

WP0638C-ORD
01/13/97

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4963

AN ORDINANCE regarding the Bellevue Criminal Code; amending Bellevue City Code 10A.48.090, Malicious Mischief; and adding new sections 10A.28.050, Stalking, and 10A.92.060, Interfering with Reporting of Domestic Violence, to the Bellevue City Code.

WHEREAS, the state legislature has enacted legislation regarding the crimes of malicious mischief-graffiti, stalking and interference with domestic violence reporting; and

WHEREAS, the City Council has determined that these offenses should be made criminal violations under city code so that they can be prosecuted by the City; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code 10A.48.090, Malicious Mischief, is amended to read as follows:

10A.48.090 Malicious Mischief

A person is guilty of malicious mischief if he or she:

- (a) Knowingly and maliciously causes physical damage to the property of another, public or private, under circumstances not amounting to malicious mischief in the first or second degree as defined by RCW 9A.48.070 and 9A.48.080; or
- (b) Writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by any other person unless the person has obtained the express permission of the owner or operator of the property under circumstances not amounting to malicious mischief in the first or second degree as defined by RCW 9A.48.070 and RCW 9A.48.080.
- (c) Malicious mischief under subsection (a) of this section is a gross misdemeanor if the damage to the property is in an amount exceeding \$50.00; otherwise, it is a misdemeanor.

(d) Malicious mischief under subsection (b) of this section is a gross misdemeanor.

Section 2. A new section 10A.28.050, Interfering with the Reporting of Domestic Violence, is hereby added to the Bellevue City Code, to read as follows:

10A.28.050 Interfering with the Reporting of Domestic Violence

(1) A person is guilty of interfering with the reporting of domestic violence if the person:

(a) Commits a crime of domestic violence, as defined in RCW 10.99.020; and

(b) Prevents or attempts to prevent the victim of or a witness to that domestic violence crime from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement official.

(2) Commission of a crime of domestic violence under subsection (1) of this section is a necessary element of the crime of interfering with the reporting of domestic violence.

(3) Interference with the reporting of domestic violence is a gross misdemeanor.

Section 3. A new section 10A.96.060, Stalking, is hereby added to the Bellevue City Code, to read as follows:

10A.96.060 Stalking

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

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and

(b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear

must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

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

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

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

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

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

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

(5) A person who stalks another person is guilty of a gross misdemeanor.

(6) As used in this section:

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

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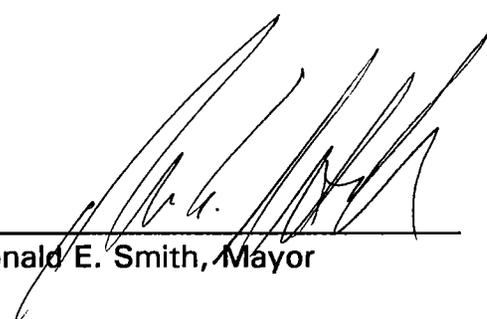
(b) "Harasses" means unlawful harassment as defined in RCW 10.14.020.

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

Section 4. This ordinance shall take effect and be in force thirty (30) days after passage by the City Council.

PASSED by the City Council this 21st day of January, 1997, and signed in authentication of its passage this 21st day of January, 1997.

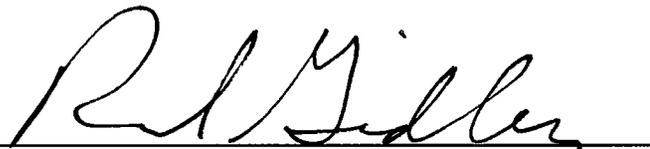
(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published January 24, 1997