Ordinance No. 3835
(Amending or Repealing Ordinances)

CFN=122 – Police/Fire Departments
Vehicle Trespass

New Section 9.02.265
AN ORDINANCE of the city council of the city of Kent, Washington, amending Chapter 9.02 of the Kent City Code to add a new section 9.02.265, entitled "Vehicle trespass."

RECITALS

A. Vehicle theft and vehicle prowl have become a region-wide problem. While vehicle prowl requires the prosecutor prove that a person intended to commit a crime with the vehicle after he or she unlawfully entered the vehicle, there are occasions when the police officer interrupts the prowler, and that intent is difficult to prove. Additionally, there are instances when a person enters a car to sleep, sit, or engage in other activities that are objectionable to the vehicle owner, but which are not in and of themselves illegal, and this activity cannot be prosecuted under current statutes or city ordinances.

B. This ordinance would make it a crime to simply enter another person's vehicle without permission. This additional tool will allow officers to arrest offenders before they have stolen the car, or property in the car, and will prohibit offenders from using another person's car in an objectionable way.

C. The Kent City Council has determined that it is in the interest of the public health, safety, and welfare to make it a crime to prohibit a person who is not licensed, invited, or otherwise privileged to enter from entering another's vehicle.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FollowS:
ORDINANCE

SECTION 1. - Amendment. Chapter 9.02 of the Kent City Code is amended to add a new section 9.02.265, entitled "Vehicle trespass – prohibited – Penalty," as follows:

Sec. 9.02.265. Vehicle trespass prohibited – Penalty.
A. A person is guilty of vehicle trespass if he or she knowingly enters or remains unlawfully in a vehicle belonging to another.
B. As used in this section:
   1. The word "enter" shall include the entrance of the person, or the insertion of any part of his or her body, or any instrument or weapon held in his or her hand.
   2. A person "enters or remains unlawfully" in or upon a vehicle when he or she is not licensed, invited, or otherwise privileged to so enter or remain.
C. Vehicle trespass is a misdemeanor.

SECTION 2. - 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 3. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

SUZETTE COOKE, MAYOR

ATTEST:

BRENDA JACOBE, CITY CLERK
I hereby certify that this is a true copy of Ordinance No. 8835 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, CITY CLERK

(SEAL)