating to arrests, citations, warrants and other criminal proceedings. (Amended by Ord. 1763, 1994)

9.04.140 Adoption of State Statutes by Reference.

Statutes of the state of Washington specified in this title are adopted by reference as and for a portion of the criminal code of the City of Snohomish as if set forth in full, with the exception of the penalty provisions thereof which are superseded by the penalty provisions of this title as set forth in Section 9.04.050 of this chapter. (Ord. 1390, 1978)

9.04.150 Automatic Amendments. The amendment or repeal by the Washington State Legislature of any of the statutes adopted in this title by reference shall be deemed to automatically amend this title in conformity therewith, and it shall not be necessary for the legislative authority of the City to take any action with respect to such amendments or repealers. (Ord. 1390, 1978)

9.04.160 Definitions. The provisions of RCW 9A.04.110 (Definitions) are adopted by reference. (Ord. 1390, 1978)