

## Chapter 9.04

### GENERAL PROVISIONS--PENALTIES

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**9.04.010** **Short title.** This title, hereinafter referred to as "this code" shall be known and may be cited as the Benton City criminal code and shall become effective as provided in the ordinance codified in this title. (Ord. 325, 1978.)

**9.04.020** **Applicability of title.**

- A. The provisions of this code shall apply to any offense which is defined in this code or the general ordinances, committed on or after the effective date of the ordinance codified in this title, unless otherwise expressly provided or unless the context otherwise requires.
- B. The provisions of this code do not apply to nor govern the construction of any punishment for any offense committed prior to the effective date of this code. Such an offense shall be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this code had not been enacted. (Ord. 325, 1978.)

**9.04.030** **Crime classifications.**

- A. A crime is a gross misdemeanor when so designated in this code or by other ordinance of the city. A gross misdemeanor is punishable upon conviction thereof by a fine of not more than five hundred dollars or by imprisonment in jail for not more than six months, or by both such fine and imprisonment.
- B. A crime is a misdemeanor when so designated in this code or by any other ordinance of the city. A misdemeanor is punishable upon conviction thereof by a fine of not more than three hundred dollars, or by imprisonment in jail for not more than ninety days, or by both such fine and imprisonment.

- C. Whenever the performance or omission of any act is prohibited by any ordinance, and no penalty for the violation of such ordinance is imposed, the commission or omission of such act shall be a misdemeanor. (Ord. 325, 1978.)

**9.04.040**      **Limitation of actions.** Prosecutions for gross misdemeanors or misdemeanors which are not commenced within one year after the commission of the offense, shall be barred; provided, that where a complaint has been filed within the time limit for the commencement of a criminal action, if the complaint be set aside, the time limitation provided in this code shall be extended by the length of time from the time of filing such complaint to the time such complaint was set aside. (Ord. 325, 1978.)

**9.04.050**      **Criminal attempt.** An act done with intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime; and every person who attempts to commit a crime, unless otherwise prescribed by ordinance, shall be punished by imprisonment in jail for not more than half the longest term, or by a fine of not more than half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both such fine and imprisonment. (Ord. 325, 1978.)

**9.04.060**      **Aiding and abetting.** Every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit a gross misdemeanor or misdemeanor, is a principal and shall be proceeded against and, upon conviction, shall be punished as such. (Ord. 325, 1978.)

**9.04.070**      **Each day a separate violation.** For any violation of this code which is of a continuing nature, each day's violation shall be considered a separate offense and shall subject the offender to the penalties provided for each offense. (Ord. 325, 1978.)

**9.04.080**      **Description of offense.** In describing any offense under this code, it shall be sufficient to state the offense in the words of this code or in any words of like effect. (Ord. 325, 1978.)