

0020.160.020B
RPB/tw
12/28/89

Criminal Code additions:
Possession of Steroids
Defrauding Public Utility

ORDINANCE NO. 1544

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING SECTIONS 9.14.010 AND 9.46.010 OF THE REDMOND MUNICIPAL CODE TO ADOPT THE STATE STATUTES BY REFERENCE GOVERNING THE POSSESSION OF STEROIDS AND DEFRAUDING A PUBLIC UTILITY; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Redmond City Council finds that the state statutes prohibiting the possession of steroids and defrauding a public utilities should be adopted by reference, and

WHEREAS, the Redmond City Council finds that this ordinance is in the interest of the public health, safety and welfare, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 9.14.010 of the Redmond Municipal Code is hereby amended to read as follows:

9.14.010 Controlled Substances.

The following statutes of the State of Washington, including all future amendments, are adopted by reference as if set forth in full herein:

- | | |
|----------------------|-------------------------------------|
| RCW 69.50.101 | Definitions |
| RCW 69.50.102 | Drug Paraphernalia -
Definitions |
| RCW 69.50.204(d)(13) | Schedule I - Marijuana |
| RCW 69.50.301 | Containers |
| RCW 69.50.401(e) | Prohibited Acts: A -
Penalties |
| RCW 69.50.412 | Prohibited Acts: E -
Penalties |
| RCW 69.50.505 | Seizure and Forfeiture |

RCW 69.50.506	Burden of Proof
RCW 69.50.509	Search and Seizure of Controlled Substances
RCW 69.41.300	Definitions
RCW 69.41.320	Possession of Steroids
RCW 69.41.070(7) and (8a)	Penalties

Section 2. Section 9.46.010 of the Redmond Municipal Code is hereby amended to read as follows:

9.46.010 Conduct Prohibited.

The following statutes of the State of Washington are adopted by reference:

RCW 9.91.010	Denial of Civil Rights - Terms Defined
RCW 9.91.020	Operating Railroad, Steamboat, Vehicle, Etc., While Intoxicated
RCW 9.91.025	Unlawful Bus Conduct
RCW 9.91.110	Meal buyers - Records of Purchases - Penalty
RCW 9.03.010	Abandoning, discarding, refrigeration equipment
RCW 9.03.020	Permitting unused equipment to remain on premises
RCW 9.03.030	Violation of RCW 9.03.010 or 9.03.020
RCW 9.03.040	Keeping or storing equipment for sale
RCW 9A.61.010	Definitions
RCW 9A.61.020	Defrauding a Public Utility
RCW 9A.61.050	Defrauding a Public Utility in the Third Degree
RCW 9A.61.060	Restitution and Costs utility

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of the attached approved summary.

APPROVED:

Doreen Marchione
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schaible
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY *[Signature]*

FILED WITH THE CITY CLERK: 1-11-90
PASSED BY THE CITY COUNCIL: 1-16-90
PUBLISHED: 1-21-90
EFFECTIVE DATE: 1-26-90
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USE OF STEROIDS

69.41.300 Definitions. For the purposes of RCW 69.41.070 and 69.41.300 through 69.41.340, "steroids" shall include the following:

(1) "Anabolic steroids" means synthetic derivatives of testosterone or any isomer, ester, salt, or derivative that act in the same manner on the human body;

(2) "Androgens" means testosterone in one of its forms or a derivative, isomer, ester, or salt, that act in the same manner on the human body; and

(3) "Human growth hormones" means growth hormones, or a derivative, isomer, ester, or salt that act in the same manner on the human body. [1989 c 369 § 1.]

69.41.070 Penalties. Whoever violates any provision of this chapter shall, upon conviction, be fined and imprisoned as herein provided:

(1) For a violation of RCW 69.41.020, the offender shall be guilty of a felony.

(2) For a violation of RCW 69.41.030 involving the sale, delivery, or possession with intent to sell or deliver, the offender shall be guilty of a felony.

(3) For a violation of RCW 69.41.030 involving possession, the offender shall be guilty of a misdemeanor.

(4) For a violation of RCW 69.41.040, the offender shall be guilty of a felony.

(5) For a violation of RCW 69.41.050, the offender shall be guilty of a misdemeanor.

(6) Any offense which is a violation of chapter 69.50 RCW other than RCW 69.50.401(c) shall not be charged under this chapter.

(7) For a violation of RCW 69.41.320(1), the offender shall be guilty of a gross misdemeanor and subject to disciplinary action under RCW 18.130.180.

(8)(a) A person who violates the provisions of this chapter by possessing under two hundred tablets or eight 2cc bottles of steroid without a valid prescription is guilty of a gross misdemeanor.

(b) A person who violates the provisions of this chapter by possessing over two hundred tablets or eight 2cc bottles of steroid without a valid prescription is guilty of a class C felony and shall be punished according to *RCW 9A.20.010(1)(c). [1989 c 369 § 4; 1983 1st ex.s. c 4 § 4; 1973 1st ex.s. c 186 § 7.]

*Reviser's note: The reference to RCW 9A.20.010(1)(c) is erroneous. The section governing the maximum sentence for a class C felony is RCW 9A.20.021(1)(c).

Severability—1983 1st ex.s. c 4: See note following RCW 9A.48.070.

69.41.320 Practitioners—Restricted use—Medical records. (1) A practitioner shall not prescribe, administer, or dispense steroids, as defined in RCW 69.41.300, or any form of autotransfusion for the purpose of manipulating hormones to increase muscle mass, strength, or weight, or for the purpose of enhancing athletic ability, without a medical necessity to do so.

(2) A practitioner shall complete and maintain patient medical records which accurately reflect the prescribing, administering, or dispensing of any substance or drug described in this section or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug, or autotransfusion is prescribed, administered, or dispensed and any additional information upon which the diagnosis is based. [1989 c 369 § 3.]

by law may be recorded, he knowingly certifies falsely that the execution of such instrument was acknowledged by any party thereto or that the execution thereof was proved.

(2) False certification is a gross misdemeanor. [1975-'76 2nd ex.s. c 38 § 15; 1975 1st ex.s. c 260 § 9A.60.050.]

Effective date—Severability—1975-'76 2nd ex.s. c 38: See notes following RCW 9A.08.020.

Chapter 9A.61 DEFRAUDING A PUBLIC UTILITY

Sections

9A.61.010	Definitions.
9A.61.020	Defrauding a public utility.
9A.61.030	Defrauding a public utility in the first degree.
9A.61.040	Defrauding a public utility in the second degree.
9A.61.050	Defrauding a public utility in the third degree.
9A.61.060	Restitution and costs.
9A.61.070	Damages not precluded.

9A.61.010 Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Customer" means the person in whose name a utility service is provided.

(2) "Divert" means to change the intended course or path of electricity, gas, or water without the authorization or consent of the utility.

(3) "Person" means an individual, partnership, firm, association, or corporation or government agency.

(4) "Reconnection" means the commencement of utility service to a customer or other person after service has been lawfully disconnected by the utility.

(5) "Tamper" means to rearrange, injure, alter, interfere with, or otherwise prevent from performing the normal or customary function.

(6) "Utility" means an electrical company, gas company, or water company as those terms are defined in RCW 80.04.010, and includes an electrical, gas, or water system operated by a public agency.

(7) "Utility service" means the provision of electricity, gas, water, or any other service or commodity furnished by the utility for compensation. [1989 c 109 § 1.]

9A.61.020 Defrauding a public utility. "Defrauding a public utility" means to commit, authorize, solicit, aid, abet, or attempt to:

(1) Divert, or cause to be diverted, utility services by any means whatsoever;

(2) Make, or cause to be made, a connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility;

(3) Prevent a utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means;

(4) Tamper with property owned or used by the utility to provide utility services; or

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(5) Use or receive the direct benefit of all or a portion of the utility service with knowledge of, or reason to believe that, the diversion, tampering, or unauthorized connection existed at the time of the use or that the use or receipt was without the authorization or consent of the utility. [1989 c 109 § 2.]

9A.61.030 Defrauding a public utility in the first degree. (1) A person is guilty of defrauding a public utility in the first degree if:

(a) The utility service diverted or used exceeds one thousand five hundred dollars in value; or

(b) Tampering has occurred in furtherance of other criminal activity.

(2) Defrauding a public utility in the first degree is a class B felony. [1989 c 109 § 3.]

9A.61.040 Defrauding a public utility in the second degree. (1) A person is guilty of defrauding a public utility in the second degree if the utility service diverted or used exceeds five hundred dollars in value.

(2) Defrauding a public utility in the second degree is a class C felony. [1989 c 109 § 4.]

9A.61.050 Defrauding a public utility in the third degree. (1) A person is guilty of defrauding a public utility in the third degree if:

(a) The utility service diverted or used is five hundred dollars or less in value; or

(b) A connection or reconnection has occurred without authorization or consent of the utility.

(2) Defrauding a public utility in the third degree is a gross misdemeanor. [1989 c 109 § 5.]

9A.61.060 Restitution and costs. In any prosecution under this section, the court may require restitution from the defendant as provided by chapter 9A.20 RCW, plus court costs plus the costs incurred by the utility on account of the bypassing, tampering, or unauthorized reconnection, including but not limited to costs and expenses for investigation, disconnection, reconnection, service calls, and expert witnesses. [1989 c 109 § 6.]

9A.61.070 Damages not precluded. Restitution ordered or fines imposed under this chapter do not preclude a utility from collecting damages under RCW 80.28.240 to which it may be entitled. [1989 c 109 § 7.]

Chapter 9A.64 FAMILY OFFENSES

Sections

9A.64.010	Bigamy.
9A.64.020	Incest.
9A.64.030	Child selling—Child buying.

9A.64.010 Bigamy. (1) A person is guilty of bigamy if he intentionally marries or purports to marry another person when either person has a living spouse.