

Ordinance No. _____

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATED TO THE
EXTREME RISK PROTECTION ORDERS AND AMENDING OLYMPIA MUNICIPAL
CODE SECTION 9.48.170.**

WHEREAS, the Washington State Legislature in 2017 enacted the Extreme Risk Protection Order Act, Chapter 7.94 RCW (the Act); and

WHEREAS, the Act was designed to temporarily prevent individuals who are at a high risk of harming themselves or others from accessing firearms by allowing family, household members, and police to obtain a court order when there is demonstrated evidence that the person poses a significant danger, including danger as a result of a dangerous mental health crises or violent behavior; and

WHEREAS, the purpose and intent of the Act is to reduce gun deaths and injuries, which have increased across the country, while respecting constitutional rights; and

WHEREAS, RCW 7.94 makes the first violation of an Extreme Risk Protection Order a gross misdemeanor, which would be prosecuted in Olympia Municipal Court, and creates a felony penalty for those convicted of a second or further offense; and

WHEREAS, the City's adoption by reference of RCW 7.94.120 will allow the City to prosecute violations of an Extreme Risk Protection Order; and

WHEREAS, the Olympia City Council has determined it to be in the best interest of the City of Olympia to adopt RCW 7.94.120; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington State Constitution and any other applicable authority;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 9.48.170. Section 9.48.170 of the Olympia Municipal Code is hereby amended to read as follows:

9.48.170 State statutes adopted by reference

The following sections of RCW Chapters 7.94 and 9.41, as now or hereafter amended, relating to firearms and dangerous weapons, defining crimes and prescribing penalties, are hereby adopted by reference as though fully set forth in this chapter:

RCW 7.94	RCW 9.41		
7.94.120	9.41.010	9.41.094	9.41.240
	9.41.050	9.41.0975	9.41.250
	9.41.060	9.41.098	9.41.260
	9.41.070	9.41.110	9.41.270
	9.41.075	9.41.120	9.41.280
	9.41.090	9.41.140	9.41.300
	9.41.010	9.41.230	9.41.800

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: