

ORDINANCE NO. 1895

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING REDMOND MUNICIPAL CODE SECTION 9.34.010, ADOPTING WASHINGTON LAWS OF 1996, CHAPTER 248 SECTION 3, INTERFERING WITH THE REPORTING OF DOMESTIC VIOLENCE; CONTAINING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Redmond wishes to adopt Washington Laws of 1996, Chapter 248 Section 3, Interfering With the Reporting of Domestic Violence, and

WHEREAS, the City Council, after reviewing the state statute, has found that this proposed ordinance serves the best interests of the City of Redmond and its citizens and has recommended its adoption, and NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adopt state statute. The following statute of the state of Washington, including any future amendments and additions thereto, and repeals thereof is adopted by reference:

Laws of 1996, Chapter 248, Section 3	Interfering with the Reporting of Domestic Violence
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Section 2. Amend. Redmond Municipal Code section 9.34.010 is hereby amended to read as follows:

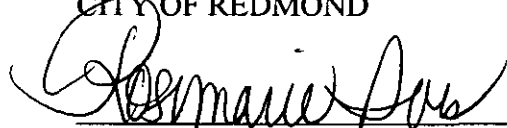
9.34.010 Assault and other crimes involving harm to persons. The following statutes of the state of Washington, including all future amendments and additions thereto, and repeals thereof, are adopted by reference:

RCW 9A.36.041	Assault in the Fourth Degree
RCW 9A.36.050	Reckless Endangerment in the Second Degree

RCW 9A.36.070 Coercion
Laws of 1996, Chapter 248, Section 3
Interfering with the Reporting of Domestic Violence
RCW 9.61.230 Telephone Harassment

Section 3. 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 or constitutionality of any other section, sentence, clause or phrase of this ordinance.

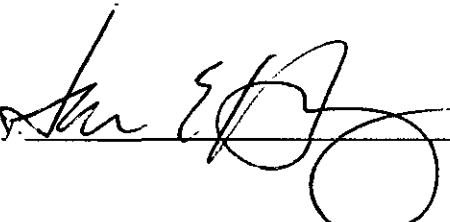
Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

CITY OF REDMOND

MAYOR, ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	June 25, 1996
PASSED BY THE CITY COUNCIL:	July 2, 1996
PUBLISHED:	July 10, 1996
EFFECTIVE DATE:	July 15, 1996
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(b) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is operating or is in control of a vehicle that is owned or operated by the transit company and that is occupied by one or more passengers; or

(c) Assaults a school bus driver employed by a school district or a private company under contract for transportation services with a school district while the driver is operating or is in control of a school bus that is occupied by one or more passengers; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a fire fighter or other employee of a fire department or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault.

(2) Assault in the third degree is a class C felony.

[1990 c 236 § 1; 1989 c 169 § 1; 1988 c 158 § 3; 1986 c 257 § 6.]

NOTES:

Effective date—1988 c 158: See note following RCW 9A.04.110.

Severability—1986 c 257: See note following RCW 9A.56.010.

Effective date—1986 c 257 §§ 3-10: See note following RCW 9A.04.110.

RCW 9A.36.041 Assault in the fourth degree.

(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.

[1987 c 188 § 2; 1986 c 257 § 7.]

NOTES:

Effective date—1986 c 257 §§ 3-10: See note following RCW 9A.04.110.

Effective date—1987 c 188: See note following RCW 9A.36.100.

Severability—1986 c 257: See note following RCW 9A.56.010.

RCW 9A.36.045 Reckless endangerment in the first degree.

(1) A person is guilty of reckless endangerment in the first degree when he or she recklessly discharges a firearm as defined in RCW 9.41.010 in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge.

(2) A person who unlawfully discharges a firearm from a moving motor vehicle may be inferred to have engaged in reckless conduct, unless the discharge is shown by evidence satisfactory to the trier of fact to have been made without such recklessness.

(3) Reckless endangerment in the first degree is a class B felony.

[1995 c 129 § 8 (Initiative Measure No. 159); (1994 sp.s. c 7 § 511 repealed by 1995 c 129 § 19 (Initiative Measure No. 159)); 1989 c 271 § 109.]

NOTES:

Findings and intent—Short title—Severability—Captions not law—1995 c 129 (Initiative Measure No. 159): See notes following RCW 9A.94A.310.

Finding—Intent—Severability—Effective dates—Contingent expiration date—1994 sp.s. c 7: See notes following RCW 43.70.540.

Finding—Intent—1989 c 271 §§ 102, 109, and 110: See note following RCW 9A.36.050.

Application—1989 c 271 §§ 101-111: See note following RCW 9.94A.310.

Severability—1989 c 271: See note following RCW 9.94A.310.

RCW 9A.36.050 Reckless endangerment in the second degree.

(1) A person is guilty of reckless endangerment in the second degree when he recklessly engages in conduct not amounting to reckless endangerment in the first degree but which creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment in the second degree is a gross misdemeanor.

[1989 c 271 § 110; 1975 1st ex. s. c 260 § 9A.36.050.]

NOTES:

Finding—Intent—1989 c 271 §§ 102, 109, and 110: "The legislature finds that increased trafficking in illegal drugs has increased the likelihood of "drive-by shootings." It is the intent of the legislature in sections 102, 109, and 110 of this act to categorize such reckless and criminal activity into a separate crime and to provide for an appropriate punishment." [1989 c 271 § 108.]

"Sections 102, 109, and 110 of this act" consist of the enactment of RCW 9A.36.045 and the 1989 c 271 amendments to RCW 9.94A.320 and 9A.36.050.

Application—1989 c 271 §§ 101-111: See note following RCW 9.94A.310.

Severability—1989 c 271: See note following RCW 9.94A.310.

RCW 9A.36.060 Promoting a suicide attempt.

(1) A person is guilty of promoting a suicide attempt when he knowingly causes or aids another person to attempt suicide.

(2) Promoting a suicide attempt is a class C felony.

[1975 1st ex.s. c 260 § 9A.36.060.]

RCW 9A.36.070 Coercion.

(1) A person is guilty of coercion if by use of a threat he compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he has a legal right to engage in.

(2) "Threat" as used in this section means:

(a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) Threats as defined in RCW 9A.04.110(25)(a), (b), or (c).

(3) Coercion is a gross misdemeanor.

[1975 1st ex.s. c 260 § 9A.36.070.]

RCW 9A.36.078 Malicious harassment—Finding.

The legislature finds that crimes and threats against persons because of their race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicaps are serious and increasing. The legislature also finds that crimes and threats are often directed against interracial couples and their children or couples of mixed religions, colors, ancestries, or national origins because of bias and bigotry against the race, color, religion, ancestry, or national origin of one person in the couple or family. The legislature finds that the state interest in preventing crimes and threats motivated by bigotry and bias goes beyond the state interest in preventing other felonies or misdemeanors such as criminal trespass, malicious mischief, assault, or other crimes that are not motivated by hatred, bigotry, and bias, and that prosecution of those other crimes inadequately protects citizens from crimes and threats motivated by bigotry and bias. Therefore, the legislature finds that protection of those citizens from threats of harm due to bias and bigotry is a compelling state interest.

The legislature also finds that in many cases, certain discrete words or symbols are used to threaten the victims. Those discrete words or symbols have historically or traditionally been used to connote hatred or threats towards members of the class of which the victim or a member of the victim's family or household is a member. In particular, the legislature finds that cross burnings historically and traditionally have been used to threaten, terrorize, intimidate, and harass African Americans and their families. Cross burnings often preceded lynchings, murders, burning of homes, and other acts of terror. Further, Nazi swastikas historically and traditionally have been used to threaten, terrorize, intimidate, and harass Jewish people and their families. Swastikas symbolize the massive destruction of the Jewish population, commonly known as the holocaust. Therefore, the legislature finds that any person who burns or attempts to burn a cross or displays a swastika on the property of the victim or burns a cross or displays a swastika as part of a series of acts directed towards a particular person, the person's family or household members, or a particular group, knows or reasonably should know that the cross burning or swastika may create a reasonable fear of harm in the mind of the person, the person's family and household members, or the group.

The legislature also finds that a hate crime committed against a victim because of the victim's gender may be identified in the same manner that a hate crime committed against a victim of another protected group is identified. Affirmative indications of hatred towards gender as a class is the predominant factor to consider. Other factors to consider include the perpetrator's use of language, slurs, or symbols expressing hatred towards the victim's gender as a class; the severity of the attack including mutilation of the victim's sexual organs; a history of similar attacks against victims of the same gender by the perpetrator or a history of similar incidents in the same area; a lack of provocation; an absence of any other apparent motivation; and common sense.

[1993 c 127 § 1.]

NOTES:

Severability—1993 c 127: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 127 § 7.]

RCW 9A.36.080 Malicious harassment—Definition and criminal penalty.

(1) A person is guilty of malicious harassment if he or she maliciously and intentionally

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RCW 9.61.230 Telephone harassment.

Every person who, with intent to harass, intimidate, torment or embarrass any other person, shall make a telephone call to such other person:

(1) Using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; or

(2) Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or

(3) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household; shall be guilty of a gross misdemeanor, except that the person is guilty of a class C felony if either of the following applies:

(a) That person has previously been convicted of any crime of harassment, as defined in RCW 9A.46.060, with the same victim or member of the victim's family or household or any person specifically named in a no-contact or no-harassment order in this or any other state; or

(b) That person harasses another person under subsection (3) of this section by threatening to kill the person threatened or any other person.

[1992 c 186 § 6; 1985 c 288 § 11; 1967 c 16 § 1.]

NOTES:

Severability—1992 c 186: See note following RCW 9A.46.110.

Effective date—Severability—1985 c 288: See RCW 9A.46.905 and 9A.46.910.

Severability—1967 c 16: "If any portion of this act is held to be unconstitutional or void, such decision shall not affect the validity of the remaining parts of this act." [1967 c 16 § 4.]

Communicating with child for immoral purposes: RCW 9.68A.090.

Interference with telephone message: RCW 9A.48.070, 9A.48.080.

RCW 9.61.240 Telephone harassment—Permitting telephone to be used.

Any person who knowingly permits any telephone under his control to be used for any purpose prohibited by RCW 9.61.230 shall be guilty of a misdemeanor.

[1967 c 16 § 2.]

RCW 9.61.250 Telephone harassment—Offense, where deemed committed.

Any offense committed by use of a telephone as set forth in RCW 9.61.230 may be deemed to have been committed either at the place from which the telephone call or calls were

made or at the place where the telephone call or calls were received.

[1967 c 16 § 3.]

Chapter 9.62 RCW

MALICIOUS PROSECUTION—ABUSE OF PROCESS

Sections

9.62.010 Malicious prosecution.

9.62.020 Instituting suit in name of another.

RCW 9.62.010 Malicious prosecution.

Every person who shall, maliciously and without probable cause therefor, cause or attempt to cause another to be arrested or proceeded against for any crime of which he or she is innocent:

(1) If such crime be a felony, shall be punished by imprisonment in a state correctional facility for not more than five years; and

(2) If such crime be a gross misdemeanor or misdemeanor, shall be guilty of a misdemeanor.

[1992 c 7 § 15; 1909 c 249 § 117; Code 1881 § 899; 1873 p 203 § 98; 1854 p 92 § 89; RRS § 2369.]

RCW 9.62.020 Instituting suit in name of another.

Every person who shall institute or prosecute any action or other proceeding in the name of another, without his consent and contrary to law, shall be guilty of a gross misdemeanor.

[1909 c 249 § 124; RRS § 2376.]

Chapter 9.66 RCW

NUISANCE

Sections

9.66.010 Public nuisance.

9.66.020 Unequal damage.

9.66.030 Maintaining or permitting nuisance.

9.66.040 Abatement of nuisance.

9.66.050 Deposit of unwholesome substance.

NOTES:

Cemeteries established illegally: RCW 68.56.040.

Furnishing impure water: RCW 70.54.020.

Malicious mischief—Injury to property: Chapters 9.61, 9A.48 RCW.

Mausoleums and columbariums constructed illegally: RCW 68.28.060.

Nuisances: Chapter 7.48 RCW.

Poisoning food or water: RCW 69.40.030.

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