

ORDINANCE 1076

CITY OF LACEY

AN ORDINANCE RELATING TO CRIMINAL OFFENSES, AMENDING SECTIONS 9.12.060, 9.12.070, 9.12.074, 9.28.020, 9.32.030, 9.36.020, 9.36.030, 9.40.010, 9.40.020, 9.40.030, 9.40.040, REPEALING SECTIONS 9.12.040 AND 9.28.150, ADDING NEW SECTIONS 9.12.015, 9.12.040 9.12.045, 9.16.060, 9.28.150, 9.40.065, ADDING A SEVERABILITY CLAUSE, AND APPROVING A SUMMARY FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. There is hereby added to the Lacey Municipal Code a new Section to read as follows:

**9.12.015 Interfering With Reporting of Domestic Violence.**

A. A person commits the crime of interfering with the reporting of domestic violence if the person:

1. Commits a crime of domestic violence, as defined in LMC 9.12.072; and

2. 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.

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

C. Interference with the reporting of domestic violence is a gross misdemeanor.

Section 2. Sections 9.12.040 and 9.28.150 are hereby repealed.

Section 3. There is hereby added to Lacey Municipal Code a new section to read as follows:

**9.12.040 Custodial Interference.**

A. A relative of a person is guilty of custodial interference if, with the intent to deny access to such person by a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person, the relative takes, entices, retains, detains, or conceals the person from a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person. This subsection shall not apply to a parent's noncompliance with a court-ordered parenting plan.

B. A parent of a child is guilty of custodial interference if:

1. The parent takes, entices, retains, detains, or conceals the child, with the intent to deny access, from the other parent having the lawful right to time with the child pursuant to a court-ordered parenting plan; or

2. The parent has not complied with the residential provisions of a court-ordered parenting plan after a finding of contempt under RCW 26.09.160(3); or

3. If the court finds that the parent has engaged in a pattern of willful violations of the court-ordered residential provisions.

4. Nothing in subsection B.2. shall prohibit conviction of custodial interference under subsection B.1. or subsection B.3. in the absence of a finding of contempt.

C. Custodial interference is a gross misdemeanor, provided, however, that should state law provide for a higher grade of offense for multiple violations of the acts prohibited by this section said state law shall prevail.

Section 4. There is hereby added to the Lacey Municipal Code a new Section to read as follows:

**9.12.045 Custodial Interference-Assessment of Costs-Defenses.**

A. Any reasonable expenses incurred in locating or returning a child or incompetent person shall be assessed against a defendant convicted under LMC 9.12.040.

B. In any prosecution for custodial interference it is a complete defense, if established by the defendant by a preponderance of the evidence, that:

1. The defendant's purpose was to protect the child, incompetent person, or himself or herself from imminent physical harm, that the belief in the existence of the imminent physical harm was reasonable, and that the defendant sought the assistance of the police, sheriff's office, protective agencies, or the court of any state before committing the acts giving rise to the charges or within a reasonable time thereafter;

2. The complainant had, prior to the defendant committing the acts giving rise to the crime, for a protracted period of time, failed to exercise his or her rights to physical custody or access to the child under a court-ordered parenting plan or order granting visitation rights, provided that such failure was not the direct result of the defendant's denial of access to such person;

3. The acts giving rise to the charges were consented to by the complainant; or

4. The offender, after providing or making a good faith effort to provide notice to the person entitled to access to the child, failed to provide access to the child due to reasons that a reasonable person would believe were directly related to the welfare of the child, and allowed access to the child in accordance with the court order within a reasonable period of time. The burden of proof that the denial of access was reasonable is upon the person denying access to the child.

C. Consent of a child less than sixteen years of age or of an incompetent person does not constitute a defense to an action under LMC 9.12.040.

Section 5. 9.12.060 of the Lacey Municipal Code is hereby amended to read as follows:

**9.12.060 Harassment.**

A. A person is guilty of harassment if without lawful authority, the person knowingly threatens:

1. To cause bodily injury immediately or in the future to the person threatened or to any other person; or

2. To cause physical damage to the property of a person other than the actor; or

3. To subject the person threatened or any other person to unlawful physical confinement or restraint; or

4. Maliciously to do any other act which is intended to harm substantially the person threatened or another with respect to his

or her physical or mental health, safety, financial condition, or personal relationships, and the person by words or conduct places the person threatened in reasonable fear the threat will be carried out.

B. A person who harasses another is guilty of a gross misdemeanor; provided, however, that should state law provide for a higher grade of offense for multiple violations of the acts prohibited by this section, said state law shall prevail.

Section 6. Section 9.12.070 of the Lacey Municipal Code is hereby amended to read as follows:

**9.12.070 Domestic Violence.**

A. Because of the likelihood of repeated harassment directed at those who have been victims of harassment in the past, and because of the serious nature of domestic violence, when any defendant is arrested for a crime involving harassment or domestic violence and is released from custody before trial on bail or personal recognizance, the court authorizing the release may enter a protective order as set forth in this section. Upon arraignment of any person charged with a crime involving harassment of domestic violence, the court shall determine the necessity of imposing a protective order pending trial. Further, if a defendant is convicted of a crime involving harassment or domestic violence, the court shall consider entering a protective order. A protective order under the terms of this section, may require that the defendant:

1. Not have any contact with the victim or victims;
2. Stay away from the home, school, business, or place of employment of a victim or victims of the alleged offense;
3. Refrain from harassing, intimidating, threatening, or otherwise interfering with the victim or victims of the alleged offense and such other persons, including but not limited to members of the family or household of the victim, as shall be specifically named by the court in the order.

B. If the court has probable cause to believe that the defendant is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.040.110 in any further acts of harassment or violence, the court may also require the defendant to surrender any deadly weapon in the defendant's possession or control, or subject to the defendant's immediate possession or control, to the city's police chief or to the defendant's counsel for safe keeping.

C. Willful violation of a court order issued under this section or of a restraining order or other protective order issued by a court pursuant to RCW Title 26, or RCW Chapter 10.99, or similar statute or ordinance is a gross misdemeanor; provided however, that should state law provide for a higher grade of offense for multiple violations of the acts prohibited by this section, state law shall prevail, is a misdemeanor. The written order issued pursuant to this section shall contain the court's directives and shall bear the legend:

Violation of this order is a criminal offense under section 9.12.070 of the Lacey Municipal Code or similar ordinance or statute and will subject a violator to arrest. Any assault or reckless endangerment which violates this order is a felony. You can be arrested even if any person protected by this order invited 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 the order shall be provided to the victim.

D. A willful violation of a court order issued under LMC 9.12.060 or similar ordinance, or statute is a misdemeanor. A willful violation of a court order charged as domestic violence under LMC 9.12.060 or similar statute ordinance is a gross misdemeanor. The written order releasing the defendant shall contain the court's directions and shall bear the legend: Violation of this order is a criminal offense under LMC 9.12.070 (D) or similar ordinance or statute and will subject the violator to arrest. A certified copy of the order shall be provided to the victim by the clerk of the court.

Section 7. Section 9.12.074 of the Lacey Municipal Code is hereby amended to read as follows:

**9.12.074 Other penalties and remedies.**

A. The penalties and remedies provided in Sections 9.12.050 through 9.12.076 shall not preclude the victims of the crimes listed in said sections from seeking any other remedies otherwise available under law.

B. Upon conviction of simple assault, coercion, stalking, reckless endangerment or criminal trespass in the 1<sup>st</sup> degree against a member of the defendant's family or household, as defined in LMC 9.12.072 or upon the violation of the provisions of a protective order or no contact order restraining or excluding the defendant from a

residence, or a upon conviction of a similar crime or violation of a similar order, the court shall notify the person orally and in writing that the person must immediately surrender any concealed pistol license and that the person may not possess firearms unless his or her right to do so is restored by a court of record.

Section 8. There is hereby added to the Lacey Municipal Code a new Section to read as follows:

**9.16.060 Communication with a minor.**

A person who communicates with a minor for immoral purposes is guilty of a gross misdemeanor. If state law provides for a higher penalty for multiple violations that state law shall prevail.

Section 9. Section 9.28.020 of the Lacey Municipal Code is hereby amended to read as follows:

**9.28.020 Malicious mischief.**

A. 1. A person is guilty of malicious mischief if he knowingly and maliciously causes physical damage to the property of another in amount not exceeding \$250.00, or

2. Writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real personal property owned by any other person unless the person has obtained the express permission of the owner or operator of the property, causing physical damage in an amount not exceeding \$250.00.

B. For the purposes of this section "physical damage," in addition to its ordinary meaning, shall include:

1. Alteration, damage or erasure of records, information, data or computer programs which are electronically recorded for use in computers; and

2. Removal, alteration or defacing of any street sign, legal notice, official bulletin, poster or advertisement without lawful authority or consent of the owner; and

3. Cutting, altering, changing, removing, disconnecting or connecting with any wire, main, pipe, stopcock, meter, hydrant, valve, pump, conduit or cable without lawful authority; and

4. Posting or attaching any bills, handbill, poster or placards upon any post, fence, tree, building or other structure without lawful authority or consent of the owner.

C. 1. Malicious mischief under section A.1. is a gross misdemeanor if the damage to the property is in an amount exceeding \$50.00 otherwise it is a misdemeanor.

2. Malicious mischief under subsection A.2. of this section is a gross misdemeanor.

Section 10. There is hereby added to the Lacey Municipal Code a new section to read as follows:

**9.28.150 Theft of Rental and Leased Property**

A. A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented or leased to the person, is guilty of theft of rental, leased, or lease-purchased property.

B. The finder of fact may presume intent to deprive if the finder of fact finds either of the following:

(1.) That the person who rented or leased the property failed to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property to the owner or the owner's agent within seventy-two hours after receipt of proper notice following the due date of the rental, lease, or lease-purchase agreement; or

(2.) That the renter or lessee presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

C. As used in subsection (B) of this section, "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, lease, or lease-purchase period, mailed by certified or registered mail to the renter or lessee at: (1) The address the renter or lessee gave when the contract was made; or (2) the renter or lessee's last known address if later furnished in writing by the renter, lessee, or the agent of the renter or lessee.

D. The replacement value of the property obtained must be utilized in determining the amount involved in the theft of rental, leased, or lease-purchased property. Theft of rental, leased, or lease-purchased property is a gross misdemeanor if the rental, leased, or lease-purchased property is valued at less than two hundred fifty dollars.

E. The section applies to rental agreements that provide that the renter may return the property any time within the rental period and pay only for the time the renter actually retained the property, in addition to any minimum rental fee, to lease agreements, and to lease-purchase agreements as defined under RCW 63.19.010. This section does not apply to rental or leasing of real property under the residential landlord-tenant act, chapter 59.18 RCW.

Section 11. Section 9.32.030 of the Lacey Municipal Code is hereby amended to read as follows:

**9.32.030 Obstructing a law enforcement officer.**

A. A person is guilty of obstructing a law enforcement officer if the person:

~~1. Willfully makes a false or misleading statement to a law enforcement officer who has detained the person during the course of a lawful investigation or lawful arrest, or~~

1. Knowingly makes a false or misleading material statement to a law enforcement officer. "Material Statement" means a written or oral statement reasonably likely to be relied upon by a law enforcement officer in the discharge of his or her official powers or duties.

2. Willfully hinders, delays, obstructs or interferes with any law enforcement officer in the discharge of his or her official powers or duties. Interfering with a law enforcement officer shall include but not be limited to failing to leave the area of an arrest, custody or stop, after being directed to leave the area by a law enforcement officer known by the person to be such an officer or returning to the area of an arrest, custody or stop after being directed to stay away from the area by a law enforcement officer known by the person to be such an officer. For purposes of this subsection, the area of an arrest, custody or stop is located in a ten foot radius from where a law enforcement officer is arresting, stopping or taking custody of a person and exists for so long as it takes the officer either to actually restrain a person or to terminate the stop.

B. "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW 10.93.020, and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.

C. Obstructing a law enforcement officer is a gross misdemeanor.



Section 12. Section 9.36.020 of the Lacey Municipal Code is hereby amended to read as follows:

**9.36.20 Carrying a pistol**

A. 1. Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed pistol.

2. Every licensee shall have his or her concealed pistol license in his or her immediate possession at all times that he or she is required by this section to have a concealed pistol license and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. Any violation of this subsection (2) shall be a class 1 civil infraction under chapter 7.80 RCW and shall be punished accordingly pursuant to chapter 7.80 RCW and infraction rules for courts of limited jurisdiction.

B. A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and;

1. The pistol is on the licensee's person;

2. The license is within the vehicle at all times that the pistol is there, or

3. The licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.

C. A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

~~D. Except as otherwise provided in this chapter, no person may carry a firearm unless it is unloaded and enclosed in an opaque case or secure wrapper or the person is:~~

~~1. Licensed under RCW 9.41.070 to carry a concealed pistol;~~

~~2. In attendance at a hunter's safety course or a firearms safety course;~~

~~3. Engaging in a practice in the use of firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;~~

~~4. Engaging in a an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as part of the performance;~~

~~5. Traveling with any unloaded firearm in the person's possession to or from any activity described in 2, 3 and 4 of this subsection;~~

~~6. Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty;~~

~~7. Is a law enforcement officer.~~

D. Any violation of this section, unless otherwise provided, is a misdemeanor.

E. Nothing in this section permits the possession of firearms illegal to possess under state or federal law.

Section 13. Section 9.36.030 of the Lacey Municipal Code is hereby amended to read as follows:

**9.36.030 Exceptions to restrictions on carrying a pistol.** The provisions of LMC 9.36.020 shall not apply to:

A. Marshals, sheriffs, prison or jail wardens or their deputies or other law enforcement officers;

B. Members of the armed forces of the United States or of the national guard or organized reserves, when on duty;

C. Officers or employees of the United States duly authorized to carry a concealed pistol;

D. Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of the person, if possessing, using, or carrying a pistol in the usual or ordinary course of the business;

E. Regularly enrolled members of any organization duly authorized to purchase or receive pistols from the United States or from this state;

F. Regularly enrolled members of clubs organized for the purpose of target shooting when those members are at or are going to or from their places of target practice;

G. Regularly enrolled members of clubs organized for the purpose of modern and antique firearm collecting when those members are at or are going to or from their collector's gun shows and exhibits;

H. ~~Individual hunters when on a hunting, camping, or fishing trip, or~~

Any person engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area.

I. Any person while carrying a pistol unloaded and in a closed opaque case or secure wrapper; or

J. Law enforcement officers retired for service or physical disabilities, except for those law enforcement officers retired because of mental or stress-related disabilities. This subsection applies only to a retired officer who has (1) Obtained documentation from a law enforcement agency within Washington state from which he or she retired that is signed by the agency's chief law enforcement officer and that states that the retired officer was retired for service or physical disability; and (2) not been convicted of a crime making him or her ineligible for a concealed pistol license.

Section 14. Section 9.40.010 of the Lacey Municipal Code is hereby amended to read as follows:

**9.40.010 Definition.** The following definitions shall apply in this chapter;

A. "Consume" includes the putting of liquor to any use, whether by drinking or otherwise

BA. "Liquor" includes alcohol, spirits, wine and beer as such terms are defined in RCW 66.04.010, and all fermented, spirituous, vinous or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid, solid, semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, solid, semisolid or other substance which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

CB. "Minor" means any person under the age of twenty-one years unless otherwise specifically designated.

~~C. "Tavern" means any establishment with special space and accommodations for sale by the glass and for consumption on the premises of beer, provided that bona fide restaurants, dining~~

rooms and cafes serving commercial food to the public shall not be classified as taverns during the hours such food service is made available to the public.

D. "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages and filling stations, which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

Section 15. Section 9.40.020 of the Lacey Municipal Code is hereby amended to read as follows:

**9.40.020 Minors frequenting taverns off limits areas.** ~~A person is guilty of a misdemeanor if he:~~ Except as otherwise provided in RCW 66.44, it shall be a misdemeanor:

~~A. Serves or allows to remain on the premises of any tavern any minor; or~~

~~B. Is a minor and enters or remains on the premises of any tavern; or~~

~~C. Is a minor and represents his age as being twenty-one or more years for the purpose of securing admission to or remaining on the premises of any tavern.~~

A. To serve a minor or allow a minor to remain in any area classified by the Washington State Liquor Control Board pursuant to RCW 66.44 as off limits to any person under the age of twenty-one years;

B. For any person under the age of twenty-one years to enter or remain in any area classified as off-limits to such a person, but persons under twenty-one years of age may pass through a restricted area in a facility holding a class H club license;

C. For any person under the age of twenty-one years to represent his or her age as being twenty-one or more years for the purpose of purchasing liquor or securing admission to, or remaining in any area classified by the board as off-limits to such a person.

Section 16. Section 9.40.030 of the Lacey Municipal Code is hereby amended to read as follows:

**9.40.030 Furnishing liquor to minors.** A person is guilty of a misdemeanor if he:

A. Sells, gives or otherwise supplies liquor to any minor; or

B. Permits a minor to consume liquor on his premises or on any premises under his control; or

C. Invites a minor into a public place where liquor is sold and treats, gives or purchases liquor for such minor, or permits a minor to treat, give or purchase liquor for him, or holds out such minor to be over the age of twenty-one years for the purpose of permitting such minor to obtain liquor of age or older to the owner or employee of the liquor establishment, a law enforcement officer, or liquor enforcement officer.

D. For purposes of subsections A. and B., "premises" includes real property, houses, buildings and other structures, and motor vehicles and watercraft.

Provided, however, that subsections this section A. and B. of this section shall not apply to liquor given or permitted to be given to a minor by his parent or guardian for beverage or medicinal purposes and consumed in the presence of a parent or guardian; or administered to him by his physician or dentist for medicinal purposes; or used in connection with bona fide a religious services and the amount consumed is the minimal amount necessary for the religious service. This proviso shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under Chapter 66.24 RCW.

Section 17. Section 9.40.040 of the Lacey Municipal Code is hereby amended to read as follows:

**9.40.040 Minors purchasing and possessing liquor.** A person is guilty of a misdemeanor if he is a minor and he:

A. Purchases or attempts to purchase any liquor; or

B. Acquires, possesses or consumes any  
1. liquor; or

2. is in a public place or in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. Exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either: (i) is in possession of or close proximity to a container that has or recently has liquor in it; or (ii) by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor.

C. Provided, however, that ~~subsection~~ ~~this section B~~ shall not apply to liquor given or permitted to be given to a minor by his parent or guardian for beverage or medicinal purposes, ~~or and consumed in the presence of a parent or guardian;~~ or administered to him by his physician or dentist for medicinal purposes; or used in connection with ~~bona fide~~ a religious service ~~and the amount consumed is the minimal amount necessary for the religious service.~~

D. The minimum penalty for violation of subsection A. is a fine not less than two hundred fifty dollars and any sentence requiring community service shall require not fewer than twenty hours of such service.

Section 18. There is hereby added to the Lacey Municipal Code a new section to read as follows:

**9.40.065 Unlawful harboring of a minor.**

A. A person commits the crime of unlawful harboring of a minor if the person provides shelter to a minor without the consent of a parent of the minor and after the person knows that the minor is away from the home of the parent, without the parent's permission, and if the person intentionally:

1. Fails to release the minor to a law enforcement officer after being requested to do so by the officer; or

2. Fails to disclose the location of the minor to a law enforcement officer after being requested to do so by the officer, if the person knows the location of the minor and had either taken the minor to that location or had assisted the minor in reaching that location; or

3. Obstructs a law enforcement officer from taking the minor into custody; or

4. Assists the minor in avoiding or attempting to avoid the custody of the law enforcement officer.

B. It is a defense to a prosecution under this section that the defendant had custody of the minor pursuant to a court order.

C. Harboring a minor is punishable as a gross misdemeanor.

D. Any person who provides shelter to a child, absent from home, may notify the local community service office of the State Department of Social and Health Services of the child's presence.

E. An adult responsible for involving a child in the commission of an offense may be prosecuted under existing criminal statutes including, but not limited to:

1. Distribution of a controlled substance to a minor, as defined in RCW 69.50.406;

2. Promoting prostitution as defined in this chapter; and

3. Complicity of the adult in the crime of a minor, as defined in LMC 9.08.

Section 19. Severability. The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Ordinance, or the validity of the application thereof to any person or circumstance shall not effect the validity of the remainder of this Ordinance or the validity of its application to other persons or circumstances.

Section 20. The summary attached hereto is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,  
this 22nd day of January, 1998.  
CITY COUNCIL

BY: Nancy Peterson  
Mayor

Attest:

Approved as to form:

Mayotte M. Taylor  
City Clerk

[Signature]  
City Attorney

Published: Monday, January 26, 1998

SUMMARY FOR PUBLICATION

Ordinance 1076

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on 22nd day of JANUARY, 1998, Ordinance No. 1076 Entitled "AN ORDINANCE RELATING TO CRIMINAL OFFENSES, AMENDING SECTIONS 9.12.060, 9.12.070, 9.12.074, 9.28.020, 9.32.030, 9.36.020, 9.36.030, 9.40.010, 9.40.020, 9.40.030, 9.40.040, REPEALING SECTIONS 9.12.040 AND 9.28.150, ADDING NEW SECTIONS 9.12.015, 9.12.040 9.12.045, 9.16.060, 9.28.150, 9.40.065, ADDING A SEVERABILITY CLAUSE, AND APPROVING A SUMMARY FOR PUBLICATION."

A section by section summary of this Ordinance is as follows:

Section 1 declares it unlawful to interfere with reporting of domestic violence if a person commits a crime of domestic violence and prevents or attempts to prevent a victim or witness from calling 911.

Section 2 repeals existing code sections.

Section 3 declares the crime of custodial interference to include detaining or concealing a child either by a relative or by a parent in violation of a court ordered parenting plan.

Section 4 adds an assessment of costs against a defendant for reasonable expenses incurred in locating or returning a child to the custodial parent or guardian. This section also adds defenses to the crime of custodial interference to include: protecting the child from imminent physical harm, consent by complainant, and good faith effort by defendant to return the child to custodial parent or guardian.

Section 5 amends the crime of harassment to include the language without lawful authority and adds an element of immediacy to the threat conveyed to the victim said by the defendant.

Section 6 adds higher penalties for multiple offenses and declares additional warnings and sanctions to criminal no contact orders.

Section 7 declares a restriction on possession of firearms on convictions of certain domestic violence crimes.

Section 8 adds the crime of communication with a minor for immoral purposes.



Section 9 adds graffiti to the definition of malicious mischief.

Section 10 revises current code provisions resolving theft of rental or lease property.

Section 11 declared the making of false or misleading material statements to a law enforcement officer a gross misdemeanor.

Section 12 amends the restrictions on carrying of a pistol.

Section 13 adds an exemption to the concealed weapons section for retired law enforcement officers.

Section 14 adds the definitions of consume and public place, to the code section regarding liquor and minors.

Section 15 amends the language specifying where a minor may be in a place where liquor is served.

Section 16 amends the furnishing liquor section to include in the definition of "premises" not only a residence, but also other real property, motor vehicles and watercraft.

Section 17 defines minor drinking to include a minor exhibiting the effects of having consumed liquor.

Section 18 declares the unlawful harboring of a minor to be a gross misdemeanor.

Section 19 adds a severability clause to the ordinance.

Section 20 approves this summary for publication.

Published: JANUARY 24, 1998.  
Monday