

Kalama leaders hold off on proposed local drug possession laws to see if Washington Legislature takes action

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The Daily News

Mar 19, 2021



Courtesy photo

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The Kalama City Council Thursday decided to wait and see what the Legislature will do in response to a recent state Supreme Court ruling striking down felony drug possession laws before taking any local action on the matter.

The council had considered updating city codes to bar possession of controlled substances in the city.

On Feb. 25, the Washington State Supreme Court ruled the criminal statute prohibiting the possession of controlled substances is unconstitutional.

A “strict-liability” standard in the statute means it is a felony to possess illegal drugs even if suspects say they didn’t know they had them. Forty-nine other states also prevent charges against people who are not aware they possess drugs.

Councilman Steve Kallio brought the topic to the council, along with an ordinance adopted by the city of Marysville criminalizing simple possession by adding the word “knowingly” to the statute, as an example of what Kalama could do.

“One of our main responsibilities is public safety, and it’s no secret that increased drug use brings increased crime,” he said.

City Administrator Adam Smee said the state Senate is considering a bill to modify the existing language to add the word “knowingly” to the statute, but the bill doesn’t appear to be moving forward.

A different bill to decriminalize personal use of drugs was introduced in the House but appears to be dead, Smee said.

Police Chief Ralph Herrera said he shares council members’ concerns about the ruling but that it’s in the city’s best interest to wait and see what the Legislature does before moving forward with its own ordinance.

Marysville has its own municipal court, but Kalama contracts with the city of Kelso for those services. If a similar ordinance passed, the contract would need to be amended, Herrera said.

On average, Kalama police arrest an average of four or five people per month on simple possession, Herrera said.

The recommendation from the Association of Washington Cities and the general consensus among the Cowlitz County Sheriff and Police Chiefs was to wait to see what happens at the state level, Herrera said.

Kallio said Kalama shouldn’t wait for Olympia or other parts of the state to make a decision.

Herrera said while he agrees, if indecision continues in Olympia, there won’t be an “unwillingness to go it alone” locally.

“We’re right on edge of what we believe to be a fix and it’s just a matter of the timing of this legislative session that the language for that ‘knowingly’ not being able to make it in,” he said. “But we’re cautiously optimistic that it will get fixed and if it’s not, we’re having those discussions.”

The council agreed to revisit the topic during its May 20 meeting after the Legislative session ends April 25.

In other business, the council approved the purchase of new playground equipment for Toteff Park to replace an aging wood structure.

The new equipment is designed for 2-to-5-year-olds because the playground often is used by the preschool up the street, said Kelly Rasmussen, public works director.

Rasumussen said the equipment is discounted by about \$8,855 through the end of March, bringing the cost to just over \$25,000. It'll cost a total of \$30,000, including demolishing the old equipment and installation.

Community groups including Amalak and Kiwanis said they will help raise funds to pay for the equipment, with a goal of \$15,000 in donations, Rasmussen said.