

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

IN THE MATTER OF:

RESOLUTION NO. 21-091

NOTICE OF HEARING ON PROPOSED ORDINANCE
1324, PROHIBITING THE POSSESSION OF
CONTROLLED SUBSTANCES, COUNTERFEIT
SUBSTANCES, AND LEGEND DRUGS, AS WELL AS
PROHIBITING CERTAIN RELATED ACTIVITIES, AND
MIRRORING THE STATE PENALTIES FOR SUCH
CRIMES

WHEREAS, the Washington State Supreme Court's February 25, 2021 decision in *State v. Blake*, No. 96873-0, rendered RCW 69.50.4013 void for failing to include a constitutionally required mental element within the crime of possession of a controlled substance; and

WHEREAS, the *Blake* decision's reasoning potentially threatens certain other possession provisions in Chapters 69.50 and 69.41 RCW, but also makes clear that including the required mental element would remedy the constitutional problem in such provisions; and

WHEREAS, it appears unlikely that the State Legislature will be able to pass statutes remedying the constitutional problem in the 2021 legislative session; and

WHEREAS, under Article XI, Section 11 of the state constitution, Lewis County has the power to pass police and sanitary regulations unless in conflict with general laws, which may include duplicating state-law crimes by local ordinance; and

WHEREAS, Lewis County desires to reinforce the state crimes affected by the *Blake* decision against challenge by duplicating them in county ordinance with the required mental element.

NOW THEREFORE BE IT RESOLVED that a hearing before the Board of County Commissioners is hereby scheduled for March 30, 2021 at or after 2PM, to take public testimony and/or written comment on the adoption of the proposed criminal ordinance; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Clerk of the BOCC is hereby instructed to proceed with all appropriate and necessary notifications, posting and publication for the changes as required by law.

DONE IN OPEN SESSION this 16th day of March, 2021.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Eric Eisenberg
By: Eric Eisenberg,
Chief Civil Deputy Prosecuting Attorney

Gary Stamper
Gary Stamper, Chair

ATTEST:



Lindsey R. Pollock, DVM
Lindsey R. Pollock, DVM, Vice Chair

Rieva Lester
Rieva Lester,
Clerk of the Lewis County Board of
County Commissioners

Sean D. Swope
Sean D. Swope, Commissioner