

ORDINANCE No. 117158

COUNCIL BILL No. 110171

NQ

The City of

AN ORDINANCE relating to the Seattle Criminal Code; changing the definition of the crime of Stalking to encompass repeated harassment in addition to repeated following, changing the crime of Obstructing a Public Servant to expand the definition of "public servant", upgrading Obstructing a Public Servant from a misdemeanor to a gross misdemeanor, and repealing the crime of Lewd Conduct and the Marijuana penalty; amending Sections 12A.06.035 and 12A.16.010 and repealing Sections 12A.10.070 and 12A.20.030 of the SMC.

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the

COMPTROLLER FILE No. _____

Introduced: <i>5-16-94</i>	By: <i>Pageler</i>
Referred: <i>5-16-94</i>	To: <i>Public Safety</i>
Referred:	To:
Referred:	To:
Reported: <i>MAY 31 1994</i>	Second Reading: <i>MAY 31 1994</i>
Third Reading: <i>MAY 31 1994</i>	Signed: <i>MAY 31 1994</i>
Presented to Mayor: <i>MAY 31 1994</i>	Approved: <i>MAY 31 1994</i>
Returned to City Clerk: <i>MAY 31 1994</i>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Full Co

The City of Seattle--Legislative Department



Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on

was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

Full Council vote 8-0

Committee Chair

ORDINANCE

117158

1 AN ORDINANCE relating to the Seattle Criminal Code; changing the
2 definition of the crime of Stalking to encompass repeated
3 harassment in addition to repeated following, changing the crime
4 of Obstructing a Public Servant to expand the definition of
5 "public servant", upgrading Obstructing a Public Servant from a
6 misdemeanor to a gross misdemeanor, and repealing the crime of
7 Lewd Conduct and the Marijuana penalty; amending Sections
8 12A.06.035 and 12A.16.010 and repealing Sections 12A.10.070 and
9 12A.20.030 of the Seattle Municipal Code.

6 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

7 Section 1. Section 12A.06.035 of the Seattle Municipal
8 Code (Ordinance 116872 §9) is amended as follows:

9 **12A.06.035 Stalking.**

10 A. A person is guilty of stalking when, without lawful
11 authority:

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

16 2. The person being harassed or followed is
17 (~~intimidated, harassed or~~) placed in fear that the stalker
18 intends to injure that person, another person, or property of
19 the person or of another person; and

20 3. A reasonable person in the same situation and
21 under the same circumstances as the person being harassed or
22 followed would feel fear (~~intimidated, harassed or afraid~~)
23 that the stalker intends to injure the person, another person,
24 or property of that person or of another person; and

25 4. The stalker either:

26 a. Intends to intimidate, harass or frighten the
27 person (~~being followed~~); or

28 b. Knows or reasonably should know that the
person (~~being followed~~) is intimidated, harassed or afraid.

B. It is not a defense to the crime of stalking:

1. Under subsection A4a of this section that the stalker

1 was not given actual notice that the person ((being followed))
2 did not want the stalker to contact or follow that person;

3 2. Under subsection A4b of this section that the stalker
4 did not intend to intimidate, harass or frighten the person
5 ((being followed)).

6 C. It is an affirmative defense to the crime of stalking
7 that the defendant is a licensed private detective acting within
8 the capacity of his or her license as provided by Chapter 18.165
9 RCW.

10 D. Attempts to contact or follow the person after being
11 given actual notice that such person does not want to be
12 contacted or followed constitutes prima facie evidence that the
13 stalker intends to intimidate, harass or frighten such person.

14 E. As used in this section:

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

24 2. "Harasses" means unlawful harassment as defined in SMC
25 12A.06.040.

26 3. "Repeatedly" means on two or more separate occasions.

27 F. Stalking is a gross misdemeanor.

28 Section 2. Section 12A.16.010 of the Seattle, Municipal
Code (Ordinance 102843 § 12A.20.020, as last amended by
Ordinance 114635 § 8) is further amended as follows:

12A.16.010 Obstructing a public officer.

A. A person is guilty of obstructing a public officer if,

1 with knowledge that the person obstructed is a public officer,
2 he or she:

3 1. Intentionally and physically interferes with a
4 public officer; or

5 2. Intentionally hinders or delays a public officer
6 by disobeying an order to stop given by such officer; or

7 3. Intentionally refuses to cease an activity or
8 behavior that creates a risk of injury to any person when
9 ordered to do so by a public officer; or

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

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

17 B. No person shall be convicted of violating this section
18 if the Judge determines, with respect to the person charged with
19 violating this section, that the public officer was not acting
20 lawfully in a governmental function.

21 C. For purposes of this section, a "public officer" means
22 those individuals responsible for the enforcement of the
23 provisions of the Seattle Municipal Code, including provisions
24 related to fire, building, zoning, and life and safety codes;
25 ((and)) those individuals empowered to make arrests for offenses
26 under the Seattle Municipal Code; or those individuals
27 responsible for the enforcement of the federal or state criminal
28 laws ((of the state)).

D. Obstructing a public officer is a gross misdemeanor.

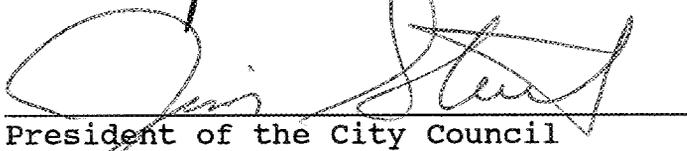
Section 3. Section 12A.10.070 of the Seattle Municipal
Code (Ordinance 102843 § 12A.12.150, as last amended by
Ordinance 113084 § 1) and Section 12A.20.030 of the Seattle

1 Municipal Code (Ordinance 102843 § 12A.32.030, as last amended
2 by Ordinance 111860 § 6) are hereby repealed.

3 Section 4. The provisions of this ordinance are declared
4 to be separate and severable. The invalidity of any clause,
5 sentence, paragraph, subdivision, section or portion of this
6 ordinance, or the invalidity of the application thereof to any
7 person or circumstance shall not affect the validity of the
8 remainder of this ordinance, or the validity of its application
to other persons or circumstances.

9 Section 5. This ordinance shall take effect and be in
10 force thirty days from and after its passage and approval, if
11 approved by the Mayor; otherwise it shall take effect at the
12 time it shall become a law under the provisions of the City
Charter.

13 Passed by the City Council the 31 day of May,
14 1994, and signed by me in open session in authentication of its
15 passage this 31 day of May, 1994.

16 
17 _____
President of the City Council

18 Approved by me this 31 day of May, 1994.

19 
20 _____
Norman B. Rice, Mayor

21 Filed by me this 31 day of May, 1994.

22 
23 _____
Deputy Clerk

24 (SEAL)

25 Published _____
26
27
28

1941

STATE OF WASHINGTON - KING COUNTY

44016
City of Seattle, City Clerk

—ss.

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

ORD:117158

was published on

06/06/94

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

[Handwritten signature]

Subscribed and sworn to before me on

06/06/94

[Handwritten signature]

Notary Public for the State of Washington,
residing in Seattle

