

Agenda Summary Report (ASR)

Franklin County Board of Commissioners

DATE SUBMITTED: 5/26/2021	PREPARED BY: Jennifer Johnson
Meeting Date Requested: 6/15/21	PRESENTED BY: Deputy Roske & Deputy Gardner
ITEM: (Select One) <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Brought Before the Board ** **Public Hearing Required Time needed: 15 minutes	
SUBJECT / ISSUE: Adopting Franklin County Code titled "Unlawful Race Attendance" which would ban participation in street races for persons other than the drivers. State law already has a crime for the drivers, but it does not address other participants.	
FISCAL IMPACT: 0	
BACKGROUND: Franklin County and the City of Pasco have been seeing a rise in the number of illegal street races which are an extreme danger not only to the participants, but also to members of the public and the surrounding property. FCSO has asked for a mechanism to hold participants responsible, as well as the drivers. This project was spearheaded by FCSO and was quickly joined by the City of Pasco and Pasco PD. The City of Pasco will be presented with an identical code. A number of cities and counties have already adopted similar ordinances across the state.	
RECOMMENDATION: Ordinance 08-2021 Approval	
COORDINATION: FCSO Deputies Teddy Chow- FCPA Criminal Deputy Jennifer Johnson- FCPA Chief Civil Deputy Mike Rio & Bill Parramore- City of Pasco	
ATTACHMENTS: (Documents you are submitting to the Board) - Proposed ordinance	
HANDLING / ROUTING: (Once document is fully executed it will be imported into Document Manager. Please list <u>name(s)</u> of parties that will need a pdf) Carson Roske- FCSO Jennifer Johnson- FCPA Kelly Fields- District Court Karin Milham- please send for codification	

I certify the above information is accurate and complete.



Jennifer Johnson, Chief Civil DPA, FCPA

FRANKLIN COUNTY ORDINANCE 08-2021

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
FRANKLIN COUNTY, WASHINGTON**

**ADOPTING FRANKLIN COUNTY CODE TITLED
“UNLAWFUL RACE ATTENDANCE”**

WHEREAS, Franklin County citizens are endangered by the negative impacts of illegal street races; and

WHEREAS, the health and safety of Franklin County citizens and visitors is the preeminent concern of the County; and

WHEREAS, illegal street races pose a significant risk to the health and safety of Franklin County citizens and visitors; and

WHEREAS, the Revised Code of Washington only addresses the drivers involved in illegal street races, overlooking the involvement of other parties to the crime; and

WHEREAS, the Board of County Commissioners has determined that other parties involved with the illegal street races should also be held accountable; and

WHEREAS, illegal street races are the concern of all of Franklin County, including all local law enforcement, and

WHEREAS, the County has police power to define misdemeanor crimes.

NOW, THEREFORE, BE IT ORDAINED, the Board of Franklin County Commissioners, by ORDINANCE NO. 07-2021, ADOPTS CHAPTER, 9.10, TO TITLE 9 OF THE FRANKLIN COUNTY CODE TITLED “UNLAWFUL RACE ATTENDANCE”.

Chapter 9.10 UNLAWFUL RACE ATTENDANCE

Sections:

9.10.010 Definitions.

The following definitions apply in this chapter:

- A. "Public place" means an area, whether publicly or privately owned, generally visible to public view, and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.
- B. "Unlawful race event" means an event wherein persons willfully compare or contest relative speeds by operation of one or more motor vehicles in a public place.

9.10.020 Unlawful race attendance—Prohibited—Penalty.

- A. It is unlawful for any person to be present in an area where an unlawful race event is occurring, has occurred or is about to occur, in a manner and under circumstances manifesting the purpose to participate in, support, or encourage the unlawful race event.
- B. Among the circumstances which may be considered in determining whether such purpose is manifested, but not limited thereto, are:
 - 1. Such person engages in words or conduct that raises a reasonable suspicion that he or she is supporting or encouraging the unlawful race event;
 - 2. Such person engages in words or conduct that raises a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful race event;
 - 3. Such person's conduct demonstrates that he or she is acting as a lookout;
 - 4. Such person possesses, on his or her person or in his or her vehicle, equipment such as a two-way radio or scanner that can be used to alert race participants to law enforcement;
 - 5. Such person has within the past two years been convicted in any court within this state of any violation involving racing, unlawful race attendance, reckless driving associated with racing, or trespass associated with race activity;
 - 6. Such person is currently subject to an order prohibiting them from being present at a race;
 - 7. Such person takes flight upon the appearance of a law enforcement officer;
 - 8. The area involved is known to the arresting officer(s) as an area frequently used for unlawful race events.

C. Any person who violates the provisions of this chapter is guilty of a misdemeanor. (FCC 1.08.010)

D. Any person who violates the provisions of this chapter after having been previously convicted of any crime related to racing or race activity, either under this chapter, the Revised Code of Washington, or other municipal codes, within the last 5 years, is guilty of a Gross Misdemeanor. (FCC 1.08.010)

9.10.030 Orders—Conditions—Re-arrest.

The Court may issue written orders to criminal defendants charged under this chapter, or with any crime related to racing or race activity, under the Revised Code of Washington, describing the conditions of their pretrial release, post-conviction conditions of suspension or deferral of their sentences, or probation, prohibiting the defendant from being present at a race. Violations of such orders could result in changes of pretrial release conditions, violations of suspended/deferred sentences, violations of probation, and new charges.

9.10.040 Person subject to court order defined.

As used in this chapter, “person subject to court order” means any person who is subject to an order issued under Section 9.10.030.

9.10.050 Violation of order.

Whenever a person is subject to an order prohibiting the defendant from being present at a race and the person knows of the order, a law enforcement officer who has probable cause to believe that the person is, in the officer's presence, violating or failing to comply with any of the conditions of the order shall have the authority to bring the person before the court wherein the order was issued, and for such purpose may re-arrest such person without warrant or other process.

APPROVED this ____ day of _____, 2021.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chair

Chair Pro-Tem

Member

ATTEST:

Clerk of the Board