ORDINANCE NO. 3364

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to the authority of police officers to search for outstanding arrest warrants, adding a new section to the Kent Municipal Code, Section 9.36.080.

WHEREAS, on August 28, 1997, the Washington Supreme Court, in the case of State of Washington v. Rife, Docket No. 64305-9, __ Wn.2 __, held that police officers have been given no authority to run warrant checks on persons who have committed traffic infractions; and

WHEREAS, the ability of law enforcement to search for outstanding warrants (i.e., run "warrant checks") during contact with individuals who have committed minor violations of the law has resulted in innumerable fugitives being brought to justice; and

WHEREAS, of approximately 762,000 motorists checked last year by the Washington State Patrol, more than 12,000 had warrants against them with 1,725 being felony warrants; and

WHEREAS, the ability to search for outstanding warrants is crucial to the protection of the public and law enforcement officers; and

WHEREAS, the ability to search for outstanding warrants is necessary for effective law enforcement; and
WHEREAS, it is crucial for police officer safety that officers have the authority to find out the nature of the person with whom they are having contact and whether or not that person has been alleged to have committed a crime, violent or otherwise, and whether or not that person has failed to appear for a court hearing, showing lack of respect for the authority of the law and the courts; and

WHEREAS, it imperils the safety and welfare of the general public and police officers if there exits a time gap where police officers do not have the authority to run a warrant check on persons stopped for infraction; and

WHEREAS, the inability of police officers to search for outstanding warrants created an emergency situation which must be remedied by swift legislative action; and

WHEREAS, the City has the authority to make all regulations necessary for the preservation of public morality, health, peace, safety, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of the City; and

WHEREAS, the City council finds that it is necessary to adopt an ordinance to provide law enforcement officers the authority to search for outstanding arrest warrants when contact is made with individuals who have committed infractions of the law, in order to preserve the public morality, health, peace, safety and good order; and

WHEREAS, the City Council finds that a public emergency does exist, necessitating the adoption of an emergency ordinance for the immediate preservation and protection of public health, safety, property, and peace; NOW THEREFORE,
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. EMERGENCY DECLARED. Based upon the above findings
and conclusions, an emergency is hereby declared to exist, and the provisions of this
ordinance shall take effect immediately upon becoming valid.

SECTION 2. A new section is hereby added to Chapter 9.36 of the Kent
Municipal Code, the Traffic Code, to read as follows:
Sec. 9.36.080. Warrant checks.
Law enforcement officers are authorized to search for outstanding warrants upon making
a stop, or upon making contact with a person, for a traffic infraction or non-traffic
infraction. This provision shall be in addition to, and subject to, all current and future
federal or state legislative enactments affecting the same.

SECTION 3. - Severability. If any one or more sections, subsections, or
sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall
not affect the validity of the remaining portion of this Ordinance and the same shall remain
in full force and effect.

SECTION 4. - Effective Date. This emergency ordinance shall take effect
and be in force immediately upon its adoption as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK
APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED:  16 day of September, 1997.

APPROVED:  16 day of September, 1997.

PUBLISHED:  19 day of September, 1997.

I hereby certify that this is a true copy of Ordinance No. 3364, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK