

ORDINANCE NO. 1639

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY RELATED TO THE CRIME OF HARASSMENT, AMENDING SECTION 9.12.060 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, The Washington State Supreme Court has ruled that the state statute declaring the crime of harassment, RCW 9A.46.020 partially unconstitutionally vague and overbroad; and

WHEREAS, the state legislature has amended the RCW to remove the unconstitutional language under SSB 5087, which is effective July 23, 2023; and

WHEREAS, Section 9.12.060 of the Lacey Municipal Code contains the same language as that addressed in *State v. Williams*; and

WHEREAS, Staff have identified additional language in Section 9.12.060 of the Lacey Municipal Code that appears subject to the same analysis;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. Section 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~~ or 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 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this 15<sup>th</sup> day of June, 2023.

CITY COUNCIL

By:   
Mayor

Approved as to form:

  
City Attorney

Attest:

  
City Clerk

SUMMARY FOR PUBLICATION  
ORDINANCE NO 1639  
CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on June 15, 2023, Ordinance No. 1639, entitled “AN ORDINANCE OF THE CITY OF LACEY RELATED TO THE CRIME OF HARASSMENT, AMENDING SECTION 9.12.060 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance amends Section 9.12.060 of the Lacey Municipal Code, pertaining to the crime of Harassment,
2. The Ordinance approves this Summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: June 19, 2023.