

ORDINANCE NO. 1348

**AN ORDINANCE OF THE CITY OF LYNDEN,
WASHINGTON, IMPOSING A PENALTY ASSESSMENT
ON CRIMES INVOLVING DOMESTIC VIOLENCE**

WHEREAS, the City of Lynden maintains a municipal court pursuant to Chapter 3.50 RCW;

WHEREAS, all courts organized under Title 3 RCW may impose a penalty assessment up to, but not exceeding, one hundred dollars (\$100.00) on any person convicted of a crime involving domestic violence pursuant to Section 10.99.080 RCW;

WHEREAS, the City wishes to impose a domestic violence assessment, pursuant to Section 10.99.080 RCW; and

WHEREAS, the revenue gained from the domestic violence assessment shall be used solely for those purposes authorized by Section 10.99.080 RCW including, but not limited to, establishing and funding domestic violence advocacy, prevention, and prosecution programs and/or contracting with local community-based domestic violence program providers.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF LYNDEN, as follows:

Section A. A new Section, 9.14.1010 DOMESTIC VIOLENCE ASSESSMENT, of the Lynden Municipal Code is hereby enacted and codified in the Lynden Municipal Code as follows:

9.14.1010 Domestic Violence Assessment.

A. Any person convicted of a crime involving domestic violence may be assessed a penalty of up to, but not exceeding, one hundred dollars (\$100.00) (“DV Assessment”). This assessment shall be in addition to, and shall not supersede, any other penalty, restitution, fines, or costs provided for by law.

B. A “crime involving domestic violence,” as used in this subsection, means any crime as defined by Section 10.99.020 RCW, as presently constituted or hereinafter amended, and the violation of any equivalent ordinances whether presently or hereinafter enacted by the City of Lynden.

C. “Convicted,” as used in this subsection shall include a plea of guilty, a finding of guilty regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, or the levying of a fine. Nothing herein prevents the City from assessing the DV Assessment upon the stipulation of the accused as part of a plea or other agreement when a person has been charged with a crime involving domestic violence.

Section B. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.


Section C. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section D. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

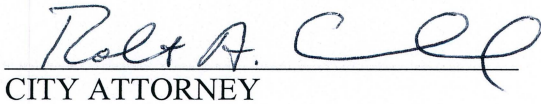
PASSED BY THE LYNDEN CITY COUNCIL THIS 20 DAY OF JANUARY, 2009 BY A VOTE OF 7 IN FAVOR AND 0 AGAINST, AND SIGNED BY THE MAYOR ON THE SAME DATE.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY