

Ordinance No. 122781

Council Bill No. 116222

AN ORDINANCE relating to the City's Criminal code; amending, adding and repealing various sections and subsections in chapters 12A.02, 12A.04, 12A.06, 12A.08, 12A.10, 12A.16, 12A.18, 12A.24, 15.48, 16.20, 18.12 and 21.36 of the Seattle Municipal Code to conform with changes in State Law.

CF No. _____

Date Introduced:	5.27.08		
Date 1st Referred:	To: Public Safety, Human Services & Education (PSHSE)		
Date Re - Referred:	To: (committee)		
Date Re - Referred:	To: (committee)		
Date of Final Passage:	Full Council Vote:		
9-15-08	8-0		
Date Presented to Mayor:	Date Approved:		
9-16-08	9.25.08		
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/>	
9.26.08	14	F.T. <input checked="" type="checkbox"/>	
Date Vetoed by Mayor:	Date Veto Published:		
Date Passed Over Veto:	Veto Sustained:		

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Councilmember

Committee Action:

MSP Ordinance with amendments 2-0-0 TB, BH

9-15-08 Passed 8-0 (Excused: Drago)

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

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ORDINANCE 122789

AN ORDINANCE relating to the City's Criminal code; amending, adding and repealing various sections and subsections in chapters 12A.02, 12A.04, 12A.06, 12A.08, 12A.10, 12A.16, 12A.18, 12A.24, 15.48, 16.20, 18.12 and 21.36 of the Seattle Municipal Code to conform with changes in State Law.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.02.085 of the Seattle Municipal Code and the title of that section are amended as follows:

12A.02.085 Failure ((to sign or failure)) to respond to notice of civil infraction.

A person who, after receiving a notice of civil infraction that includes a statement of the options provided in RCW Chapter 7.80 for responding to the notice and the procedures necessary for exercising these options, knowingly fails to exercise one of the options within fifteen (15) days of the date of the notice is guilty of a misdemeanor regardless of the disposition of the notice.

~~((A. A person who wilfully fails to sign a notice of civil infraction is guilty of a misdemeanor.~~

~~B. A person who wilfully violates his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor.))~~

A ~~((written promise to appear in court or a written promise to respond to a))~~ notice of civil infraction may be complied with by an appearance by counsel.

Section 2. Subsection C of section 12A.04.200 of the Seattle Municipal Code is amended as follows:

12A.04.200 Use of force – when lawful.

The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases:

* * *

1 C. Whenever used by a party about to be injured, or by another lawfully aiding him/her, in
2 preventing or attempting to prevent an offense against his person, or a malicious ((~~criminal~~)) trespass, or
3 other malicious interference with real or personal property lawfully in his/her possession, in which case
4 the force is not more than necessary;

* * *

6 Section 3. Subsection F of section 12A.06.035 of the Seattle Municipal Code is amended as
7 follows:

9 **12A.06.035 Stalking.**

* * *

11 F. Stalking is a gross misdemeanor. Every person convicted of Stalking shall have a biological
12 sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754.

13 Section 4. Section 12A.06.040 of the Seattle Municipal Code is amended to add subsection E as
14 follows:

15 **12A.06.040 Harassment.**

* * *

17 E. Every person convicted of Harassment shall have a biological sample collected for purposes
18 of DNA identification analysis, as provided in RCW 43.43.754.

19 Section 5. Chapter 12A.06 of the Seattle Municipal Code is amended to add the following
20 section:

22 **12A.06.045 Cyberstalking.**

1 A. A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or
2 embarrass any other person, and under circumstances not constituting telephone harassment, makes an
3 electronic communication to such other person or a third party:

4 1. Using any lewd, lascivious, indecent, or obscene words, images, or language, or
5 suggesting the commission of any lewd or lascivious act;

6 2. Anonymously or repeatedly whether or not conversation occurs; or

7 3. Threatening to inflict injury on the person or property of the person called or any
8 member of his or her family or household.

9 B. Cyberstalking is a gross misdemeanor.

10 C. For purposes of this section, "electronic communication" means the transmission of
11 information by wire, radio, optical cable, electromagnetic, or other similar means and includes, but is not
12 limited to, electronic mail, internet based communications, pager service, and electronic text messaging.

13 Section 6. Chapter 12A.06 of the Seattle Municipal Code is amended to add the following
14 section:

15 **12A.06.070 Failing to summon assistance.**

16 A. A person is guilty of failing to summon assistance when:

- 17 1. He or she was present when a crime was committed against another person;
18 2. He or she knows that the other person has suffered substantial bodily harm as a result
19 of the crime committed against the other person and that the other person is in need of assistance;
20 3. He or she could reasonably summon assistance for the person in need without danger
21 to himself or herself and without interference with an important duty owed to a third party;
22 4. He or she fails to summon assistance for the person in need; and
23
24

5. Another person is not summoning or has not summoned assistance for the person in need of such assistance.

B. Failing to summon assistance is a misdemeanor.

Section 7. Subsections A, C and D of Section 12A.06.180 of the Seattle Municipal Code are amended as follows:

12A.06.180 Violation – Penalty – Contempt.

A. Whenever an order is granted under this chapter, RCW Chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or there is a valid foreign protection order as defined in RCW 26.52.020 and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor:

1. the restraint provisions prohibiting acts or threats of violence against or stalking of a protected party or restraint provisions prohibiting contact with a protected party;

2. ~~((, or of))~~ a provision excluding the person from a residence, workplace, school, or day care;

3. ~~((, or of))~~ a provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location; or

4. ~~((, or of))~~ a provision of a foreign protection order specifically indicating that a violation will be a crime ~~((is a gross misdemeanor))~~.

Upon conviction, and in addition to any other penalties provided by law, the court may require that the convicted person submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring shall be performed. The court may require that the convicted person pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

* * *

1 C. A violation of an order issued under this chapter, RCW Chapter 7.90, 10.99, 26.09, 26.10,
2 26.26, 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or
3 of a valid foreign protection order as defined in RCW 26.52.020 shall also constitute contempt of court,
4 and is subject to the penalties prescribed by law.

5 D. Upon the filing of an affidavit by the petitioner or any peace officer alleging that the
6 respondent has violated an order issued under this chapter, RCW Chapter 7.90, 10.99, 26.09, 26.10,
7 26.26, 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or a
8 valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the
9 respondent, requiring the respondent to appear and show cause within fourteen (14) days why the
10 respondent should not be found in contempt of court and punished accordingly.
11

12 * * *

13 Section 8. Subsections A and E of Section 12A.08.010 of the Seattle Municipal Code are
14 amended as follows:

15 **12A.08.010 Definitions.**

16 A. "Building," in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle,
17 railway car, cargo container, or any other structure used for lodging of persons or for carrying on
18 business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two (2) or
19 more units separately secured or occupied shall be treated as:

- 20 1. A single building in Section 12A.08.030; and
- 21 2. A separate building in Section 12A.08.040.

22 * * *

E. "Enters or Remains Unlawfully." A person "enters or remains unlawfully" in or upon premises when he or she is not then licensed, invited, or otherwise privileged to so enter or remain.

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him or her by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner. Land that is used for commercial aquaculture or for growing an agricultural crop or crops, other than timber, is not unimproved and apparently unused land if a crop or any other sign of cultivation is clearly visible or if notice is given by posting in a conspicuous manner. Similarly, a field fenced in any manner is not unimproved and apparently unused land. A license or privilege to enter or remain on improved and apparently used land that is open to the public at particular times, which is neither fenced nor otherwise enclosed in a manner to exclude intruders, is not a license or privilege to enter or remain on the land at other times if notice of prohibited times of entry is posted in a conspicuous manner.

* * *

Section 9. Section 12A.08.130 of the Seattle Municipal Code is amended as follows:

12A.08.130 Criminal impersonation.

A. A person is guilty of criminal impersonation if the person:

1. claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer; or

2. falsely assumes the identity of a veteran or active duty member of the armed forces of the United States with intent to defraud for the purpose of personal gain or to facilitate any unlawful activity.

B. Criminal impersonation is a gross misdemeanor.

~~((As used in this section "intent to defraud" means the use of deception in Section 12A.08.050 B with the intention to injure another's interest which has economic value.~~

~~B. A person is guilty of criminal impersonation if he:~~

~~1. Assumes a false identity and does an act in his assumed character with the intent to defraud another; or~~

~~2. Pretends to be a representative of some person or organization and does an act in his pretended capacity with the intent to defraud another.))~~

Section 10. Subsection D of section 12A.10.040 of the Seattle Municipal Code is amended as follows:

12A.10.040 Patronizing a Prostitute.

* * *

D. Patronizing a Prostitute is a misdemeanor. Every person convicted of Patronizing a Prostitute shall have a biological sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754.

* * *

Section 11. Section 12A.16.040 of the Seattle Municipal Code is amended as follows:

12A.16.040 False reporting.

A person is guilty of false reporting if he or she:

* * *



D. Gives false written or oral identification to a Seattle Police officer when such officer is
1 investigating a crime or possible crime, executing a search or arrest warrant, issuing a citation or notice
2 of infraction or making an arrest, knowing that such identification is false.

3 Section 12. Subsection B of section 12A.16.060 of the Seattle Municipal Code is amended as
4 follows:

5 **12A.16.060 Unlawful interference with a police dog or horse.**

6 * * *

7
8 B. A person commits the crime of unlawful interference with a police dog or horse if, acting
9 without the permission of the police department or other agency or person owning the police dog or
10 horse, he or she intentionally provokes ((:

11 ~~1. Injures or kills any police horse; or~~

12 ~~2. Provokes))~~ with the intent to cause fear or anger, physically mistreats, or attempts to injure any
13 police dog or horse.

14 Section 13. Section 12A.18.010 of the Seattle Municipal Code is amended as follows:

15 **12A.18.010 Definitions.**

16 * * *

17 J. "Person who has assumed the responsibility to provide to a dependent person the basic
18 necessities of life" means a person other than:

19 1. A government agency that regularly provides assistance or services to dependent
20 persons, including but not limited to the Washington Department of Social and Health Services;
21 or

22 2. Any individual or group of individuals who:

23 i. is not related to the dependent person;
24

ii. voluntarily provides assistance or services of any type to the dependent person;

iii. is not paid, given gifts or made a beneficiary of any assets valued at five hundred dollars (\$500.00) or more, for any reason, by the dependent person, the dependent person's family or the dependent person's estate; and

iv. does not commit or attempt to commit any other crime against the dependent person or the dependent person's estate.

K. "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.

Section 14. Subsections A and C of section 12A.18.090 of the Seattle Municipal Code are amended as follows:

12A.18.090 Criminal mistreatment.

A. A person is guilty of criminal mistreatment in the first degree if he or she is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life or a person employed to provide to a child or dependent person the basic necessities of life and, with criminal negligence, either causes substantial bodily harm or creates an imminent and substantial risk of substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life.

* * *

C. A person is guilty of criminal mistreatment in the second degree if he or she is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life or a person employed to provide to the child or other dependent person the basic necessities of life and, with

criminal negligence, either causes bodily injury or extreme emotional distress manifested by more than transient physical symptoms or creates an imminent and substantial risk of bodily injury to a child or dependent person by withholding any of the basic necessities of life.

* * *

Section 15. Section 12A.24.150 of the Seattle Municipal Code is amended as follows:

12A.24.150 Classification and penalty.

A. An offense under Section ((Sections)) 12A.24.025 ((, 12A.24.050, 12A.24.110, 12A.24.120, or 12A.24.130)) ~~is designated a violation and punishment therefor shall be as provided in Section 12A.02.080. A violation of Section 12A.24.025 shall be deemed~~) is a class 3 civil infraction under RCW Chapter 7.80.

B. An offense under Sections 12A.24.080 and 12A.24.090 and Section 12A.24.100 A is designated a gross misdemeanor.

C. An offense under Sections 12A.24.110, 12A.24.120 and 12A.24.130 is a misdemeanor, except that for a violation of Section 12A.24.130 a minimum fine of Two Hundred Fifty Dollars (\$250.00) shall be imposed and any sentence requiring community service shall require not fewer than twenty-five (25) hours of such service.

D. Except as otherwise provided in this chapter, any person who violates any provision of this chapter shall be punished, upon the first such conviction, by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment for not more than two (2) months or by both such fine and imprisonment, upon a second such conviction, by imprisonment for not more than six (6) months and, upon a third or subsequent such conviction, by imprisonment for not more than one (1) year. If the person convicted is a corporation, it shall be punished by a fine of not more than Five Thousand Dollars (\$5,000).

Section 16. Subsection C of section 15.48.900 of the Seattle Municipal Code is amended as follows:

15.48.900 Civil penalty.

* * *

C. As contemplated by RCW 7.80.160, a person who, after receiving a notice of civil infraction that includes a statement of the options provided in RCW Chapter 7.80 for responding to the notice and the procedures necessary for exercising these options, knowingly fails to exercise one of the options within fifteen (15) days of the date of the notice (~~((fails to sign a notice of civil infraction or who willfully violates his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction))~~) is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction. A person who willfully fails to pay a monetary penalty or perform community service as ordered by a court may be found in contempt of court as provided in chapter 7.21 RCW.

* * *

Section 17. Section 16.20.220 of the Seattle Municipal Code is amended as follows:

16.20.220 Violation of Section 16.20.200 or 16.20.210 – Penalty.

A ((Anyone convicted of a)) violation of Section 16.20.200 or Section 16.20.210 is a class 2 civil infraction under RCW Chapter 7.80 (~~((shall be punished by a civil fine which shall not exceed the following amounts:~~

~~A. For the first violation, a fine of One Hundred Dollars (\$100) per vessel;~~

~~B. For the second violation, a fine of Two Hundred Dollars (\$200) per vessel; and~~

~~C. For the third and successive violations, a fine of Four Hundred Dollars (\$400) per vessel)).~~

(RCW 88.02.020 and 88.02.090)

Section 18. Section 18.12.255 of the Seattle Municipal Code is amended as follows:

18.12.255 Liquor offenses.

1 It is unlawful in a park to consume, or to possess an open container holding, or to open a
2 container holding (~~(-an)~~) liquor as defined in Subsection ((SMC Section)) 12A.24.010 C except
3 pursuant to permits respectively issued by the Superintendent and the Washington State Liquor Control
4 Board or its successor. Conduct made unlawful by this section shall constitute a class 3 infraction
5 punishable under RCW Chapter 7.80 (~~((crime subject to the provisions of Chapters 12A.02 and 12A.04~~
6 ~~of the Seattle Municipal Code, the punishment for which shall be as specified in SMC Section~~
7 ~~12A.02.070))~~).

8
9 Section 19. Chapter 21.36 of the Seattle Municipal Code is amended to add the following
10 section:

21.36.415 Discarding potentially dangerous litter.

11
12 A. No person shall throw, discard, or deposit potentially dangerous litter in any amount on any
13 street, sidewalk, other public property within the City, or private property within the City not owned by
14 the person, or in or upon any body of water within the jurisdiction of the City, whether from a vehicle or
15 otherwise; except:

16 1. When the property is designated by The State of Washington or any of its agencies or
17 political subdivisions or by the City for the disposal of litter or other solid waste and such person is
18 authorized to use the property in such manner; or

19 2. Into a litter receptacle, garbage container or other solid waste container in a manner in
20 which the litter will be prevented from being carried or deposited by the elements or otherwise on any
21 street, sidewalk, or other public or private property or into any body of water.

22
23 B. For purposes of this section, "potentially dangerous litter" means litter that is likely to injure a
24 person or cause damage to a vehicle or other property and includes:

1. Cigarettes, cigars or other tobacco products that are capable of starting a fire;
2. Glass;
3. A container or other product made predominantly or entirely of glass;
4. A hypodermic needle or other medical instrument designed to cut or pierce;
5. Raw human waste, including soiled baby diapers, regardless of whether the waste is in a container of any sort; and
6. Nails or tacks. (RCW 70.93.060)

Section 20. Subsection B of section 21.36.922 of the Seattle Municipal Code is amended as follows:

21.36.922 Civil infractions.

* * *

B. The violation of or failure to comply with the following sections is ~~((section shall be a civil infraction and subject as))~~ a Class 1 civil infraction under RCW 7.80.120 ~~((to a maximum monetary penalty and default amount of Two Hundred Fifty Dollars (\$250.00), not including statutory assessments))~~:

SMC Section 21.36.415 (Discarding potentially dangerous litter), except that the maximum monetary penalty and default amount is Five Hundred Dollars (\$500.00), not including statutory assessments

SMC Section 21.36.420 (Unlawful dumping of solid waste)


* * *

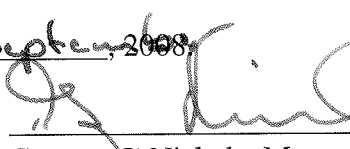
Section 21. Section 12A.24.050 of the Seattle Municipal Code is repealed.

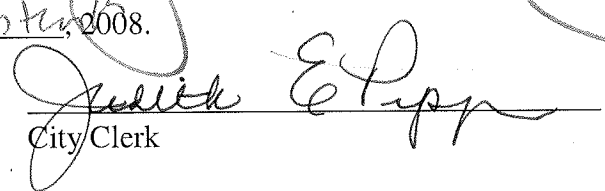
Section 22. Section 18.12.140 of the Seattle Municipal Code is repealed.

Section 23. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 15th day of September, 2008, and signed by me in open session in authentication of its passage this 15th day of September, 2008.


President _____ of the City Council

Approved by me this 25th day of September, 2008.

Gregory J. Nickels, Mayor

Filed by me this 26th day of September, 2008.

City Clerk

t

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
City Attorney	Thomas A. Carr 4-8288	None

Legislation Title:

AN ORDINANCE relating to the City's Criminal code; amending, adding and repealing various sections and subsections in chapters 12A.02, 12A.04, 12A.06, 12A.08, 12A.10, 12A.16, 12A.18, 12A.24, 15.48, 16.20, 18.12 and 21.36 of the Seattle Municipal Code to conform with changes in State Law.

- **Summary of the Legislation:** This legislation conforms the Seattle Criminal Code with state law by incorporating changes made during the 2007 State Legislative Session.
- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*
- *Please check one of the following:*

 X **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*



Seattle City Attorney

Thomas A. Carr

May 16, 2008

Honorable Richard Conlin
President, Seattle City Council
Seattle City Hall
Seattle, WA 98124

Re: Criminal Code ordinance

Dear Richard:

I am forwarding an ordinance that would amend, repeal and expand the City's current criminal code in keeping with the current state statute and recent changes in the State Legislature.

I would appreciate your support for this important public safety legislation. Please feel free to contact me if you have any other questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. Carr", written over the typed name.

Thomas A. Carr
Seattle City Attorney

cc: Honorable Gregory J. Nickels, Mayor



ORDINANCE _____

1
2
3 AN ORDINANCE relating to the City's Criminal code; amending, adding and repealing various sections
4 and subsections in chapters 12A.02, 12A.04, 12A.06, 12A.08, 12A.10, 12A.16, 12A.18, 12A.24,
5 15.48, 16.20, 18.12 and 21.36 of the Seattle Municipal Code to conform with changes in State
6 Law.

7
8 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

9
10 Section 1. Section 12A.02.085 of the Seattle Municipal Code and the title of that section are
11 amended as follows:

12 **12A.02.085 Failure ((to sign or failure)) to respond to notice of civil infraction.**

13 A person who, after receiving a notice of civil infraction that includes a statement of the options
14 provided in RCW Chapter 7.80 for responding to the notice and the procedures necessary for exercising
15 these options, knowingly fails to exercise one of the options within fifteen (15) days of the date of the
16 notice is guilty of a misdemeanor regardless of the disposition of the notice.

17 ~~((A. A person who wilfully fails to sign a notice of civil infraction is guilty of a misdemeanor.~~

18 ~~B. A person who wilfully violates his or her written and signed promise to appear in court or his~~
19 ~~or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor.))~~

20 A ~~((written promise to appear in court or a written promise to respond to a))~~ notice of civil infraction
21 may be complied with by an appearance by counsel.

22 Section 2. Section 12A.04.120 of the Seattle Municipal Code is amended as follows:

23 **12A.04.120 Criminal attempt.**

24 A. A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime,
he or she does any act which ((:

~~1. Which)) is a substantial step toward the commission of that crime ((; and~~

~~2. Which strongly corroborates his or her intent to commit that crime)).~~

1 B. If the conduct in which a person engages otherwise constitutes an attempt to commit a crime,
2 it is no defense to a prosecution of such attempt that the crime charged to have been attempted was,
3 under the attendant circumstances, factually or legally impossible of commission ((, if such crime could
4 have been committed had the attendant circumstances been as such person believed them to be.

5 ~~C. When the actor's conduct would otherwise constitute a criminal attempt under this section, it~~
6 ~~is an affirmative defense that, under circumstances manifesting a complete and voluntary renunciation of~~
7 ~~his or her criminal intent, he or she:~~

8 1. ~~Abandoned his or her effort to commit the crime; or~~

9 2. ~~Prevented the commission of the crime.~~

10 D. ~~A person may not be convicted on the basis of the same course of conduct of both an attempt~~
11 ~~to commit an offense and either complicity in or the commission of that offense.~~

12 E. ~~This section shall not apply to liability for the conduct of another as defined in Section~~
13 ~~12A.04.130.~~

14 F.)) C. An attempt to commit a crime is a misdemeanor.

15 Section 3. Subsection C of section 12A.04.200 of the Seattle Municipal Code is amended as
16 follows:

17 **12A.04.200 Use of force – when lawful.**

18 The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the
19 following cases:

20 * * *

21 C. Whenever used by a party about to be injured, or by another lawfully aiding him/her, in
22 preventing or attempting to prevent an offense against his person, or a malicious ((~~criminal~~)) trespass, or
23

other malicious interference with real or personal property lawfully in his/her possession, in which case
the force is not more than necessary;

* * *

Section 4. Subsection F of section 12A.06.035 of the Seattle Municipal Code is amended as follows:

12A.06.035 Stalking.

* * *

F. Stalking is a gross misdemeanor. Every person convicted of Stalking shall have a biological sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754.

Section 5. Section 12A.06.040 of the Seattle Municipal Code is amended to add subsection E as follows:

12A.06.040 Harassment.

* * *

E. Every person convicted of Harassment shall have a biological sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754.

Section 6. Chapter 12A.06 of the Seattle Municipal Code is amended to add the following section:

12A.06.045 Cyberstalking.

A. A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party:

1. Using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act;

2. Anonymously or repeatedly whether or not conversation occurs; 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.

B. Cyberstalking is a gross misdemeanor.

C. For purposes of this section, "electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means and includes, but is not limited to, electronic mail, internet based communications, pager service, and electronic text messaging.

Section 7. Chapter 12A.06 of the Seattle Municipal Code is amended to add the following section:

12A.06.070 Failing to summon assistance.

A. A person is guilty of failing to summon assistance when:

1. He or she was present when a crime was committed against another person;
2. He or she knows that the other person has suffered substantial bodily harm as a result of the crime committed against the other person and that the other person is in need of assistance;
3. He or she could reasonably summon assistance for the person in need without danger to himself or herself and without interference with an important duty owed to a third party;
4. He or she fails to summon assistance for the person in need; and
5. Another person is not summoning or has not summoned assistance for the person in need of such assistance.

B. Failing to summon assistance is a misdemeanor.

Section 8. Subsections A, C and D of Section 12A.06.180 of the Seattle Municipal Code are amended as follows:

12A.06.180 Violation – Penalty – Contempt.

1 A. Whenever an order is granted under this chapter, RCW Chapter 7.90, 10.99, 26.09, 26.10,
2 26.26, 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or
3 there is a valid foreign protection order as defined in RCW 26.52.020 and the respondent or person to be
4 restrained knows of the order, a violation of any of the following provisions of the order is a gross
5 misdemeanor:

6 1. the restraint provisions prohibiting acts or threats of violence against or stalking of a protected
7 party or restraint provisions prohibiting contact with a protected party;

8 2. ((, or of)) a provision excluding the person from a residence, workplace, school, or day care;

9 3. ((, or of)) a provision prohibiting the person from knowingly coming within, or knowingly
10 remaining within, a specified distance of a location; or

11 4. ((, or of)) a provision of a foreign protection order specifically indicating that a violation will
12 be a crime ((is a gross misdemeanor)).

13 Upon conviction, and in addition to any other penalties provided by law, the court may require
14 that the convicted person submit to electronic monitoring. The court shall specify who shall provide the
15 electronic monitoring services and the terms under which the monitoring shall be performed. The court
16 may require that the convicted person pay the costs of the monitoring. The court shall consider the
17 ability of the convicted person to pay for electronic monitoring.

18 * * *

19 C. A violation of an order issued under this chapter, RCW Chapter 7.90, 10.99, 26.09, 26.10,
20 26.26, 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or
21 of a valid foreign protection order as defined in RCW 26.52.020 shall also constitute contempt of court,
22 and is subject to the penalties prescribed by law.
23
24

1 D. Upon the filing of an affidavit by the petitioner or any peace officer alleging that the
2 respondent has violated an order issued under this chapter, RCW Chapter 7.90, 10.99, 26.09, 26.10,
3 26.26, 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or a
4 valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the
5 respondent, requiring the respondent to appear and show cause within fourteen (14) days why the
6 respondent should not be found in contempt of court and punished accordingly.

7 * * *

8 Section 9. Subsections A and E of Section 12A.08.010 of the Seattle Municipal Code are
9 amended as follows:

10 **12A.08.010 Definitions.**

11 A. "Building," in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle,
12 railway car, cargo container, or any other structure used for lodging of persons or for carrying on
13 business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two (2) or
14 more units separately secured or occupied shall be treated as:

- 15 1. A single building in Section 12A.08.030; and
- 16 2. A separate building in Section 12A.08.040.

17 * * *

18 E. "Enters or Remains Unlawfully." A person "enters or remains unlawfully" in or upon
19 premises when he or she is not then licensed, invited, or otherwise privileged to so enter or remain.

20 A license or privilege to enter or remain in a building which is only partly open to the public is
21 not a license or privilege to enter or remain in that part of a building which is not open to the public. A
22 person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor
23 otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless
24

notice against trespass is personally communicated to him or her by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner. Land that is used for commercial aquaculture or for growing an agricultural crop or crops, other than timber, is not unimproved and apparently unused land if a crop or any other sign of cultivation is clearly visible or if notice is given by posting in a conspicuous manner. Similarly, a field fenced in any manner is not unimproved and apparently unused land. A license or privilege to enter or remain on improved and apparently used land that is open to the public at particular times, which is neither fenced nor otherwise enclosed in a manner to exclude intruders, is not a license or privilege to enter or remain on the land at other times if notice of prohibited times of entry is posted in a conspicuous manner.

* * *

Section 10. Section 12A.08.130 of the Seattle Municipal Code is amended as follows:

12A.08.130 Criminal impersonation.

A. A person is guilty of criminal impersonation if the person:

1. claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer; or

2. falsely assumes the identity of a veteran or active duty member of the armed forces of the United States with intent to defraud for the purpose of personal gain or to facilitate any unlawful activity.

B. Criminal impersonation is a gross misdemeanor.

~~((As used in this section "intent to defraud" means the use of deception in Section 12A.08.050 B with the intention to injure another's interest which has economic value.~~

~~B. A person is guilty of criminal impersonation if he:~~

1. ~~Assumes a false identity and does an act in his assumed character with the intent to defraud another; or~~

2. ~~Pretends to be a representative of some person or organization and does an act in his pretended capacity with the intent to defraud another.))~~

Section 11. Subsection D of section 12A.10.040 of the Seattle Municipal Code is amended as follows:

12A.10.040 Patronizing a Prostitute.

* * *

D. Patronizing a Prostitute is a misdemeanor. Every person convicted of Patronizing a Prostitute shall have a biological sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754.

Section 12. Subsection A of section 12A.16.010 of the Seattle Municipal Code is amended as follows:

12A.16.010 Obstructing a public officer.

A. A person is guilty of obstructing a public officer if, with knowledge that the person obstructed is a public officer, he or she:

1. Intentionally and physically interferes with a public officer; or
2. Intentionally disobeys (~~((hinders or delays a public officer by disobeying))~~) an order to stop given by such officer; or
3. Intentionally refuses to cease an activity or behavior that creates a risk of injury to any person when ordered to do so by a public officer; or

4. Intentionally destroys, conceals or alters or attempts to destroy, conceal or alter any material which he or she knows the public officer is attempting to obtain, secure or preserve during an investigation, search or arrest; or

5. Intentionally refuses to leave the scene of an investigation of a crime while an investigation is in progress after being requested to leave by a public officer; or

6. Intentionally hinders, delays or obstructs a public officer in the discharge of his or her official powers or duties.

* * *

Section 13. Section 12A.16.040 of the Seattle Municipal Code is amended as follows:

12A.16.040 False reporting.

A person is guilty of false reporting if he or she:

* * *

D. Gives false written or oral identification to a Seattle Police officer when such officer is investigating a crime or possible crime, executing a search or arrest warrant, issuing a citation or notice of infraction or making an arrest, knowing that such identification is false.

Section 14. Subsection B of section 12A.16.060 of the Seattle Municipal Code is amended as follows:

12A.16.060 Unlawful interference with a police dog or horse.

* * *

B. A person commits the crime of unlawful interference with a police dog or horse if, acting without the permission of the police department or other agency or person owning the police dog or horse, he or she intentionally provokes ((:

1. Injures or kills any police horse; or

2. Provokes)) with the intent to cause fear or anger, physically mistreats, or attempts to injure any police dog or horse.

Section 15. Section 12A.18.010 of the Seattle Municipal Code is amended as follows:

12A.18.010 Definitions.

* * *

J. "Person who has assumed the responsibility to provide to a dependent person the basic necessities of life" means a person other than:

1. A government agency that regularly provides assistance or services to dependent persons, including but not limited to the Washington Department of Social and Health Services;
or

2. Any individual or group of individuals who:

- i. is not related to the dependent person;
- ii. voluntarily provides assistance or services of any type to the dependent person;
- iii. is not paid, given gifts or made a beneficiary of any assets valued at five hundred dollars (\$500.00) or more, for any reason, by the dependent person, the dependent person's family or the dependent person's estate; and
- iv. does not commit or attempt to commit any other crime against the dependent person or the dependent person's estate.

K. "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.

Section 16. Subsections A and C of section 12A.18.090 of the Seattle Municipal Code are amended as follows:

12A.18.090 Criminal mistreatment.

1 A. A person is guilty of criminal mistreatment in the first degree if he or she is the parent of a
2 child, a person entrusted with the physical custody of a child or other dependent person, a person who
3 has assumed the responsibility to provide to a dependent person the basic necessities of life or a person
4 employed to provide to a child or dependent person the basic necessities of life and, with criminal
5 negligence, either causes substantial bodily harm or creates an imminent and substantial risk of
6 substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life.

7 * * *

8
9 C. A person is guilty of criminal mistreatment in the second degree if he or she is the parent of a
10 child, a person entrusted with the physical custody of a child or other dependent person, a person who
11 has assumed the responsibility to provide to a dependent person the basic necessities of life or a person
12 employed to provide to the child or other dependent person the basic necessities of life and, with
13 criminal negligence, either causes bodily injury or extreme emotional distress manifested by more than
14 transient physical symptoms or creates an imminent and substantial risk of bodily injury to a child or
15 dependent person by withholding any of the basic necessities of life.

16 * * *

17 Section 17. Section 12A.24.150 of the Seattle Municipal Code is amended as follows:

18 **12A.24.150 Classification and penalty.**

19 A. An offense under Section ((Sections)) 12A.24.025 ((~~12A.24.050, 12A.24.110, 12A.24.120,~~
20 ~~or 12A.24.130~~)) is designated a violation and punishment therefor shall be as provided in Section
21 12A.02.080. ~~A violation of Section 12A.24.025 shall be deemed~~)) is a class 3 civil infraction under
22 RCW Chapter 7.80.
23
24

1 B. An offense under Sections 12A.24.080 and 12A.24.090 and Section 12A.24.100 A is
2 designated a gross misdemeanor.

3 C. An offense under Sections 12A.24.110, 12A.24.120 and 12A.24.130 is a misdemeanor,
4 except that for a violation of Section 12A.24.130 a minimum fine of Two Hundred Fifty Dollars
5 (\$250.00) shall be imposed and any sentence requiring community service shall require not fewer than
6 twenty-five (25) hours of such service.

7 D. Except as otherwise provided in this chapter, any person who violates any provision of this
8 chapter shall be punished, upon the first such conviction, by a fine of not more than Five Hundred
9 Dollars (\$500) or by imprisonment for not more than two (2) months or by both such fine and
10 imprisonment, upon a second such conviction, by imprisonment for not more than six (6) months and,
11 upon a third or subsequent such conviction, by imprisonment for not more than one (1) year. If the
12 person convicted is a corporation, it shall be punished by a fine of not more than Five Thousand Dollars
13 (\$5,000).

14 Section 18. Subsection C of section 15.48.900 of the Seattle Municipal Code is amended as
15 follows:

16 **15.48.900 Civil penalty.**

17 * * *

18 C. As contemplated by RCW 7.80.160, a person who, after receiving a notice of civil infraction
19 that includes a statement of the options provided in RCW Chapter 7.80 for responding to the notice and
20 the procedures necessary for exercising these options, knowingly fails to exercise one of the options
21 within fifteen (15) days of the date of the notice (~~((fails to sign a notice of civil infraction or who willfully~~
22 ~~violates his or her written and signed promise to appear in court or his or her written and signed promise~~
23 ~~to respond to a notice of civil infraction))~~) is guilty of a misdemeanor regardless of the disposition of the
24

notice of civil infraction. A person who willfully fails to pay a monetary penalty or perform community service as ordered by a court may be found in contempt of court as provided in chapter 7.21 RCW.

* * *

Section 19. Section 16.20.220 of the Seattle Municipal Code is amended as follows:

16.20.220 Violation of Section 16.20.200 or 16.20.210 – Penalty.

A ~~((Anyone convicted of a))~~ violation of Section 16.20.200 or Section 16.20.210 is a class 2 civil infraction under RCW Chapter 7.80 ~~((shall be punished by a civil fine which shall not exceed the following amounts:~~

~~A. For the first violation, a fine of One Hundred Dollars (\$100) per vessel;~~

~~B. For the second violation, a fine of Two Hundred Dollars (\$200) per vessel; and~~

~~C. For the third and successive violations, a fine of Four Hundred Dollars (\$400) per vessel)).~~

(RCW 88.02.020 and 88.02.090)

Section 20. Section 18.12.255 of the Seattle Municipal Code is amended as follows:

18.12.255 Liquor offenses.

It is unlawful in a park to consume, or to possess an open container holding, or to open a container holding ~~((, an))~~ liquor as defined in Subsection ~~((SMC Section))~~ 12A.24.010 C except pursuant to permits respectively issued by the Superintendent and the Washington State Liquor Control Board or its successor. Conduct made unlawful by this section shall constitute a class 3 infraction punishable under RCW Chapter 7.80 ~~((crime subject to the provisions of Chapters 12A.02 and 12A.04 of the Seattle Municipal Code, the punishment for which shall be as specified in SMC Section 12A.02.070)).~~

Section 21. Chapter 21.36 of the Seattle Municipal Code is amended to add the following section:

21.36.415 Discarding potentially dangerous litter.

1 A. No person shall throw, discard, or deposit potentially dangerous litter in any amount on any
2 street, sidewalk, other public property within the City, or private property within the City not owned by
3 the person, or in or upon any body of water within the jurisdiction of the City, whether from a vehicle or
4 otherwise; except:

5 1. When the property is designated by The State of Washington or any of its agencies or
6 political subdivisions or by the City for the disposal of litter or other solid waste and such person is
7 authorized to use the property in such manner; or
8

9 2. Into a litter receptacle, garbage container or other solid waste container in a manner in
10 which the litter will be prevented from being carried or deposited by the elements or otherwise on any
11 street, sidewalk, or other public or private property or into any body of water.

12 B. For purposes of this section, "potentially dangerous litter" means litter that is likely to injure a
13 person or cause damage to a vehicle or other property and includes:

- 14 1. Cigarettes, cigars or other tobacco products that are capable of starting a fire;
15 2. Glass;
16 3. A container or other product made predominantly or entirely of glass;
17 4. A hypodermic needle or other medical instrument designed to cut or pierce;
18 5. Raw human waste, including soiled baby diapers, regardless of whether the waste is in
19 a container of any sort; and
20

- 21 6. Nails or tacks. (RCW 70.93.060)

22 Section 22. Subsection B of section 21.36.922 of the Seattle Municipal Code is amended as
23 follows:

24 **21.36.922 Civil infractions.**

* * *

1 B. The violation of or failure to comply with the following sections is (~~section shall be a civil~~
2 ~~infraction and subject as~~) a Class 1 civil infraction under RCW 7.80.120 (~~to a maximum monetary~~
3 ~~penalty and default amount of Two Hundred Fifty Dollars (\$250.00), not including statutory~~
4 ~~assessments~~)):

5 SMC Section 21.36.415 (Discarding potentially dangerous litter), except that the maximum
6 monetary penalty and default amount is Five Hundred Dollars (\$500.00), not including statutory
7 assessments

8 SMC Section 21.36.420 (Unlawful dumping of solid waste)

9 * * *

10
11 Section 23. Section 12A.24.050 of the Seattle Municipal Code is repealed.

12 Section 24. Section 18.12.140 of the Seattle Municipal Code is repealed.

13 Section 25. This ordinance shall take effect and be in force thirty (30) days from and after its
14 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
15 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

16
17 Passed by the City Council the ____ day of _____, 2008, and signed by me in open
18 session in authentication of its passage this ____ day of _____, 2008.

19
20 _____
President _____ of the City Council

21 Approved by me this ____ day of _____, 2008.

22
23 _____
Gregory J. Nickels, Mayor

24 Filed by me this ____ day of _____, 2008.

City Clerk

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STATE OF WASHINGTON – KING COUNTY

--SS.

229695
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

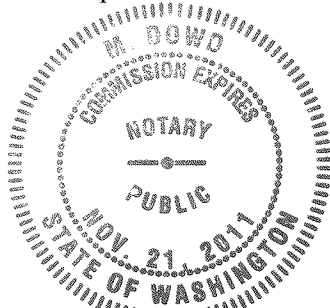
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122789 ORDINANCE

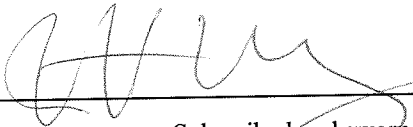
was published on

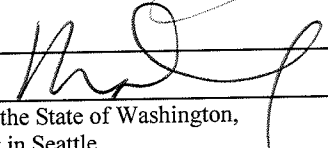
10/01/08

The amount of the fee charged for the foregoing publication is the sum of \$ 800.85, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
10/01/08


Notary public for the State of Washington,
residing in Seattle

State of Washington King County City of Seattle

ORDINANCE 122789

AN ORDINANCE relating to the City's Criminal code; amending, adding and repealing various sections and subsections in chapters 12A.02, 12A.04, 12A.06, 12A.08, 12A.10, 12A.16, 12A.18, 12A.24, 15.48, 16.20, 18.12 and 21.36 of the Seattle Municipal Code to conform with changes in State Law.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.02.085 of the Seattle Municipal Code and the title of that section are amended as follows:

12A.02.085 Failure (to sign or fail-ure) to respond to notice of civil infrac-tion.

A person who, after receiving a notice of civil infraction that includes a statement of the options provided in RCW Chapter 7.80 for responding to the notice and the procedures necessary for exercising these options, know-ingly fails to exercise one of the options with-in fifteen (15) days of the date of the notice is guilty of a misdemeanor regardless of the disposition of the notice.

((A. A person who wilfully fails to sign a notice of civil infraction is guilty of a mis-deamnor.

B. A person who wilfully violates his or her written and signed promise to appear in court or his or her written and signed prom-ise to respond to a notice of civil infraction is guilty of a misdemeanor.) A ((written prom-ise to appear in court or a written promise to respond to a) notice of civil infraction may be complied with by an appearance by counsel.

Section 2. Subsection C of section 12A.04.200 of the Seattle Municipal Code is amended as follows:

12A.04.200 Use of force - when law-ful.

The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases:

C. Whenever used by a party about to be injured, or by another lawfully aiding him/her, in preventing or attempting to prevent an offense against his person, or a malicious ((criminal)) trespass, or other malicious interference with real or personal property lawfully in his/her possession, in which case the force is not more than necessary;

Section 3. Subsection F of section 12A.06.035 of the Seattle Municipal Code is amended as follows:

12A.06.035 Stalking.

F. Stalking is a gross misdemeanor. Every person convicted of Stalking shall have a bio-logical sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754.

Section 4. Section 12A.06.040 of the Seattle Municipal Code is amended to add subsection E as follows:

12A.06.040 Harassment.

E. Every person convicted of Harassment shall have a biological sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754.

Section 5. Chapter 12A.06 of the Seattle Municipal Code is amended to add the fol-lowing section:

12A.06.045 Cyberstalking.

A. A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electron-ic communication to such other person or a third party:

1. Using any lewd, lascivious, indecent, or obscene words, images, or language, or sug-gesting the commission of any lewd or las-civious act;

2. Anonymously or repeatedly whether or not conversation occurs; 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.

B. Cyberstalking is a gross misdemean-or.

C. For purposes of this section, "electron-ic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means and includes, but is not limited to, electronic mail, internet based communications, pager service, and electronic text messaging.

Section 6. Chapter 12A.06 of the Seattle Municipal Code is amended to add the fol-lowing section:

12A.06.070 Failing to summon assis-tance.

A. A person is guilty of failing to summon assistance when:

1. He or she was present when a crime was committed against another person;

2. He or she knows that the other per-son has suffered substantial bodily harm as a result of the crime committed against the other person and that the other person is in need of assistance;

3. He or she could reasonably summon assistance for the person in need without danger to himself or herself and without interference with an important duty owed to a third party;

4. He or she fails to summon assistance for the person in need; and

5. Another person is not summoning or has not summoned assistance for the person in need of such assistance.

B. Failing to summon assistance is a mis-demeanor.

Section 7. Subsections A, C and D of Section 12A.06.180 of the Seattle Municipal Code are amended as follows:

12A.06.180 Violation - Penalty - Contempt.

A. Whenever an order is granted under this chapter, RCW Chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or there is a valid foreign protection order as defined in RCW 26.52.020 and the respondent or person to be restrained knows of the order, a viola-tion of any of the following provisions of the order is a gross misdemeanor:

1. the restraint provisions prohibiting acts or threats of violence against or stalking of a protected party or restraint provisions pro-hibiting contact with a protected party;

2. ((-or-of)) a provision excluding the per-son from a residence, workplace, school, or day care;

3. ((-or-of)) a provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location; or

4. ((-or-of)) a provision of a foreign pro-tection order specifically indicating that a violation will be a crime ((is a gross mis-de-monor)).

Upon conviction, and in addition to any other penalties provided by law, the court may require that the convicted person sub-mit to electronic monitoring. The court shall specify who shall provide the electronic mon-itoring services and the terms under which the monitoring shall be performed. The court may require that the convicted person pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

C. A violation of an order issued under this chapter, RCW Chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or of a valid foreign protection order as defined in RCW 26.52.020 shall also constitute contempt of court, and is subject to the penalties pre-scribed by law.

