

TIGARD MUNICIPAL CODE

Chapter 7.04 GENERAL PROVISIONS.

Sections:

- 7.04.010 Short Title.**
- 7.04.020 Purpose Of Criminal Code.**
- 7.04.030 Application Of Criminal Code.**
- 7.04.040 Constitutionality Of Criminal Code.**

7.04.010 Short Title.

The ordinance codified in this title shall be known as the "Criminal Code of the City of Tigard," and may be so cited and pleaded. (Ord. 84-65 §2 (Exhibit A(part)), 1984).

7.04.020 Purpose Of Criminal Code.

(a) The general purposes of the criminal code are:

(1) To ensure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized, the correction and rehabilitation of those convicted, and their confinement when required in the interests of public protections;

(2) To forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests;

(3) To give fair warning of the nature of the conduct declared to constitute an offense and of the sentences authorized upon conviction;

(4) To define the act or omission and accompanying mental state that constitute each offense and limit the condemnation of conduct as criminal when it is without fault;

(5) To differentiate on reasonable grounds between serious and minor offenses;

(6) To prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders;

(7) To safeguard offenders against excessive, disproportionate or arbitrary punishment.

(b) The rule that a penal statute is to be strictly construed shall not apply to this title or any of its provisions. All provisions of this title shall be construed according to the fair import of their terms, to promote justice and to effect the purposes stated in subsection (a) of this chapter. (Ord. 84-65 §2(Exhibit A(part)), 1984).

7.04.030 Application Of Criminal Code.

(a) The provisions of this title shall govern the construction of and punishment for any offense defined in this title and committed after the effective date of the criminal code, as well as the construction and application of any defense to a prosecution for such an offense.

(b) Except as otherwise expressly provided, or unless the context requires otherwise, the provisions of this title shall govern the construction of and punishment for any offense defined outside of this title committed after the effective date of the criminal code, as well as the construction and application of any defense to a prosecution for such an offense.

(c) The provisions of this title shall not apply to or govern the construction of and punishment for any offense committed before the effective date of the criminal code, or the construction and application of any defense to a prosecution for such an offense. Such an offense shall be construed and punished according to the law existing at the time of the commission of the offense in the same manner as if the ordinance

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codified in this title had not been enacted.

(d) When all or part of a criminal statute is amended or repealed, the criminal statute or part thereof so amended or repealed remains in force for the purpose of authorizing the accusation, prosecution, conviction and punishment of a person who violated the statute or part thereof before the effective date of the amending or repealing ordinance. (Ord. 84-65 §2(Exhibit A(part)), 1984).

7.04.040 Constitutionality Of Criminal Code.

If any clause, sentence, paragraph, section, article or portion of this title for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this title but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this title directly involved in the controversy in which judgment is rendered. (Ord. 84-65 §2(Exhibit A(part)), 1984).■