Ordinance No. 3407

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amends Ord. 3350
Amended by Ord. 3568
Repealing Sec. 9.02.56 and adding new Sec. 9.02.56 by Ord. 3603
Repealed by Ord. 3621 (Ch. 9.02)
ORDINANCE NO. 3407

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Section 9.02.24 of the Kent City Code pertaining to the harboring of a minor, Section 9.02.40 of the Kent City Code pertaining to disobeying school administrative officials and threatening teachers and students, Sections 9.02.50 and 9.02.58 of the Kent City Code pertaining to the theft of rental property, adding Section 9.02.56 to the Kent City Code which prohibits entry to a public facility for those who have committed certain crimes on the grounds of the public facility, amending Section 9.02.80 of the Kent City Code and adding new Section 9.02.70 pertaining to the access of minors to tobacco, and amending Section 9.02.100 of the Kent City Code pertaining to penalties for firearms violations.

WHEREAS, the City must amend its Criminal Code by adopting certain provisions of the Revised Code of Washington, and by repealing and amending certain sections of the code in order to provide for a comprehensive code consistent with State law that will enable the City to file and prosecute violations for offenses not now covered by the City’s code; and

WHEREAS, adding a new section to the Criminal Code that prevents persons who engage in criminal conduct at a park or public facility from entering or remaining in that particular park or public facility will help preserve the peace, health, and safety of the parks and its patrons; NOW THEREFORE,
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section 9.02.24 of the Kent City Code is hereby amended to read as follows:

Sec. 9.02.24. Crimes of physical harm and unlawful detention. The following sections of Chapters 9.02, 9.91, 9A.36, 9A.40, and 9A.42, and 13.32A of the Revised Code of Washington (RCW), with the exception of those provisions contained therein for which a violation constitutes a felony crime, are hereby adopted by reference as currently enacted and as hereinafter amended from time to time, and shall be given the same force and effect as if set forth herein in full.

A. RCW 9.02.050 Concealing birth.
B. RCW 9.91.060 Leaving children unattended in a parked automobile.
C. RCW 9A.36.050 Reckless endangerment in the second degree.
D. RCW 9A.36.070 Coercion.
E. RCW 9A.40.070 Custodial interference in the second degree.
F. RCW 9A.40.080 Custodial interference - Assessment of costs - Defense - Consent defense restricted.
G. RCW 9A.42.080 Abandonment of a dependent person in the third degree.
H. RCW 9A.42.090 Abandonment of dependent person - Defense.
I. RCW 13.32A.080 Unlawful harboring of a minor - Penalty - Prosecution of adult for involving child in commission of offense.

SECTION 2: Section 9.02.40 of the Kent City Code is hereby amended to read as follows:

Sec. 9.02.40. Crimes of disturbing the peace. The following sections of Chapters 9.91, and 9A.84, and 28A.635 of the Revised Code of Washington (RCW), with the

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exception of those provisions contained therein for which a violation constitutes a felony crime, are hereby adopted by reference as currently enacted and as hereinafter amended from time to time, and shall be given the same force and effect as if set forth herein in full.

A. RCW 9.91.025 Unlawful bus conduct.
B. RCW 9A.84.010 Riot.
C. RCW 9A.84.020 Failure to disburse.
D. RCW 28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when - Penalty.
E. RCW 28A.635.090 Interference by force or violence – Penalty.
F. RCW 28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful.
G. RCW 28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100 – Disciplinary authority exception.
H. RCW 28A.635.120 Violations under RCW 28A.635.090 and 28A.635.100 - Penalty.

SECTION 3: Section 9.02.50 of the Kent City Code is hereby amended to read as follows:

Sec. 9.02.50. Crimes of theft. The following sections of Chapters 9.91 and 9A.56 of the Revised Code of Washington (RCW), with the exception of those provisions contained therein for which a violation constitutes a felony crime, are hereby adopted by reference as currently enacted and as hereinafter amended from time to time, and shall be given the same force and effect as if set forth herein in full.

A. RCW 9.91.140 Food stamps.
B. RCW 9A.56.010 Definitions.
C. RCW 9A.56.020 Theft - Definition, defense.
D. RCW 9A.56.050 Theft in the third degree.
E. RCW 9A.56.060  Unlawful issuance of checks or drafts.
F. RCW 9A.56.096  Theft of rental, leased, or lease-purchased property.
G. RCW 9A.56.140  Possessing stolen property - Definition - Access devices, presumption.
H. RCW 9A.56.170  Possessing stolen property in the third degree.
I. RCW 9A.56.180  Obscuring the identity of a machine.
J. RCW 9A.56.220  Theft of subscription television services.

SECTION 4: A new section 9.02.56 is added to chapter 9.02 of the Kent City Code, amending the Criminal code to read as follows:

Sec. 9.02.56. Public facility – Criminal activity – Prohibition of entry.
A. Whenever a Police Officer or a Judge, Commissioner or Judge Pro Tempore of the Kent Municipal Court has probable cause to believe that a person has committed any act set forth in subsection C of this section on any public facility as described in subsection D of this section, that person may be given a written order prohibiting that person from entering the public facility where the act was committed. When issued by a police officer, the order shall be effective for a period of up to forty-five (45) days or the date in which the violator is arraigned on the criminal matter which resulted in the issuance of the order, whichever comes first, unless extended by a judge, commissioner, or judge pro tempore. When issued or extended by a Judge, Commissioner, or Judge Pro Tempore, the order shall be effective during the pendency of the criminal action arising out of the act which resulted in the issuance of the order unless withdrawn sooner by a Judge, Commissioner, or Judge Pro Tempore. If the person is convicted in any criminal action arising out of the act which resulted in the issuance of the order, the Judge, Commissioner, or Judge Pro Tempore may issue or extend the order for such a period of time not to exceed the time that the court retains jurisdiction over the matter.
B. Whenever a Police Officer has probable cause to believe that a person has been notified in writing under this section that the person is prohibited from entering a
public facility described in subsection D, and the person is on the public facility for
which prohibition of entry has been ordered, such officer may arrest the person for
violating the prohibition on entry.

C. An act which may result in the issuance of a written order prohibiting a person
from entering a public facility may consist of any of the following when
committed on the public facility:

1. Any act which qualifies as a felony crime;
2. Any act which qualifies as a gross misdemeanor or misdemeanor crime,
excluding all traffic offenses except for violations of RCW 46.61.500,
RCW 46.61.502, RCW 46.61.503, RCW 46.61.504, RCW 46.61.525; or
3. Any act which involves entering an area designated in subsection D after
the area was closed to the public.

D. For the purpose of this section, a public facility consists of the buildings, structures,
and equipment, and the adjoining grounds and appurtenances of any of the
following:

1. Any park maintained by the City of Kent, the County of King, or the State
   of Washington.
2. Any recreational area maintained by the City of Kent, the County of King,
or the State of Washington, including but not limited to any skateboard
   park, the property known as Kent Commons, and the property known as the
   Kent Senior Center.
3. The bodies of water known as Lake Meridian and Lake Fenwick and
   associated boat ramps and areas of ingress and egress.
4. Any public school maintained by the City of Kent, the County of King, or
   the State of Washington.
5. Any public library maintained by the City of Kent, the County of King, or
   the State of Washington.

E. A person who is issued an order pursuant to this section shall have the opportunity
to challenge the issuance of the order. When a person challenges the validity of the
order, the City must establish that probable cause exists to believe that the person committed any act set forth in subsection C. Proof of probable cause shall be established based solely upon the sworn declaration incorporated by reference in a police officer’s report that substantially conforms to the requirements of 9A.72.085 without further evidentiary foundation. The sworn declaration may be supplemented by the testimony of witnesses. The person against whom the order was issued shall have the opportunity to present evidence and testimony when challenging the order.

F. Nothing in this section shall be construed to prohibit or penalize activity consisting of the lawful exercise of freedom of speech, the right to lawfully and peaceably assemble, the right to travel, the right to petition the government for redress of grievances, or the response to an emergency.

G. A person who violates this section shall be guilty of a misdemeanor.

SECTION 5: Section 9.02.58 of the Kent City Code is hereby amended to read as follows:

Sec. 9.02.58. Frauds, swindles and deception. The following sections of Chapters 9.04, 9.18, 9.26A, 9.38, 9.45, 9.46, 9A.60, and 9A.61 of the Revised Code of Washington (RCW), with the exception of those provisions contained therein for which a violation constitutes a felony crime, are hereby adopted by reference as currently enacted and as hereinafter amended from time to time, and shall be given the same force and effect as if set forth herein in full.

A. RCW 9.04.010 False advertising.
B. RCW 9.18.080 Offender a competent witness.
C. RCW 9.18.120 Suppression of competitive bidding.
D. RCW 9.18.130 Collusion to prevent competitive bidding.
E. RCW 9.18.140 Penalty.
F. RCW 9.18.150 Agreements outside state.
G. RCW 9.26A.090 Telephone company credit cards - Prohibited acts.
H. RCW 9.26A.100  Definitions.
I. RCW 9.26A.110  Fraud in obtaining telecommunications service - Penalty.
J. RCW 9.26A.120  Fraud in operating coin-box telephone or other receptacle.
K. RCW 9.26A.130  Penalty for manufacture or sale of slugs to be used for coin.
L. RCW 9.38.010  False representation concerning credit.
M. RCW 9.38.015  False statement by deposit account applicant.
O. RCW 9.45.060  Encumbered, leased, or rented personal property - Construction.
P. RCW 9.45.062  Failure to deliver leased personal property - Requisites for prosecution - Construction.
PQ. RCW 9.45.070  Mock auctions.
QR. RCW 9.45.080  Fraudulent removal of property.
RS. RCW 9.45.090  Knowingly receiving fraudulent conveyance.
ST. RCW 9.45.100  Fraud in assignment for benefit of creditors.
TU. RCW 9.46.196  Cheating.
UV. RCW 9A.60.040  Criminal impersonation.
VW. RCW 9A.60.050  False certification.
WX. RCW 9A.61.010  Definitions.
XY. RCW 9A.61.020  Defrauding a public utility.
YZ. RCW 9A.61.050  Defrauding a public utility in the third degree.

SECTION 6. A new Section 9.02.70 is added to Chapter 9.02 of the Kent City Criminal Code to read as follows:

Sec. 9.02.70. Tobacco - Access to minors. The following sections of Chapters 7.80, 26.28, and 70.155 of the Revised Code of Washington (RCW) are hereby adopted by Criminal Code
reference as currently enacted and as hereinafter amended from time to time, and shall be given the same force and effect as if set forth herein in full.

A. RCW 7.80.120 Monetary penalties - Restitution.
B. RCW 26.28.080 Selling or giving tobacco to minor - Belief of representative capacity, no defense - Penalty.
C. RCW 70.155.080 Purchasing or obtaining tobacco by persons under the age of eighteen - Civil infraction.

**SECTION 7.** Section 9.02.80 of the Kent City Code is hereby amended to read as follows:

Sec. 9.02.80. Alcohol, drugs, and toxic fumes. The following sections of Chapters 9.47A, 26.28, 66.04, 66.28, 66.44 and 66.50 of the Revised Code of Washington (RCW) with the exception of those provisions contained therein for which a violation constitutes a felony crime, are hereby adopted by reference as currently enacted and as hereinafter amended from time to time, and shall be given the same force and effect as if set forth herein in full.

A. RCW 9.47A.010 Definition.
B. RCW 9.47A.020 Unlawful inhalation - Exception.
C. RCW 9.47A.030 Possession of certain substances prohibited, when.
D. RCW 9.47A.040 Sale of certain substances prohibited, when.
E. RCW 9.47A.050 Penalty.
F. RCW 26.28.080 Selling or giving tobacco to minor - Belief of representative capacity, no defense - Penalty.
F.G. RCW 66.04.010 Definitions.
G.H. RCW 66.28.200 Keg registration - Requirements of seller.
H.I. RCW 66.28.210 Keg registration - Requirements of purchaser.
I.J. RCW 66.28.230 Keg registration - Penalties.
I.K. RCW 66.44.100 Opening or consuming liquor in a public place - Penalty.

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| K.L. | RCW 66.44.150 | Buying liquor illegally. |
| L.M. | RCW 66.44.180 | General penalties - Jurisdiction for violations. |
| M.N. | RCW 66.44.200 | Sales to persons apparently under the influence of liquor. |
| N.O. | RCW 66.44.240 | Drinking in public conveyance - Penalty against carrier - Exception. |
| O.P. | RCW 66.44.250 | Drinking in public conveyance - Penalty against individual - Restricted application. |
| P.Q. | RCW 66.44.270 | Furnishing liquor to minors - Possession, use - Exhibition of effects - Exceptions. |
| Q.R. | RCW 66.44.290 | Minor purchasing or attempting to purchase liquor. |
| R.S. | RCW 66.44.291 | Minor purchasing or attempting to purchase liquor - Penalty against persons between ages of eighteen and twenty, inclusive. |
| S.T. | RCW 66.44.300 | Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least twenty-one, in public place where liquor sold. |
| T.U. | RCW 66.44.310 | Minors frequenting off-limits area - Misrepresentation of age - Penalty - Classification of licensees. |
| U.V. | RCW 6644.320 | Sale of liquor to minors a violation. |
| V.W. | RCW 66.44.325 | Unlawful transfer to a minor of an identification of age. |
| W.X. | RCW 66.44.328 | Preparation or acquisition and supply to persons under age twenty-one of facsimile of official identification card - Penalty. |
| X.Y. | RCW 69.50.101 | Definitions. |
| Y.Z. | RCW 69.50.102 | Drug paraphernalia - Definitions. |
| Z.AA. | RCW 69.50.401 | Prohibited acts: A-penalties (possession of marijuana). |

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Second or subsequent offenses.  
Prohibit acts: E-penalties ( paraphernalia).  
Misdemeanor violations - Minimum imprisonment.  

SECTION 8: Section 9.02.100 of the Kent City Code is hereby amended to read as follows:  

Sec. 9.02.100. Firearms, dangerous weapons and explosives. The following sections of chapters 9.41, 9.91 and 70.74 of the Revised Code of Washington (RCW), with the exception of those provisions contained therein for which a violation constitutes a felony crime, are hereby adopted by reference as currently enacted and as hereinafter amended from time to time, and shall be given the same force and effect as if set forth herein in full.  

A. RCW 9.41.010 Terms defined.  
B. RCW 9.41.050 Carrying firearms.  
C. RCW 9.41.060 Exceptions to restrictions on carrying firearms.  
D. RCW 9.41.140 Alteration of identifying marks - Exceptions.  
E. RCW 9.41.230 Aiming or discharging firearms, dangerous weapons.  
F. RCW 9.41.240 Possession of pistol by person from eighteen to twenty-one.  
G. RCW 9.41.250 Dangerous weapons - Penalty.  
H. RCW 9.41.260 Dangerous exhibitions.  
I. RCW 9.41.270 Weapons apparently capable of producing bodily harm - Unlawfully carrying or handling - Penalty - Exceptions.  
J. RCW 9.41.280 Possessing dangerous weapons on school facilities - Penalty - Exceptions.  
K. RCW 9.41.300 Weapons prohibited in certain places - Local laws and ordinances - Exceptions - Penalty.  
L. RCW 9.41.810 Penalty.  

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SECTION 9: - 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 10: - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY


APPROVED: 8 day of July, 1998.

I hereby certify that this is a true copy of Ordinance No. 3407, 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 Jacob (SEAL)
BRENDA JACOBER, CITY CLERK

(1)(a) A person commits the crime of unlawful harboring of a minor if the person provides shelter to a minor without the consent of a parent of the minor and after the person knows that the minor is away from the home of the parent, without the parent's permission, and if the person intentionally:

(i) Fails to release the minor to a law enforcement officer after being requested to do so by the officer; or

(ii) Fails to disclose the location of the minor to a law enforcement officer after being requested to do so by the officer, if the person knows the location of the minor and had either taken the minor to that location or had assisted the minor in reaching that location; or

(iii) Obstructs a law enforcement officer from taking the minor into custody; or

(iv) Assists the minor in avoiding or attempting to avoid the custody of the law enforcement officer.

(b) It is a defense to a prosecution under this section that the defendant had custody of the minor pursuant to a court order.

(2) Harboring a minor is punishable as a gross misdemeanor.

(3) Any person who provides shelter to a child, absent from home, may notify the department's local community service office of the child's presence.

(4) An adult responsible for involving a child in the commission of an offense may be prosecuted under existing criminal statutes including, but not limited to:

(a) Distribution of a controlled substance to a minor, as defined in RCW 69.50.406;

(b) Promoting prostitution as defined in chapter 9A.88 RCW; and

(c) Complicity of the adult in the crime of a minor, under RCW 9A.08.020.

28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when—Penalty.

(1) It shall be unlawful for any person to willfully disobey the order of the chief administrative officer of a public school district, or of an authorized designee of any such administrator, to leave any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district if the person so ordered is under the influence of alcohol or drugs, or is committing, threatens to imminently commit or incites another to imminently commit any act which would disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district. The order of a school officer or designee acting pursuant to this subsection shall be valid if the officer or designee reasonably believes a person ordered to leave is under the influence of alcohol or drugs, is committing acts, or is creating a disturbance as provided in this subsection.

(2) It shall be unlawful for any person to refuse to leave public property immediately adjacent to a building, grounds or property which is owned, operated or controlled by a school district when ordered to do so by a law enforcement officer if such person is engaging in conduct which creates a substantial risk of causing injury to any person, or substantial harm to property, or such conduct amounts to disorderly conduct under RCW 9A.84.030.

(3) Nothing in this section shall be construed to prohibit or penalize activity consisting of the lawful exercise of freedom of speech, freedom of press and the right to peaceably assemble and petition the government for a redress of grievances: PROVIDED, That such activity neither does or threatens imminently to materially disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district, or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district: PROVIDED FURTHER, That such activity is not conducted in violation of a prohibition or limitation lawfully imposed by the school district upon entry or use of any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district.

(4) Any person guilty of violating this section shall be deemed guilty of a gross misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars, or imprisoned in jail for not more than six months or both co fined and imprisoned punishable as provided in chapter 9A.20 RCW.

Additions are indicated by underline; deletions by strikeout
28A.635.090 Interference by force or violence—Penalty. It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, teacher, classified employee, person under contract with the school or school district, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies. Any such interference by force or violence committed by a student shall be grounds for immediate suspension or expulsion of the student. [1996 c 321 § 3; 1990 c 33 § 540; 1988 c 2 § 1; 1971 c 45 § 3. Formerly RCW 28A.87.230.]

28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful. It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, teacher, classified employee, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies. [1990 c 33 § 541; 1988 c 2 § 2; 1971 c 45 § 4. Formerly RCW 28A.87.231.]

28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100—Disciplinary authority exception. The crimes defined in RCW 28A.635.090 and 28A.635.100 shall not apply to school administrators, teachers, or classified employees who are engaged in the reasonable exercise of their disciplinary authority. [1990 c 33 § 542; 1988 c 2 § 3; 1971 c 45 § 5. Formerly RCW 28A.87.232.]

28A.635.120 Violations under RCW 28A.635.090 and 28A.635.100—Penalty. Any person guilty of violating RCW 28A.635.090 and 28A.635.100 shall be deemed guilty of a gross misdemeanor and, upon conviction thereon, shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months or both such fine and imprisonment. [1990 c 33 § 543; 1971 c 45 § 6. Formerly RCW 28A.87.233.]

Severability—1971 c 45: See note following RCW 28B.10.570.
RCW 9A.56.096 Theft of rental, leased, or lease-purchased property.

(1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented or leased to the person, is guilty of theft of rental, leased, or lease-purchased property.

(2) The finder of fact may presume intent to deprive if the finder of fact finds either of the following:

(a) That the person who rented or leased the property failed to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property to the owner or the owner's agent within seventy-two hours after receipt of proper notice following the due date of the rental, lease, or lease-purchase agreement, or

(b) That the renter or lessee presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

(3) As used in subsection (2) of this section, "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, lease, or lease-purchase period, mailed by certified or registered mail to the renter or lessee at: (a) The address the renter or lessee gave when the contract was made; or (b) the renter or lessee's last known address if later furnished in writing by the renter, lessee, or the agent of the renter or lessee.

(4) The replacement value of the property obtained must be utilized in determining the amount involved in the theft of rental, leased, or lease-purchased property. Theft of rental, leased, or lease-purchased property is a: Class B felony if the rental, leased, or lease-purchased property is valued at one thousand five hundred dollars or more; class C felony if the rental, leased, or lease-purchased property is valued at two hundred fifty dollars or more but less than one thousand five hundred dollars; and gross misdemeanor if the rental, leased, or lease-purchased property is valued at less than two hundred fifty dollars.

(5) This section applies to rental agreements that provide that the renter may return the property any time within the rental period and pay only for the time the renter actually retained the property, in addition to any minimum rental fee, to lease agreements, and to lease-purchase agreements as defined under RCW 63.19.010. This section does not apply to rental or leasing of real property under the residential landlord-tenant act, chapter 59.18 RCW.

[1997 c 346 § 1.]
7.80.120. Monetary penalties—Restitution

(1) A person found to have committed a civil infraction shall be assessed a monetary penalty.

(a) The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments, except for an infraction of state law involving tobacco products as specified in RCW 70.93.060(4), in which case the maximum penalty and default amount is five hundred dollars;

(b) The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;

(c) The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and

(d) The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.

(2) The supreme court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.

(3) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

(4) The court may also order a person found to have committed a civil infraction to make restitution.


26.28.080 Selling or giving tobacco to minor—Belief of representative capacity, no defense—Penalty. Every person who sells or gives, or permits to be sold or given to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form is guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

[1994 sp.s. c 7 § 437. Prior: 1987 c 250 § 2; 1987 c 204 § 1; 1971 ex.s. c 292 § 37; 1919 c 17 § 1; 1911 c 133 § 1; 1909 ex.s. c 27 § 1; 1909 c 249 § 193; 1901 c 122 § 1; 1895 c 126 §§ 1, 3 and 4; RRS § 2445. Formerly RCW 26.08.080, 26.08.090, and 26.08.100.]
70.155.080. Purchasing or obtaining tobacco by persons under the age of eighteen—Civil infraction

(1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participation in up to four hours of community service, or both. The court may also require participation in a smoking cessation program, or both. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity.

(2) Municipal and district courts within the state have jurisdiction for enforcement of this section.

Additions are indicated by underlining; deletions by strikethrough
RCW 9.41.810 Penalty.

Any violation of any provision of this chapter, except as otherwise provided, shall be a misdemeanor and punishable accordingly.

[1984 c 258 § 312; 1983 c 232 § 11; 1983 c 3 § 7; 1961 c 124 § 12; 1935 c 172 § 16; RRS § 2516-16. Formerly RCW 9.41.160.]