

ORDINANCE NO. 1788

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING VARIOUS SECTIONS OF THE REDMOND MUNICIPAL CODE, ADOPTING BY REFERENCE STATE STATUTES PROHIBITING STALKING, OBSTRUCTING, ASSAULT IN THE FOURTH DEGREE AND HARBORING A RUNAWAY, REPEALING SECTION 9.40.010 OF THE REDMOND MUNICIPAL CODE, CONTAINING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Redmond City Council finds that this ordinance is in the interest of the public health, safety, and welfare, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Statute. Section 9.34.025 of the Redmond Municipal Code is hereby amended to add the adoption by reference of the following state statute: RCW 9A.46.110, Stalking, as amended by Chapter 271, Laws of 1994, Section 801.

Section 2. Statute. Section 9.10.010 of the Redmond Municipal Code is hereby amended to add the adoption by reference of the following state statute: RCW 13.32A.080, Unlawful harboring of a minor, as amended by Chapter 7, Laws of 1994, 1st Special Session, Section 507.

Section 3. Statute. Section 9.34.010 of the Redmond Municipal Code is hereby amended to add the adoption by reference of the following state statute: RCW 9A.36.041, Assault in the Fourth Degree and delete the adoption by reference of RCW 9A.36.040, Simple Assault.

Section 4. Statute. Section 9.40.020 of the Redmond Municipal Code is hereby amended to add the adoption by reference of the following state statute: RCW 9A.76.020, Obstructing a Law Enforcement Officer, as amended by Chapter 196, Laws of 1994.

Section 5. Repeal. Redmond Municipal Code 9.40.010, Obstructing Public Officers, is hereby repealed.

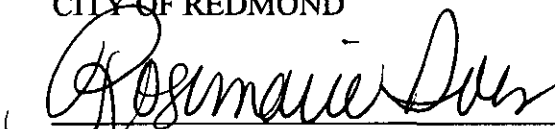
Section 6. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other sections, sentence, clause or phrase of this ordinance.

Section 7. Procedure. Incident to the adoption by reference of certain state laws contained in the Revised Code of Washington, one copy of the text of the statute adopted by reference in this ordinance shall be filed with the City Clerk as required by RCW 35A.12.140 for use and examination by the public.

Section 8. Effective Date. This ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

PASSED by the City Council of the City of Redmond this 21st day of June, 1994.

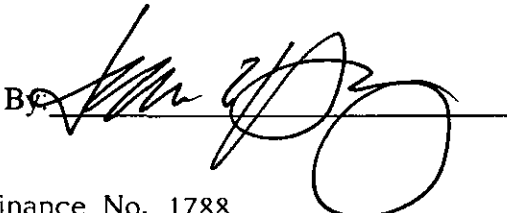
CITY OF REDMOND


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By 

Ordinance No. 1788

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO: 1788

June 16, 1994
June 21, 1994
June 21, 1994
June 29, 1994
July 4, 1994

Not only does citizen have right to resist unlawful arrest so long as that resistance is reasonable in light of all circumstances, but if police officer's actions in arresting defendant are unlawful, defendant cannot be convicted of third-degree assault, which requires intent to prevent or resist lawful apprehension or detention. *State v. Johnson* (1981) 29 Wash.App. 307, 628 P.2d 479.

12. Presumptions and burden of proof
State must establish that officer's action in apprehending or detaining the defendant was lawful in order to establish offense of third-degree assault. *State v. Hoffman* (1983) 35 Wash.App. 13, 664 P.2d 1259.

9A.36.040. Simple assault

Text effective until July 1, 1988

(1) Every person who shall commit an assault or an assault and battery not amounting to assault in either the first, second, or third degree shall be guilty of simple assault.

(2) Simple assault is a gross misdemeanor.

Enacted by Laws 1975, 1st Ex.Sess., ch. 260, § 9A.36.040. Amended by Laws 1984, ch. 263, § 18, eff. Sept. 1, 1984; Laws 1985, ch. 303, § 8.

For text effective July 1, 1988, see § 9A.36.041, post

Historical Note

Laws 1984, ch. 263, § 18, added sub. 1, 1988, by Laws 1987, ch. 324, § 3, sec. (3), which read:

"Every person convicted of three of the following offenses under this section against a family or household member as defined in RCW 10.99.020 is guilty of a class C felony."
 Laws 1985, ch. 303, § 8, deleted former subsec. (3).
 Source: Laws 1854, p. 79, § 26; Laws 1869, p. 202, § 26; Laws 1873, p. 185, § 28; Code 1881, § 103.

This section is repealed effective July 1, 1988, by Laws 1986, ch. 257, § 9. The effective date of the repeal was original.
 Laws 1909, ch. 249, §§ 155 to 157, RRS §§ 2407 to 2409, Former §§ 9.65.010, 9.65.020, 9.65.030.

9A.36.041. Assault in the fourth degree

Text effective July 1, 1988

(1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, or custodial assault, he or she assaults another.

(2) Assault in the fourth degree is a gross misdemeanor.

Enacted by Laws 1986, ch. 257, § 7, eff. July 1, 1988.¹ Amended by Laws 1987, ch. 188, § 2, eff. July 1, 1987.

¹ Changed from July 1, 1987, by Laws 1987, ch. 324, § 3.

For text effective until July 1, 1988, see § 9A.36.040, ante

Laws 1987, ch. 188, § 2, in subsec. (1), inserted "or custodial assault".
 Effective date—Laws 1986, ch. 257, §§ 3 through 10; See Historical Note following § 9A.04.110.

Effective date—Laws 1987, ch. 188; See Historical Note following § 9A.36.100.

Severability—Laws 1986, ch. 257; See Historical Note following § 9A.56.010.

Source: Laws 1854, p. 79, § 26.

Historical Note

Laws 1869, p. 202, § 26; Laws 1873, p. 185, § 28; Code 1881, § 103.

Laws 1909, ch. 249, §§ 155 to 157, RRS §§ 2407 to 2409, Former §§ 9.65.010, 9.65.020, 9.65.030.

Laws 1975, 1st Ex.Sess., ch. 260, § 9A.36.040.
 Former § 9A.36.040.
 Laws 1984, ch. 263, § 18.
 Laws 1985, ch. 303, § 8.

Cross References

Domestic violence prevention, see ch. 26.50.

Library References

Jury instructions, simple assault, see Wash.Prac. vol. 11, WPIIC 35.25, 35-26.

WESTLAW Electronic Research

See WESTLAW guide following the Preface of this volume.

Notes of Decisions

Elements of offense 1
 Included offenses 2
 Interfering with law officer 4
 Mental state 3
 Motor vehicles 6
 Resisting arrest 5

Bower (1981) 28 Wash.App. 704, 626 P.2d 39.

3. Mental state

Defendant could not be found guilty in a bench trial of crimes of simple assault and attempted robbery because he unlawfully struck and kicked another and because he unlawfully attempted to take personal property of another against her will and by use or threatened use of force to her person, without a finding as to whether defendant had the intent to commit the crimes. *State v. Jones* (1983) 34 Wash.App. 848, 664 P.2d 12.

Intent is an element of the crime of simple assault. *State v. Jones* (1983) 34 Wash.App. 848, 664 P.2d 12.

2. Included offenses

Elements of reckless endangerment are not necessarily included in offense of third-degree assault; thus, defendant was not entitled to jury instruction pertaining to reckless endangerment as a lesser included offense of third-degree assault. *State v. Tucker* (1987) 46 Wash.App. 642, 731 P.2d 1154.

Simple assault is not a lesser included offense of preventing a prison guard from performing his duties. *State v. [Name]*

conditions under which juveniles may be present on the public streets, in the public parks, or in any other public place during specified hours.

(2) The ordinance shall not contain any criminal sanctions for a violation of the ordinance.

Sec. 505. RCW 13.32A.050 and 1990 c 276 s 5 are each amended to read as follows:

A law enforcement officer shall take a child into custody:

- (1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or
- (2) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter.

Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty-four hours.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored under RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060.

Sec. 506. RCW 13.32A.060 and 1985 c 257 s 8 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050 (1) or (2) shall inform the child of the reason for such custody and shall either:

- (a) Transport the child to his or her home. The officer releasing a child into the custody of the parent shall inform the parent of the reason for the taking of the child into custody and shall inform the child and the parent of the nature and location of appropriate services available in their community; or
- (b) Take the child to the home of an adult extended family member, a designated crisis residential center, or the home of a responsible adult after attempting to notify the parent or legal guardian.

(1) If the child (~~experiences~~) expresses fear or distress at the prospect of being returned to his or her home (~~or~~) which leads the officer to believe there is a possibility that the child is experiencing in the home some type of child abuse or neglect, as defined in RCW 26.44.020, as now law or hereafter amended; or

~~((iii))~~ (ii) If it is not practical to transport the child to his or her home; or ~~((iv))~~ (iii) If there is no parent available to accept custody of the child.

The officer releasing a child into the custody of an extended family member or a responsible adult shall inform the child and the extended family member or responsible adult of the nature and location of appropriate services available in the community.

(2) An officer taking a child into custody under RCW 13.32A.050 (3) or (4) shall inform the child of the reason for custody, and shall take the child to a designated crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. However, an officer taking a child into custody under RCW 13.32A.050(4) may place the child in a juvenile detention facility as provided in RCW 13.32A.065. The department shall ensure that all the enforcement authorities are informed on a regular basis as to the location of the designated crisis residential center or centers in their judicial district, where children taken into custody under RCW 13.32A.050 may be taken.

(3) "Extended family members" means a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

Sec. 507. RCW 13.32A.080 and 1981 c 298 s 6 are each amended to read as follows:

(1)(a) A person commits the crime of unlawful harboring of a minor if the person provides shelter to a minor without the consent of a parent of the minor and after the person knows that the minor is away from the home of the parent, without the parent's permission, and if the person intentionally:

- (i) Fails to release the minor to a law enforcement officer after being requested to do so by the officer; or
- (ii) Fails to disclose the location of the minor to a law enforcement officer after being requested to do so by the officer, if the person knows the location of the minor and had either taken the minor to that location or had assisted the minor in reaching that location; or
- (iii) Obstructs a law enforcement officer from taking the minor into custody; or
- (iv) Assists the minor in avoiding or attempting to avoid the custody of the law enforcement officer.

(b) It is a defense to a prosecution under this section that the defendant had custody of the minor pursuant to a court order.

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(2) Harboring a minor is punishable as a gross misdemeanor ~~((if the offender has not been previously convicted under this section and a gross misdemeanor if the offender has been previously convicted under this section)).~~

(3) Any person who provides shelter to a child, absent from home, may notify the department's local community service office of the child's presence.

(4) An adult responsible for involving a child in the commission of an offense may be prosecuted under existing criminal statutes including, but not limited to:

(a) Distribution of a controlled substance to a minor, as defined in RCW 69.50.406;

(b) Promoting prostitution as defined in chapter 9A.88 RCW; and

(c) Complicity of the adult in the crime of a minor, under RCW 9A.08.020.

Sec. 508. RCW 13.32A.130 and 1992 c 205 s 206 are each amended to read as follows:

A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in ~~((see))~~ the placement under the rules ~~((and regulations))~~ established for the center for a period not to exceed five consecutive days from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make a concerted effort to achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; and (3) the right to request a review of any alternative residential placement ~~((PROVIDED, That))~~. At no time shall information regarding a parent's or child's rights be withheld if requested ~~((PROVIDED FURTHER, That))~~. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating ~~((see))~~ the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of ~~((see))~~ the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of ~~((see))~~ the statement.

NEW SECTION. Sec. 509. A new section is added to chapter 43.101 RCW to read as follows:

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[2270]

The criminal justice training commission shall ensure that every law enforcement agency in the state has an accurate and up-to-date policy manual describing the statutes relating to juvenile runaways.
Sec. 510. RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XV Aggravated Murder 1 (RCW 10.95.020)
- XIV Murder 1 (RCW 9A.32.030)
Homicide by abuse (RCW 9A.32.055)
- XIII Murder 2 (RCW 9A.32.050)
- XII Assault 1 (RCW 9A.36.011)
Assault of a Child 1 (RCW 9A.36.120)
- XI Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)
Kidnapping 1 (RCW 9A.40.020)
Rape 2 (RCW 9A.44.050)
- X Rape of a Child 2 (RCW 9A.44.076)
Child Molestation 1 (RCW 9A.44.083)
Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
- IX Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
Leading Organized Crime (RCW 9A.82.060(1)(a))
Assault of a Child 2 (RCW 9A.36.130)
Robbery 1 (RCW 9A.56.200)
Manslaughter 1 (RCW 9A.32.060)
Explosive devices prohibited (RCW 70.74.180)
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Endangering life and property by explosives with threat to human being (RCW 70.74.270)
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

[2271]

Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling and suffering related to the offense. The amount of restitution shall not exceed reasonably the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years ~~((subsequent to the imposition of sentence))~~ following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim survivors of the victim, or defendant.

(5) This section shall apply to offenses committed after July 1, 1985.

PART VII - BAIL JUMPING
 NEW SECTION. Sec. 701. RCW 10.19.130 and 1975 1st ex.s. c 2 s 1 are each repealed.

PART VIII - STALKING
 Sec. 801. RCW 9A.46.110 and 1992 c 186 s 1 are each amended to read as follows:

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person ~~((to that person's home, school, place of employment, business, or any other location or follows the person while the person is in transit between locations))~~; and

(b) The person being harassed or followed is ~~((intimidated, harassed, or))~~ placed in fear that the stalker intends to injure the person, another person, or property of the person ~~((being followed))~~ or of another person. The feeling of fear ~~((intimidation or harassment))~~ must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person ~~((being followed))~~; or

(ii) Knows or reasonably should know that the person ~~((being followed))~~ is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person ~~((being followed))~~ did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person ~~((being followed))~~.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private detective acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person.

(5) A person who stalks another person is guilty of a gross misdemeanor except that the person is guilty of a class C felony if any of the following applies: (a) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a ~~((no-contact-order or no-harassment))~~ protective order; (b) the ~~((person))~~ stalking violates ~~((a court))~~ any protective order ~~((issued pursuant to RCW 9A.46.044))~~; protecting the person being stalked; ~~((or))~~ (c) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (d) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.125, while stalking the person; (e) the stalker's victim is or was a law enforcement officer, judge, juror, attorney, victim

advocate, legislator, or community correction's officer, and the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (f) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(b) "Harasses" means unlawful harassment as defined in RCW 10.14.020.

(c) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

(d) "Repeatedly" means on two or more separate occasions.

Sec. 802. RCW 9A.46.060 and 1992 c 186 s 4 and 1992 c 145 s 12 are each reenacted and amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment in the second degree (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);
- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);
- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);
- (21) Kidnapping in the second degree (RCW 9A.40.030);

- (22) Unlawful imprisonment (RCW 9A.40.040);
- (23) Rape in the first degree (RCW 9A.44.040);
- (24) Rape in the second degree (RCW 9A.44.050);
- (25) Rape in the third degree (RCW 9A.44.060);
- (26) Indecent liberties (RCW 9A.44.100);
- (27) Rape of a child in the first degree (RCW 9A.44.073);
- (28) Rape of a child in the second degree (RCW 9A.44.076);
- (29) Rape of a child in the third degree (RCW 9A.44.079);
- (30) Child molestation in the first degree (RCW 9A.44.083);
- (31) Child molestation in the second degree (RCW 9A.44.086);
- (32) Child molestation in the third degree (RCW 9A.44.089); ((and))
- (33) Stalking (RCW 9A.46.110); and
- (34) Violation of a temporary or permanent protective order issued pursuant to chapter 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW.

Sec. 803. RCW 13.40.020 and 1993 c 373 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

- (a) A class A felony, or an attempt to commit a class A felony;
- (b) Manslaughter in the first degree; or
- (c) Assault in the second degree; extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (4) Community-based sanctions may include one or more of the following:
 - (a) A fine, not to exceed one hundred dollars;
 - (b) Community service not to exceed one hundred fifty hours of service;

CHAPTER 196

(Substitute Senate Bill 61381)

OBSTRUCTING A LAW ENFORCEMENT OFFICER

AN ACT Relating to obstructing a law enforcement officer; amending RCW 9A.76.020; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 9A.76.020 and 1975 1st ex. s. c 260 s 9A.76.020 are each amended to read as follows:

~~(Every person who (1) without lawful excuse shall refuse or knowingly fail to make or furnish any statement, report, or information lawfully required of him by a public servant or (2) in any such statement or report shall make any knowingly untrue statement to a public servant or (3) shall knowingly hinder, delay, or obstruct any public servant in the discharge of his official powers or duties, shall be guilty of a misdemeanor.)~~

~~(1) A person is guilty of obstructing a law enforcement officer if the person: (a) Willfully makes a false or misleading statement to a law enforcement officer who has detained the person during the course of a lawful investigation or lawful arrest; or~~

~~(b) Willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.~~

~~(2) "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW 10.93.020, and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.~~

~~(3) Obstructing a law enforcement officer is a gross misdemeanor.~~

Passed the Senate March 8, 1994.

Passed the House March 3, 1994.

Approved by the Governor March 30, 1994.

Filed in Office of Secretary of State March 30, 1994.

CHAPTER 197

(Substitute Senate Bill 6143)

STATE RETIREMENT SYSTEMS—MEMBERSHIP SERVICE CREDIT

FOR PRIOR SERVICE—ESTABLISHMENT OR RESTORATION

AN ACT Relating to establishing membership service credit for prior service rendered or restoring membership service credit represented by withdrawn contributions; amending RCW 41.26.170, 41.26.192, 41.26.194, 41.26.425, 41.26.528, 41.26.550, 41.32.010, 41.32.025, 41.32.240, 41.32.310, 41.32.498, 41.32.500, 41.32.510, 41.32.762, 41.32.810, 41.32.812, 41.32.825, 41.40.010, 41.40.023, 41.40.058, 41.40.150, 41.40.026, 41.40.710, 41.40.740, 41.50.010, 41.50.160, 41.54.020, 43.43.130, 43.43.260, and 43.43.280; repealing and amending RCW 41.26.030; adding new sections to chapter 41.50 RCW; creating new sections; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

~~NEW SECTION. Sec. 1. (1) This act removes the time limitations within the state's retirement systems for:~~

~~(a) The restoration of service credit represented by employee contributions withdrawn by a member of a state's retirement systems; or~~

~~(b) The crediting of certain service that, under the provisions of the system, was not creditable at the time it was performed, such as a probationary period or interrupted military service.~~

~~(2) This act expands the current procedures for establishing service credit previously earned, restoring withdrawn contributions, or repaying lump sums received in lieu of a benefit. In so doing, it allows the member of one of the state's retirement systems to obtain additional service credit by paying the value of this added benefit that was previously unavailable.~~

~~NEW SECTION. Sec. 2. A new section is added to chapter 41.50 RCW to read as follows:~~

~~(1) Except for those affected by subsection (4) of this section, a member of a retirement system specified by RCW 41.50.030 or, one previously established by the state but closed to new membership, may, as provided in each retirement system:~~

~~(a) Establish allowable membership service not previously credited;~~

~~(b) Restore all or a part of that previously credited membership service represented by withdrawn contributions; or~~

~~(c) Restore service credit represented by a lump sum payment in lieu of benefits.~~

~~(2) Persons who previously have failed to:~~

~~(a) Establish service credit for service previously earned; or~~

~~(b) Reestablish service credit by the restoration of withdrawn contributions or repayment of a lump sum payment in lieu of a benefit, may now establish or reestablish such service credit by paying the actuarial value of the resulting increase in their benefit in a manner defined by the department.~~

~~(3) Any establishment of service credit for service previously rendered, restoration of service credit destroyed, or repayment of a lump sum received in lieu of benefit must be completed prior to retirement.~~

~~(4) Service credit is established for or restored to the period in which the service credit is earned.~~

~~NEW SECTION. Sec. 3. A new section is added to chapter 41.50 RCW to read as follows:~~

~~Upon termination for reasons other than retirement, the department shall inform a member withdrawing his or her contributions, and the member shall acknowledge in writing, of the right to restore such contributions upon reestablishment of membership in the respective retirement system and the requirements involved in such restoration.~~

~~NEW SECTION. Sec. 4. A new section is added to chapter 41.50 RCW to read as follows:~~