

ORDINANCE NO. 23-004

AN ORDINANCE adopting the amendments to Chapter 69.50 RCW, and Chapter 69.41 RCW, as set forth in Washington State Senate Bill 5536, and amending Camas Municipal Code Chapter 9.36.

WHEREAS, on February 25, 2021, the Washington State Supreme Court held in the case of *State v. Blake* that RCW 69.50.4013 exceeded the state's police power and violated the due process clauses of the state and federal constitutions, which had the effect of eliminating criminal penalties for the possession of a controlled substance; and

WHEREAS, on May 17, 2023, the Governor signed Senate Bill 5536 into law which criminalizes the knowing possession of controlled substance without a valid prescription, and knowing use of a controlled substance in a public place without a valid prescription; and

WHEREAS, Sections 1 through 5, 7 through 11, and 41 of SB 5536 are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect on July 1, 2023; and

WHEREAS, the City of Camas through its prosecution, based upon the totality of the circumstances, may offer a stay of proceeding or diversion which includes assessment, treatment or other services; may refer a case to the Clark County Drug Court; or may recommend imposition of sentence up to the maximum penalty as set forth in SB 5536; and

WHEREAS, the City of Camas desires to adopt the provisions of SB 5536 relating to its police power and police authority to protect the health, safety and welfare of Camas's inhabitants.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAMAS AS FOLLOWS:

Section I

Camas Municipal Code 9.36.010(A)(153) is readopted as follows:

9.36.010(A)(153). All Chapter 69.50 RCW offenses, as adopted or as hereinafter amended, for which the penalty is either a misdemeanor or gross misdemeanor.

Section II

Camas Municipal Code 9.36.010(A)(116) is amended as follows:

9.36.010(A)(116). RCW 69.41.030: Sale, delivery, or possession of legend drug, as adopted or as hereinafter amended, for which the penalty is either a misdemeanor or gross misdemeanor.

Section III

Camas Municipal Code 9.36.010(A)(116) is amended as follows:

9.36.010(A)(117). RCW 69.41.070: Penalties, as adopted or as hereinafter amended.

Section IV

Camas Municipal Code 9.36.010(A)(148) is amended as follows:

9.36.010(A)(148). RCW 69.50.4121: Drug paraphernalia—Selling or giving—Penalty, as adopted or as hereinafter amended.

Section V

This ordinance shall take force and be in effect July 1, 2023, after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 5th day of June, 2023.

SIGNED: _____
Mayor

ATTEST: _____
Clerk

APPROVED as to form:

City Attorney