Ordinance No. 120059

Council Bill No. 113315

AN ORDINANCE relating to the criminal code, and amending Sections 12A.06.130, 12A.06.165, 12A.06.170, 12A.06.180 and 12A.18.010, adding a new Section to Chapter 12.18 and repealing Section 12A.06.310 of the Seattle Municipal Code.

CF No.

Date Introduced: JUL 24 2000	
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Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
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Date Presented to Mayor: 8/8/00	Date Approved: 8-14-00
Date Returned to City Clerk: 8-14-00	Date Published: 10 pgs T.O. F.T. ✓
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattl

Council Bill/Ordina

This file is complete and ready

Law Departmen

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Councilmember

Committee Action:

Drago aye

Compton aye

This file is complete and ready for presentation to Full Council. Committee: _____

(Initial/date)

Law Department

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed

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ORDINANCE 120059

AN ORDINANCE relating to the criminal code, and amending Sections 12A.06.130, 12A.06.165, 12A.06.170, 12A.06.180 and 12A.18.010, adding a new Section to Chapter 12.18 and repealing Section 12A.06.310 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.06.130 of the Seattle Municipal Code (Ordinance 108995 § 1 (12A.04.196), Ordinance 109674 § 5 (12A.06.130), as last amended by Ordinance 117673 § 2) is further amended as follows:

12A.06.130 No contact orders.

A. Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with a crime or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, or after trial before sentencing or as a condition of any sentence imposed, the court authorizing the release may prohibit that person from having any contact with the victim <u>or from knowingly coming within, or knowingly remaining within, a specified distance of a location</u>. <u>At the time of arraignment, the court shall determine whether a no-contact order shall be issued or extended.</u> In issuing the order, the court shall consider the provisions of Section 12A.06.195. The court may include in the conditions of release or as a condition of the sentence a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed. ((~~Upon conviction, the court may require as a condition of the sentence that the defendant pay for or reimburse the providing agency for the costs of the electronic monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.~~)) The no-contact order shall be issued in writing as soon as possible.

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B. Willful violation of a court order issued under this section, or of an order issued by any court of competent jurisdiction under an equivalent statute or ordinance, is punishable under Section 12A.06.180 ((~~a gross misdemeanor~~)). The written order releasing the person shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under Seattle Municipal Code Section 12A.06.180 ((~~12A.06.130~~)) and/or RCW Chapter 26.50 ((~~10.99~~)) and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order." A certified copy of such order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two (72) hours if charges are not filed. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

C. Whenever a no-contact order ((~~an order prohibiting contact~~)) is issued, modified, or terminated under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Section 2. Subsections A and B of Section 12A.06.165 of the Seattle Municipal Code (Ordinance 111857 § 4, as last amended by Ordinance 117673 § 5) are further amended as follows:

12A.06.165 Protection order-Relief.

A. Upon notice and after hearing, the court may provide relief as follows:

1. Restrain the respondent from committing acts of domestic violence;

2. Exclude the respondent from the dwelling that ((~~which~~)) the parties share, from the residence, workplace, or school of the petitioner, or from the daycare or school of a child;

3. Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

4. On the same basis as is provided in Chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in Chapter 26.09 RCW shall not be required;

5. ((~~4.~~)) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150 ((~~batterers' treatment~~));

6. ((~~5.~~)) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer;

7. ((~~6.~~)) Require the respondent to pay the administrative court costs and service fees, as established by the City Council, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee;

8. ((~~7.~~)) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

9. ((~~8.~~)) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

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10. ((~~9.~~)) Consider the provisions of Section 12A.06.195;

11. ((~~10.~~)) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included; and

12. ((~~11.~~)) Order use of a vehicle.

B. If a protection ((~~restraining~~)) order restrains the respondent from contacting the respondent's minor children, the restraint shall be for a fixed period not to exceed one (1) year. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order for protection. If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one (1) year the petitioner may either petition for renewal pursuant to the provisions of this section or may seek relief pursuant to the provisions of Chapter 26.09 or 26.26 RCW.

Section 3. Subsection A of Section 12A.06.170 of the Seattle Municipal Code (Ordinance 111857 § 5, as last amended by Ordinance 118107 § 4) is further amended as follows:

12A.06.170 Ex parte temporary protection orders.

A. Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

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1. Restraining any party from committing acts of domestic violence;

2. Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace or school of the other or from the day care or school of a child until further order of the court;

3. Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

4. Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

5. ((~~4.~~)) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

6. ((~~5.~~)) Considering the provisions of Section 12A.06.195.

Section 4. Subsections A, B, C and D of Section 12A.06.180 of the Seattle Municipal Code (Ordinance 111857 § 7, as last amended by Ordinance 117673 § 8) are further amended and a new subsection G is added to this Section as follows:

12A.06.180 ((~~Protection order~~)) Violation-Penalty-Contempt.

A. Whenever an order ((~~for protection~~)) is granted under this chapter, RCW Chapter 10.99, 26.09, 26.10, 26.26 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 the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or daycare, or of a provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, 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.

B. A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order that restrains the person or excludes the person from a residence, workplace, school, or daycare <u>or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location</u>, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

C. A violation of an order <u>issued under this chapter, RCW Chapter 10.99, 26.09, 26.10, 26.26 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</u> ((~~for protection~~)) shall also constitute contempt of court, and is subject to the penalties prescribed by law.

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

* * *

<u>G. Willful violation of a court order entered under RCW 26.44.063 is a misdemeanor. In addition, any person having actual notice of the existence of a restraining order issued by a court of</u>

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competent jurisdiction under RCW 26.44.063 who refuses to comply with the provisions of such order is guilty of a misdemeanor. The notice requirement of the preceding sentence may be satisfied by a peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified by a notary public or the clerk of the court to be an accurate copy of the original court order which is on file. The copy may be supplied by the court or any party.

Section 5. The title of Chapter 12A.18 of the Seattle Municipal Code (Ordinance 102843) is amended as follows:

Chapter 12A.18 OFFENSES ((~~BY OR~~)) AGAINST CHILDREN OR DEPENDENT PERSONS ((~~JUVENILES~~))

Section 6. Section 12A.18.010 of the Seattle Municipal Code (Ordinance 102843 § 12A.24.010, as last amended by Ordinance 103993 § 1) is further amended as follows:

12A.18.010 Definitions.

A. "Abused child" means a physically or sexually mistreated child as defined in RCW Chapter 26.44.

B. "Basic necessities of life" means food, water, shelter, clothing and medically necessary health care, including but not limited to health-related treatment or activities, hygiene, oxygen and medication.

C. ((~~B.~~)) "Child" means a person who is under the chronological age of eighteen (18).

D. ((~~C.~~)) "Delinquent act" means an act committed by a child which would be designated a crime if committed by an adult.

E. ((~~D.~~)) "Dependent child" means a child who is:

1. Neglected, as defined in subsection H ((~~E~~)) of this section; or
2. Abused, as defined in subsection A of this section.

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F. "Dependent person" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life. A resident of a nursing home, as defined in RCW 18.51.010, a resident of an adult family home, as defined in RCW 70.128.010, and a frail elder or vulnerable adult, as defined in RCW 74.34.020(8), is presumed to be a dependent person for purposes of this chapter.

G. "Employed" means hired by a dependent person, another person acting on behalf of a dependent person or an organization or governmental entity to provide to a dependent person any of the basic necessities of life. A person may be "employed" regardless of whether the person is paid for the services or, if paid, regardless of who pays for the person's services.

H. ((~~E.~~)) "Neglected child" means a child who is:

1. Without a parent or ((~~legal guardian, or~~)) legal custodian or who has been abandoned by such; or

2. In a situation of clear and present danger of suffering substantial damage to his or her physical or mental health; or

3. A runaway from his or her home or a fugitive from his or her parent ((~~or guardian~~)).

I. "Parent" has its ordinary mean and also includes a guardian and the authorized agent of parent or guardian.

J. "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.

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Section 7. Chapter 12A.18 of the Seattle Municipal Code (Ordinance 102843, as amended) is further amended to add the following new section:

12A.18.290 Criminal Mistreatment.

A. A person is guilty of criminal mistreatment if he or she is the parent of a child, a person entrusted with the physical custody of a child or other dependent person 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.

B. Criminal mistreatment is a gross misdemeanor.

C. This section does not apply to decisions to withdraw life support systems made in accordance with RCW Chapter 7.70 or 70.122 by the dependent person, his or her legal surrogate or others with a legal duty to care for the dependent person. This section does not apply when a terminally ill or permanently unconscious person or his or her legal surrogate, as set forth in RCW Chapter 7.70, requests, and the person receives, palliative care from a licensed home health agency, hospice agency, nursing home or hospital providing care under the medical direction of a physician. "Terminally ill" and "permanently unconscious" have the same meaning as "terminal condition" and "permanent unconscious condition" in RCW Chapter 70.122.

D. The defense to criminal mistreatment that the withholding of the basic necessities of life is due to financial inability is available only if the person charged has made a reasonable effort to obtain adequate assistance. This defense is available to a person employed to provide the basic necessities of life only when the agreed-upon payment has not been made.

Section 8. Section 12A.06.310 of the Seattle Municipal Code (Ordinance 119010 § 6) is repealed.

Section 9. 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 7 day of August, 2000, and signed by me in open session in authentication of its passage this 7 day of August, 2000.

Margaret A. Pagano

President _____ of the City Council

Approved by me this 14th day of AUGUST, 2000.

Paul Sullivan

Mayor

Filed by me this 14th day of August, 2000.

Judith E. Pappas

City Clerk

(Seal)

SEATTLE CITY ATTORNEY
MARK H. SIDRAN

July 10, 2000

Honorable Jim Compton
Chair, Public Safety and Technology Committee
Seattle City Council
1106 Municipal Building
Seattle, Washington 98104

Dear Councilmember Compton:

Attached for the City Council's consideration are three ordinances conforming the Seattle Municipal Code to changes made to the corresponding state statutes in the past session of the Legislature. Although the Council is not required to adopt any of these measures, it would be both convenient and helpful to the Municipal Court and attorneys to have the City Code reflect parallel provisions of state law. Obviously, state law is controlling in this context and failure to pass parallel ordinances does not affect the applicability of the state statutes.

The first proposed ordinance concerns Driving While Intoxicated (DWI) and authorizes Municipal Court to change the requirement that a person cited for DWI appear in court one judicial day after arrest by extending the time in which this hearing must occur. The purpose of this hearing is for the court to arraign the defendant and determine bail and conditions of release pending trial, such as alcohol treatment or driving restrictions. This requirement of a "next day" court appearance on a DWI charge was passed by the Legislature in 1999 and was intended to assure that alleged drunk drivers were subject to judicial oversight as soon as possible. Several practical issues arose when the courts attempted to implement this law and the 2000 Legislature responded by modifying state law to allow the courts to set the date for the hearing by court rule, provided that the hearing occur at the earliest practicable day following the DWI incident. The Legislature also clarified that a person who is not cited at the time of the DWI incident (e.g., a collision requiring a follow-up investigation, blood alcohol analysis, etc.) is required to appear in court within 14 days after charges are filed.

The second proposed ordinance concerns traffic infraction hearings and allows the Municipal Court to "defer findings" and in effect put the driver on probation for up to one year and then dismiss the citation if the person complies with the conditions (e.g., pay "costs", attend traffic safety school, no further violations, etc.). A person is eligible for this procedure only once every seven years.

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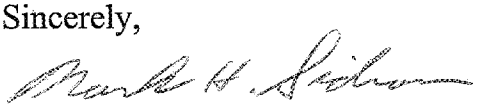
The third proposed ordinance largely concerns domestic violence and authorizes a court issuing a no-contact or protection order to require the defendant to stay a certain distance away from a specified location, such as the victim's home, school or workplace and provides that violation of the court's order constitutes a separate crime. The Legislature was responding to two Court of Appeals decisions holding that the prior law did not establish the violation of such a prohibition as a crime.

Primarily in response to the Linda David case and other instances of child, elder and vulnerable adult abuse and neglect, the Legislature created the new crime of "Criminal Mistreatment", making it a gross misdemeanor to substantially harm a dependent person by withholding the basic necessities of life. The third proposed ordinance also adds a parallel law to the Municipal Code.

I encourage you to bring these proposals before the City Council at your earliest convenience. As always, we would be happy to provide any further information that would be useful to the Council upon request.

Sincerely,



Mark H. Sidran
Seattle City Attorney

STATE OF WASHINGTON - KING COUNTY

121804
City of Seattle,City Clerk

—ss.

No. FULL ORDINAN

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:120059 ORDINANCE

was published on

08/17/00

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

L. Patterson

Subscribed and sworn to before me on

08/17/00

M. Olivarez

Notary Public for the State of Washington, residing in Seattle

City of Seattle

ORDINANCE 120659

AN ORDINANCE relating to the criminal code, and amending Sections 12A.06.130, 12A.06.165, 12A.06.170, 12A.06.180 and 12A.18.010, adding a new Section to Chapter 12.18 and repealing Section 12A.06.310 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Section 12A.06.130 of the Seattle Municipal Code (Ordinance 108995 § 1 (12A.04.196), Ordinance 109674 § 5 (12A.06.130), as last amended by Ordinance 117673 § 2) is further amended as follows:

12A.06.130 NO CONTACT ORDERS.

A. Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with a crime or arrested for a crime involving domestic violence is released from custody before arraignment or trail on bail or personal recognizance, or after trial before sentencing or as a condition of any sentence imposed, the court authorizing the release may prohibit that person from having any contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location. At the time of arraignment, the court shall determine whether a no-contact order shall be issued or extended. In issuing the order, the court shall consider the provisions of Section 12A.06.195. The court may include in the conditions of release or as a condition of the sentence a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed. ((**Upon conviction, the court may require as a condition of the sentence that the defendant pay for or reimburse the providing agency for the costs of the electronic monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.**)) The no-contact order shall be issued in writing as soon as possible.

B. Willful violation of a court order issued under this section, or of an order issued by any court of competent jurisdiction under an equivalent statute or ordinance, is punishable under Section 12A.06.180 ((**a gross misdemeanor**)). The written order releasing the person shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under Seattle Municipal Code Section 12A.06.180 ((**12A.06.130**)) and/or RCW Chapter 26.50 ((**10.99**)) and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order." A certified copy of such order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two (72) hours if charges are not filed. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

C. Whenever a no-contact order ((**an order prohibiting contact**)) is issued, modified, or terminated under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order.

SECTION 2. Subsections A and B of Section 12A.06.165 of the Seattle Municipal Code (Ordinance 111857 § 4, as last amended by Ordinance 117673 § 5) are further amended as follows:

12A.06.165 PROTECTION ORDER-RELIEF

A. Upon notice and after hearing, the court may provide relief as follows:

1. Restrain the respondent from committing acts of domestic violence;

2. Exclude the respondent from the dwelling that ((which)) the parties share, from the residence, workplace, or school of the petitioner, or from the daycare or school of a child;

3. Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

4. On the same basis as is provided in Chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in Chapter 26.09 RCW shall not be required;

5.((4.)) Order the respondent to partici-

[illegible]y remaining within, a specified [illegible] of a location, 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.

B. A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order that restrains the person or excludes the person from a residence, workplace, school, or daycare or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

C. A violation of an order issued under this chapter, RCW Chapter 10.99, 26.09, 26.10, 26.26 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 ((**for protection**)) shall also constitute contempt of court, and is subject to the penalties prescribed by law.

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

* * *

G. Willful violation of a court order entered under RCW 26.44.063 is a misdemeanor. In addition, any person having actual notice of the existence of a restraining order issued by a court of competent jurisdiction under RCW 26.44.063 who refuses to comply with the provisions of such order is guilty of a misdemeanor. The notice requirement of the preceding sentence may be satisfied by a peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified by a notary public or the clerk of the court to be an accurate copy of the original court order which is on file. The copy may be supplied by the court or any party.

SECTION 5. The title of Chapter 12A.18 of the Seattle Municipal Code (Ordinance 102843) is amended as follows:

CHAPTER 12A.18 OFFENSES ((**BY OR**)) AGAINST CHILDREN OR DEPENDENT PERSONS ((**JUVENILES**))

SECTION 6. Section 12A.18.010 of the Seattle Municipal code (Ordinance 102843 § 12A.24.010, as last amended by Ordinance 103993 § 1) is further amended as follows:

12A.18.010 DEFINITIONS.

A. "Abused child" means a physically or sexually mistreated child as defined in RCW Chapter 26.44.

B. "Basic necessities of life" means food, water, shelter, clothing and medically necessary health care, including but not limited to health-related treatment or activities, hygiene, oxygen and medication.

C.((**B.**)) "Child" means a person who is under the chronological age of eighteen (18).

D.((**C.**)) "Delinquent act" means an act committed by a child which would be designated a crime if committed by an adult.

E.((**D.**)) "Dependent child" means a child who is:

1. Neglected, as defined in subsection H((**E**)) of this section; or

2. Abused, as defined in subsection A of this section.

F. "Dependent person" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life. A resident of a nursing home, as defined in RCW 18.51.010, a resident of an adult family home, as defined in RCW 70.128.010, and a frail elder or vulnerable adult, as defined in RCW 74.34.020(8), is presumed to be a dependent person for purposes of this chapter.