



ORDINANCE NO. 28231

1 AN ORDINANCE relating to public safety; amending Title 8 of the Tacoma
 2 Municipal Code, "Public Safety and Morals," by amending the title to read
 3 "Public Safety"; by repealing and reenacting Chapters 8.74 and 8.105; by
 4 repealing in their entirety Sections 8.12.013, 8.12.014, 8.12.170, and
 5 Chapter 8.106; by amending Section 8.107.010, "Violation of Civil
 6 Anti-Harassment Protection Order"; amending Chapter 8.44 by the
 7 addition of a new Section 8.44.170, "Computer Trespass"; and by adding
 8 new chapters to be known and designated as Chapter 8.03, "Defenses";
 9 Chapter 8.76, "Assault in the Fourth Degree"; Chapter 8.77, "Criminal
 10 Mistreatment"; Chapter 8.78, "Reckless Endangerment"; Chapter 8.79,
 11 "Coercion"; Chapter 8.80, "Harassment"; Chapter 8.81, "Jennifer Paulson
 12 Stalking Protection Order Act"; Chapter 8.82, "Interfering With the
 13 Reporting of Domestic Violence"; Chapter 8.83, "Failing to Summon
 14 Assistance"; and Chapter 8.84, "Sexual Assault Protection Order Act," to
 15 add crimes not previously adopted, amend criminal ordinances to adopt
 16 current state laws and references thereto, and adopt state laws recently
 17 enacted to allow for enforcement within the City of Tacoma.

18 WHEREAS Engrossed Substitute House Bill 1383, which became
 19 effective on July 28, 2013, created a stalking protection order, which is a civil
 20 and criminal protection order available to victims of stalking who do not qualify
 21 for domestic violence protection orders, and

22 WHEREAS, in order for the Tacoma Municipal Court to issue and enforce
 23 these orders, the state statute needs to be adopted by the City, and

24 WHEREAS the statute also amends and references other state laws that
 25 have not yet been adopted by the City, and

26 WHEREAS it is necessary to amend numerous sections of Title 8 of the
 Tacoma Municipal Code in order to ensure compatibility with state law and
 enable enforcement within the City of Tacoma; Now, Therefore,



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BE IT ORDAINED BY THE CITY OF TACOMA:

That Title 8 of the Tacoma Municipal Code, "Public Safety and Morals," is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Prosecuting Attorney



EXHIBIT "A"

TITLE 8
PUBLIC SAFETY ~~AND MORALS~~

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Chapters:

- 8.01 Penalty Provision
- 8.02 Abandoned Iceboxes
- 8.03 Defenses
- 8.04 Advertising
- 8.06 Aircraft
- 8.07 Baby Chicks and Rabbits
- 8.08 *Repealed*
- 8.09 *Repealed*
- 8.10 Deposit of Trash in or Around Charitable Donation Boxes
- 8.11 Arrest of Persons Subject to Court Order
- 8.12 Disorderly Conduct
- 8.13 Obstructing Pedestrians or Traffic
- 8.13A Regulation of Solicitation
- 8.13B Solicitations to Occupants of Vehicles on Public Roadways Prohibited
- 8.14 *Repealed*
- 8.16 Display of U.S. Flag Regulations
- 8.17 False Reports of Crime
- 8.18 Impersonating Peace Officer
- 8.20 Intoxicating Liquor
- 8.22 Larceny by Check
- 8.23 Public Nuisance Vehicles
- 8.24 Lubricating Oil – Labels
- 8.25 *Repealed*
- 8.26 Medicines and Drugs, Samples
- 8.27 Park Code
- 8.28 Narcotics
- 8.29 Drug Paraphernalia
- 8.30 Public Nuisances
- 8.30A Chronic Public Nuisance
- 8.31 *Repealed*
- 8.32 Indecent Acts
- 8.33 Urinating in Public
- 8.34 Places of Amusement – Alarm and Warning Systems
- 8.35 Preventing Neglect of Historic Properties
- 8.36 Places of Amusement – Card Playing
- 8.37 Theft
- 8.38 Prohibited Use of Non-FCC Certificated Transmitting Equipment in the Citizens Band



- 8.40 Poisons
- 8.42 Police Badges – Unauthorized Sales
- 1 8.44 Property – Offenses Against
- 2 8.45 Building Security Devices
- 8.46 Prostitution
- 3 8.48 Slot and Pinball Machines
- 8.49 Soliciting Magazine Subscriptions, Etc.
- 4 8.50 *Repealed*
- 5 8.52 Street Cars and Buses – Sale of Transfers – Smoking
- 8.56 *Repealed*
- 6 8.58 Uniform of Armed Services – Wearing
- 8.60 Unlawful Assembly
- 7 8.62 Used Cars – Equipment
- 8 8.64 Voting – Soliciting Near Polls
- 8.66 Weapons
- 9 8.67 Firearms
- 8.70 Municipal Court Jurisdiction
- 10 8.72 Drug-related Loitering
- 11 8.74 ~~Criminal Misuse of Telephone~~ [Harassment and Cyberstalking](#)
- 8.75 Determination of Indigency for Legal Counsel
- 12 [8.76 Assault in the Fourth Degree](#)
- [8.77 Criminal Mistreatment](#)
- 13 [8.78 Reckless Endangerment](#)
- [8.79 Coercion](#)
- 14 [8.80 Harassment](#)
- 15 [8.81 Jennifer Paulson Stalking Protection Order Act](#)
- [8.82 Interfering With the Reporting of Domestic Violence](#)
- 16 [8.83 Failing to Summon Assistance](#)
- 17 [8.84 Sexual Assault Protection Order Act](#)
- 8.85 Escaping from Jail
- 18 8.90 *Repealed*
- 8.92 *Repealed*
- 19 8.94 Injuring Fire Equipment – False Alarms
- 20 8.96 Civil Emergency
- 8.97 Fourth of July Festivities Regulation
- 21 8.98 Professional Strikebreakers
- 8.100 Gambling
- 22 8.102 Body Painting
- 23 8.104 Police Dogs
- 8.105 Domestic Violence
- 24 [8.106 Harassment](#)
- 8.107 Violation of Civil Anti-harassment Protection Order
- 25 8.108 Parking in Congested Areas
- 8.109 Curfew Hours for Minors
- 26 8.110 Inhaling Toxic Fumes



- 1 8.120 Graffiti
- 2 8.122 Noise Enforcement
- 3 8.130 Sale or Distribution of Deactivated Hand Grenades to Minors
- 4 8.140 Regulation of Purchase/Sale of Ephedrine
- 5 8.150 Prohibition of Sexual Encounter Establishments
- 6 8.160 Stay Out of Drug Areas (SODA) Orders – Violation
- 7 8.170 Stay Out of Areas of Prostitution (SOAP) Orders – Violation

8 ***

Chapter 8.03

DEFENSES

9 Sections:

10 8.03.010 Defenses.

11 **8.03.010 Defenses.**

12 Chapter 9A.16 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

13 ***

14 **Chapter 8.12**

15 **DISORDERLY CONDUCT**

16 Sections:

- 17 8.12.010 Disorderly persons defined and enumerated.
- 18 8.12.011 Criminal attempt.
- 19 8.12.012 Liability for conduct of another – Complicity.
- 20 ~~8.12.013 Criminal assault.~~
- 21 ~~8.12.014 Reckless endangerment.~~
- 22 8.12.015 Disturbing meeting of Council, Board, Commission or Committee of City.
- 23 8.12.016 Disturbance of school functions.
- 24 8.12.020 Proof of guilt of conducting opium den.
- 25 8.12.025 Criminal trespass.
- 26 8.12.026 *Repealed.*
- 8.12.030 Confiscation of weapons and opium paraphernalia.
- 8.12.040 Violation – Penalties.
- 8.12.050 Severability of provisions.
- 8.12.060 Public disturbance noises.
- 8.12.065 Violation – Penalties.
- 8.12.070 Compression brakes.
- 8.12.090 Sexual assault.
- 8.12.100 *Repealed.*
- 8.12.110 Sexual Assault Protection Order.
- 8.12.111 Indecent Exposure
- 8.12.112 Allowing minor on premises of live erotic performance.
- 8.12.113 Communication with minor for immoral purposes.
- 8.12.114 Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.
- 8.12.115 Sexual misconduct with a minor in the second degree.
- 8.12.120 Destruction of property.
- 8.12.150 Littering prohibited – Penalties.
- 8.12.160 Making or Possessing Burglary or Auto Theft Tools.
- ~~8.12.170 Stalking.~~



8.12.010 Disorderly persons defined and enumerated.

The following persons are hereby declared to be disorderly persons:

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- 1. Any person fighting or quarreling or inciting or encouraging others to fight in any public place in the City of Tacoma.
- 2. Any person who shall intentionally prevent or attempt to prevent a police officer or peace officer of the City of Tacoma from lawfully arresting him or her, or who shall aid or assist any person in the custody of any police officer or peace officer to escape or attempt to escape from such custody.
- 3. Any person who shall interfere with any police officer or any peace officer of the City, or who shall refuse when called upon to assist him or her in the discharge of his or her duty.
- 4. Any person who shall be guilty of fast or immoderate driving or riding of horses on any of the streets, highways, or alleys of the City, or who shall ride or drive upon any sidewalk except a proper street crossing, or who shall obstruct any sidewalk, street, highway, or alley in said City in any manner.
- 5. Any person who, for the purpose of annoyance or mischief, shall place in any doorway or on any sidewalk, street, or alley in the City any box or other thing, or who shall tear down, destroy, or mutilate any notice or handbill lawfully posted in the City.
- 6. Any person, except the police officers of the City, engaged in the lawful discharge of their duty, and persons practicing at target shooting in a duly licensed shooting gallery who shall fire off or discharge any bomb, gun, pistol, or firearm of any kind within the City limits.
- 7. Any person who shall place any object which is not securely fastened upon any window sill or other outside portion of a building in such a position as to be above or near to a street or sidewalk, or who shall permit any such object to remain in such position upon any such building or part of a building of which he or she shall be in possession.
- 8. Repealed.
- 9. Any person who shall have in his or her possession or shall permit to be placed or kept in a building, room, or place owned, leased, or occupied by him or her in the City, any table, slot machine, or other article, device, or apparatus of a kind commonly used for gambling or operated for the losing or winning of money or property, or any representative of either, upon any chance, uncertain, or contingent event, which is not authorized by Chapter 9.46 RCW and the Official Code of the City of Tacoma.
- 10. Any person or persons in the City who shall play at any game of chance for profit not specifically authorized by the State of Washington, pursuant to Chapter 9.46 RCW, as now or hereafter amended, or who is knowingly in the actual or constructive presence of unlawful gambling. Unlawful gambling is defined as gambling not authorized by the State of Washington pursuant to Chapter 9.46 RCW as now or hereafter amended.
- 11. Repealed.
- 12. Repealed.
- 13. Repealed.
- 14. Any person who, by act or omission, encourages, causes, or contributes to the dependency or delinquency of a minor under 18 years of age.
- 15. Repealed.
- 16. Repealed.

8.12.011 Criminal attempt.

- A. A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he does any act:
 - 1. Which is a substantial step toward the commission of that crime; and



2. Which strongly corroborates his intent to commit that crime.

1 B. If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no
2 defense to a prosecution of such attempt that the crime charged to have been attempted was, under the
3 attendant circumstances, factually or legally impossible of commission, if such crime could have been
4 committed had the attendant circumstances been as such person believed them to be.

3 C. When the actor's conduct would otherwise constitute a criminal attempt under this section, it is an
4 affirmative defense that, under circumstances manifesting a complete and voluntary renunciation of his
5 criminal intent, he:

5 1. Abandoned his effort to commit the crime; or

6 2. Prevented the commission of the crime.

7 D. A person may not be convicted on the basis of the same course of conduct of both an attempt to commit an
8 offense and either complicity in or the commission of that offense.

9 E. Any person convicted of criminal attempt as provided in this section shall be guilty of a misdemeanor and
10 shall be punished by a fine not exceeding \$500.00, or by imprisonment in the Pierce County Jail for a period
11 of not more than six months, or by both such fine and imprisonment.

9 **8.12.012 Liability for conduct of another – Complicity.**

10 A. A person is guilty of an offense if it is attempted or committed by the conduct of another person for which
11 he or she is legally accountable.

11 B. A person is legally accountable for the conduct of another person when:

12 1. Acting with the kind of culpability that is sufficient for the commission of the offense, he or she causes an
13 innocent or irresponsible person to engage in such conduct; or

14 2. He or she is made accountable for the conduct of such other person by this title or by the law defining the
15 offense; or

16 3. He or she is an accomplice of such other person in the commission of the offense.

15 C. A person is an accomplice of another person in the commission of an offense if:

16 1. With the intent of promoting or facilitating the commission of the offense, he or she:

17 a. Solicits, commands, or requests such other person to commit it; or

18 b. Aids or agrees to aid such other person in planning or committing it; or

19 2. His or her conduct is expressly declared by law to establish his or her complicity.

20 D. A person who is legally incapable of committing a particular offense himself may be guilty thereof if it is
21 committed by the conduct of another person for which he or she is legally accountable, unless such liability is
22 inconsistent with the purpose of the provision establishing his or her incapacity.

21 E. Unless otherwise provided by this title or by the law defining the offense, a person is not an accomplice in
22 an offense committed by another person if:

22 1. He or she is a victim of that offense; or

23 2. The offense is so defined that his or her conduct is inevitably incident to its commission; or

24 3. He or she terminates his or her complicity prior to the commission of the offense and:

25 a. Deprives it of effectiveness in the commission of the offense, or

26 b. Gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent
the commission of the offense.



1 F. An accomplice may be convicted on proof of the commission of the offense and of his complicity therein, though the person claimed to have committed the offense has not been prosecuted or convicted or has been prosecuted or convicted or has been acquitted.

2 G. A person may not be convicted on the basis of the same course of conduct of both the commission of and complicity in that offense.

3 H. Any person convicted of complicity as provided in this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00, or by imprisonment in the Pierce County Jail for a period of not more than six months, or by both such fine and imprisonment.

4 **8.12.013 — Criminal assault.**

5 A person is guilty of criminal assault if he/she assaults another.

6 A. ~~The use, attempt or offer to use force upon or toward the person of another is not unlawful whenever done in a manner as provided pursuant to RCW 9A.16.020, entitled "Use of Force — When Lawful," which is hereby incorporated by reference as now or hereafter amended or reenacted as though fully set forth herein.~~

7 ~~B. RCW 9A.16.010, entitled "Definitions," is hereby incorporated by reference as now or hereafter amended or reenacted as though fully set forth herein.~~

8 ~~C. The physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child. Any use of force on a child by any other person is unlawful unless it is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child.~~

9 ~~The following actions are presumed unreasonable when used to correct or restrain a child:~~

10 ~~1. Throwing, kicking, burning, or cutting a child;~~

11 ~~2. Striking a child with a closed fist;~~

12 ~~3. Shaking a child under age three;~~

13 ~~4. Interfering with a child's breathing;~~

14 ~~5. Threatening a child with a deadly weapon; or~~

15 ~~6. Doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks.~~

16 ~~The age, size, and condition of the child and the location of the injury shall be considered when determining whether the bodily harm is reasonable and moderate. This list is illustrative of unreasonable actions and is not intended to be exclusive.~~

17 ~~D. Any person convicted of criminal assault as provided in this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$5,000, or by imprisonment in the Pierce County Jail for a period of not more than 12 months, or by both such fine and imprisonment.~~

18 **8.12.014 — Reckless endangerment.**

19 ~~A. A person is guilty of reckless endangerment when he/she recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person.~~

20 ~~B. Any person who shall violate Section 8.12.014 shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed \$5,000.00 or a jail sentence not to exceed one year, or by both such fine and jail sentence.~~

21 **8.12.015 Disturbing meeting of Council, Board, Commission or Committee of City.**

22 Any person attending a meeting of the Council of the City of Tacoma, or of any duly constituted Board, Commission or Committee or hearing of said City, other than a member thereof, who shall, by noisy, riotous or tumultuous conduct, disturb the peace and quiet of the meeting or hearing, or who shall in any manner



engage in annoying or insulting conduct which tends to disturb, impair, or impede the orderly conduct of the meeting or hearing, or who shall, after any ruling of the chairman or presiding officer which has not been overruled by such body, refuse to comply with the ruling, or who shall use profane or insulting language in addressing the Council, Board, Commission or Committee or hearing, or any member thereof, or who shall knowingly misrepresent any material fact to the City Council, shall be guilty of disorderly conduct and, upon conviction thereof, shall be punished by a fine not exceeding \$500.00 or by imprisonment in the Pierce County Jail for a period of not more than six months, or by both such fine and imprisonment.

8.12.016 Disturbance of school functions.

Any person who wilfully disturbs any school or school meeting, or who in any manner engages in annoying or insulting conduct which tends to disturb, disrupt, impair or impede the orderly conduct of the school or school meeting, or who in any manner shall interfere with, impede or impair the regular and organized curriculum of the school or institution of higher learning shall be guilty of disorderly conduct and, upon conviction thereof, shall be punished by a fine not exceeding \$500.00 or by imprisonment in the Pierce County Jail for a period not exceeding six months, or both, in the discretion of the court.

8.12.020 Proof of guilt of conducting opium den.

In order to prove the guilt of any person who shall conduct or maintain a place where opium may be used, it shall not be necessary that any person should be found using opium in any manner therein, but the finding in the place of opium, pipes, or other appliances used for the purpose of smoking or inhaling opium shall be deemed sufficient evidence of the violation of this chapter; nor shall it be necessary in order to prove the guilt of or to convict a person who shall visit such place for the purpose of using opium, that he or she shall be found in the act of using opium in any manner, but evidence that such person was found in such place in the possession of opium, pipes or other appliances for the use of opium, or under the influence of opium, shall be deemed sufficient evidence for conviction.

8.12.025 Criminal trespass.

A. 1. A person is guilty of criminal trespass in the first degree if he or she knowingly enters or remains unlawfully in a building.

2. Criminal trespass in the first degree is a gross misdemeanor.

B. 1. A person is guilty of criminal trespass in the second degree if he or she knowingly enters or remains unlawfully in or upon premises of another under circumstances not constituting criminal trespass in the first degree.

2. Criminal trespass in the second degree is a misdemeanor.

C. The following definitions apply to this section:

1. "Premises" includes any building, dwelling or any real property.

2. "Building" includes any public or private structure.

3. "Enters Unlawfully." A person enters unlawfully in or upon premises when he or she is not then licensed, invited or otherwise privileged to so enter.

4. "Remains Unlawfully." A person remains unlawfully in or upon premises when he or she is not then licensed, invited or otherwise privileged to so remain or has been warned to leave by the owner or occupant, occupant's agent, or a security or peace officer.

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner. Land that is used for commercial aquaculture or for growing an agricultural crop or crops, other than timber, is not unimproved and apparently unused land if a crop or any other sign of cultivation is clearly visible or if notice is given by posting in a conspicuous manner. Similarly,



a field fenced in any manner is not unimproved and apparently unused land. A license or privilege to enter or remain on improved and apparently used land that is open to the public at particular times, which is neither fenced nor otherwise enclosed in a manner to exclude intruders, is not a license or privilege to enter or remain on the land at other times if notice of prohibited times of entry is posted in a conspicuous manner.

D. In any prosecution under subsections A and B above, it is a defense that:

1. A building involved in an offense under subsections A and B, above, was abandoned; or
2. The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or
3. The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.
4. The actor was attempting to serve legal process, which includes any document required or allowed to be served upon persons or property, by any statute, rule, ordinance, regulation, or court order, excluding delivery by the mails of the United States. This defense applies only if the actor did not enter into a private residence or other building not open to the public and the entry onto the premises was reasonable and necessary for service of the legal process.

8.12.026 Vehicle prowling. *Repealed by Ord. 28178.*

8.12.030 Confiscation of weapons and opium paraphernalia.

When any person is found guilty of carrying a concealed weapon, or of keeping or maintaining a place where opium may be used, or of visiting such place for the purpose of using opium, as provided in this chapter, the weapon or weapons found with the person convicted of carrying the same, and the opium, opium pipes, and other paraphernalia or equipment for the smoking or using of opium found in the place of the person convicted of keeping or maintaining a place where opium may be used, or upon the person visiting the place, shall be confiscated by the Chief of Police of the city.

8.12.040 Violation – Penalties.

Any person convicted of being a disorderly person as provided herein shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00, or by imprisonment in the Pierce County Jail for a period not exceeding six months, or both, in the discretion of the court.

8.12.050 Severability of provisions.

If any provision of this chapter, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this chapter or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

8.12.060 Public disturbance noises.

A. It is unlawful for any person to cause, or for any person in possession of property to allow originating from the property, sound that is:

1. an unreasonable noise, as defined in subsection 8.122.010(KK) TMC; or
2. any sound that is plainly audible (as that term is defined in Chapter 8.122 TMC) within any dwelling unit; or
3. any sound produced by a sound reproduction device (as that term is defined in Section 8.122.010) that is plainly audible (as that term is defined in Section 8.122.010 TMC) 50 feet from the source of the sound; Provided, that this subsection c shall not apply to commercial music under TMC 8.122.100; or
4. Commercial music in excess of the limitations set forth in TMC 8.122.100.

B. In addition to the provisions of Section 8.12.060(1), the following sounds are determined to be public disturbance noises:



1. The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

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2. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to disturb or interfere with the peace, comfort, and repose of a reasonable person of normal sensibilities.

C. Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

D. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property, such as sounds from audio equipment, musical instruments, band sessions, or social gatherings;

E. Sound from audio equipment, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator.

The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts.

F. Noise from an animal that unreasonably disturbs one or more person's reasonable expectation of peace and quiet. Factors to be considered in making such a determination include, but are not limited to, the nature, duration, volume, frequency, time, and location of the noise.

8.12.065 Violation – Penalties.

Any person, entity, firm, or corporation convicted of violating the provisions of Section 8.12.060 of this chapter shall be guilty of a misdemeanor, the maximum penalty for which shall be 90 days in jail or a fine of \$1,000.00, or both such fine and imprisonment. Upon a first such conviction, the fine shall be \$500.00, of which \$250.00 shall not be suspended or deferred, and a fine of \$700.00 shall be imposed for each subsequent violation, of which \$300.00 shall not be suspended or deferred. Mandated minimums shall include statutory costs and assessments.

8.12.070 Compression brakes.

A. Except as provided in this chapter, no person shall use motor vehicle compression brakes within the corporate limits of the City of Tacoma. It shall be an affirmative defense to prosecution under this section that compression brakes were applied in an emergency to protect persons and or property.

B. This chapter shall not apply to vehicles of any municipal fire department, whether or not responding to an emergency.

C. As used in this chapter, the term "compression brakes" means a device which, when manually activated, retards the forward motion of a motor vehicle by the compression of the engine of the vehicle or any unit or part of the engine. "Compression brakes" are also referred to as "jake brakes."

D. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine not less than \$100.00, and not to exceed \$1,000.00

8.12.090 Sexual assault.

A. A person is guilty of sexual assault when he or she intentionally commits an non-consensual touching, caressing, or fondling of the genitals or female breasts, whether or not covered or clothed, of another.

B. Any person convicted of sexual assault shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$5,000.00 or a jail sentence not to exceed one year, or by both such fine and jail sentence.

8.12.100 Indecent liberties. *Repealed by Ord. 27643.*



8.12.110 Sexual Assault Protection Order.

Chapter 7.90 RCW, "Sexual Assault Protection Order," as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

8.12.111 Indecent Exposure

RCW 9A.88.010, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

8.12.112 Allowing minor on premises of live erotic performance.

RCW 9.68A.150, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

8.12.113 Communication with minor for immoral purposes.

RCW 9.68A.090, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

8.12.114 Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.

RCW 9.68A.080, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

8.12.115 Sexual misconduct with a minor in the second degree.

RCW 9A.44, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

8.12.120 Destruction of property.

A. Any person who intentionally and without legal authority causes physical damage to any property of another in willful disregard of the owner's rights in the property is guilty of destruction of property.

B. "Property" means anything of value, whether tangible or intangible, real or personal.

C. Any person convicted of destruction of property shall be guilty of a gross misdemeanor and shall be punished by a fine not exceeding \$5,000 or by imprisonment for a period of not more than one year, or by both such fine and imprisonment.

8.12.150 Littering prohibited – Penalties.

A. No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the City or upon private property in this City not owned by him or her or in the waters within the City boundaries, whether from a vehicle or otherwise, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, court, alley, or sidewalk, except:

1. When such property is designated by the City or the State, or by any of the State's agencies or political subdivisions, for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose.

2. Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

B. Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine for such violation shall not be less than \$50.00 for each offense. In addition thereto, except where infirmity or age or other circumstance would create a hardship, such person shall be directed by the court in which conviction is obtained to pick up and remove litter from public property and/or private property, with prior permission of the legal owner, for not less than eight hours nor more than 16 hours for each separate offense. The court shall



schedule the time to be spent on such activities in such a manner that it does not interfere with the person's employment and does not interfere substantially with the person's family responsibilities.

1 **8.12.160 Making or Possessing Burglary or Auto Theft Tools.**

2 A. Every person who shall make or mend, or cause to be made or mended, or have in his or her possession,
3 any engine, machine, tool, false key, electronic chip keys, electronic/fuel system bypass systems, pick lock,
4 bit, nippers, implement, or any other implement listed in subsection B, that is adapted, designed, or
5 commonly used for the commission of burglary or vehicle-related theft, under circumstances evincing an
6 intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or
7 vehicle-related theft, or knowing that the same is intended to be so used, shall be guilty of making or having
8 burglary tools or auto theft tools.

9 B. The following tools are to be considered prohibited implements: slim jim, false master key, master purpose
10 key, altered or filed key, electronic chip key, electronic/fuel system bypass system, trial (jiggler) key, slide
11 hammer, lock puller, or any other implement shown by facts and circumstances is intended to be used in the
12 commission of a burglary or vehicle-involved theft.

13 C. For the purposes hereof, the following definitions shall apply:

14 1. "False master key" or "master key." Any key or other device made or altered to fit premises or multiple
15 vehicles or vehicles other than that for which the key was originally manufactured.

16 2. "Altered key." Any key so altered by cutting, filing, or other means, to fit premises or multiple vehicles or
17 vehicles other than the vehicle for which the key was originally manufactured.

18 3. "Trial (jiggler) key." Any key or set of keys designed or altered to manipulate a premises-locking or
19 vehicle-locking mechanism other than the lock for which the key was originally manufactured.

20 4. "Electronic chip key" and "electronic/fuel system bypass system." After market items that are used to
21 bypass the OEM (original equipment manufactured) anti-theft system of premises or vehicles that have smart
22 keys. This includes a wiring harness that has been modified or produced in such a way to also bypass the use
23 of the manufactured fuel cut off system or smart key.

24 D. It shall be prima facie evidence of "circumstances evincing an intent to use for commission of burglary or
25 vehicle-related theft" for a person to be in possession of multiple vehicle keys or altered vehicle keys unless
26 such person is a bona fide locksmith or an employee of a licensed auto dealer or other position for which the
possession of such keys is required in the performance of his or her duties.

E. Making or possessing burglary or auto theft tools is a gross misdemeanor.

~~8.12.170 — Stalking.~~

~~A. A person commits the crime of stalking if, without lawful authority:~~

~~1. He or she intentionally and repeatedly harasses or repeatedly follows another person; and~~

~~2. The person being harassed or followed is intimidated, harassed, or 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~~

~~3. The stalker either:~~

~~a. Intends to frighten, intimidate, or harass the person; or~~

~~b. 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.~~

~~B. 1. It is not a defense to the crime of stalking under subsection A.3.a 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.~~

~~2. It is not a defense to the crime of stalking under subsection A.3.b of this section that the stalker did not intend to frighten, intimidate, or harass the person.~~



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

D. 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. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

E. A person who stalks another person is guilty of a gross misdemeanor.

F. As used in this section:

1. "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 any location to another.

2. "Harass" means unlawful harassment as defined in RCW 10.14.020.

3. "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.

4. "Repeatedly" means on two or more separate occasions.

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Chapter 8.44

PROPERTY – OFFENSES AGAINST

Sections:

- 8.44.010 Expectoration in public places.
- 8.44.020 Reckless burning.
- 8.44.030 Library – Defacing, or failing to return, books.
- 8.44.040 Library – Taking books without permission.
- 8.44.050 *Repealed*
- 8.44.056 Throwing of rocks – Damage or injury.
- 8.44.060 Monuments and survey markers.
- 8.44.065 Trespassing on posted public property.
- 8.44.070 Official signs and notices.
- 8.44.075 Political signs and notices.
- 8.44.090 Railroad tracks – Obstructing.
- 8.44.100 Utilities property – Light plant.
- 8.44.110 Utilities property – Reward.
- 8.44.120 Utilities property – Water main bridges.
- 8.44.130 Malicious Mischief in the Third Degree.
- 8.44.140 Malicious Mischief – "Physical damage" defined.
- 8.44.150 *Repealed.*
- 8.44.160 Criminal mischief.
- 8.44.170 Computer trespass.

8.44.010 Expectoration in public places.

No person shall expectorate on the floor of any motor bus or other public conveyance or public building, or on any sidewalk in the City of Tacoma. Violation is a misdemeanor.



8.44.020 Reckless burning.

1 RCW 9A.48.050 and RCW 9A.48.060, as now enacted or hereinafter amended, are hereby adopted by
2 reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as
3 determined by the prosecutor, is excluded.

8.44.030 Library – Defacing, or failing to return, books.

3 It shall be unlawful to fail to return any book, newspaper, magazine, pamphlet, manuscript, or other
4 property belonging in or to any public library or any branch, reading room, deposit station, museum, or
5 institution operated in connection therewith, for a period exceeding 30 days after the mailing to the
6 borrower's address, on file with said library, of a notice in writing to return the same, given after the
7 expiration of the time which, by the rules of such institution, such article or other property may be kept;
8 which notice so mailed shall bear on its face a copy of this section. Violation is a misdemeanor.

8.44.040 Library – Taking books without permission.

7 It shall be unlawful to take: without the permission of the librarian or an assistant; by making use of a
8 borrower's card belonging to another without the permission of the owner thereof and the librarian or an
9 assistant, or by color or aid of any fraud or false representation, impersonation or pretense, or by any false
10 token, or writing, or by any device or trick, from any public library, or any branch, reading room, deposit
11 station, museum or institution operated in connection therewith, any property belonging therein or
12 thereto. Violation is a misdemeanor.

**8.44.050 Library – Penalty for violation of Sections 8.44.020 - 8.44.040. *Repealed by
11 Ord. 27842***

8.44.056 Throwing of rocks – Damage or injury.

12 It shall be unlawful for any person to throw, place, or cause to be thrown or placed, or to aid and abet the
13 throwing or placing in, into, over or onto any public place, rocks, broken glass, bottles, containers, tacks,
14 nails, garbage, rubbish, offal, discarded matter or any other article, object or thing that damages or may
15 damage or tend to damage any property, building, vehicle or other thing of value belonging to or under
16 the control and care of the City of Tacoma, County of Pierce, Metropolitan Park District or other political
17 subdivision of the State of Washington, or that injures or may injure or tend to injure any person, animal
18 or living thing upon said property. Violation is a gross misdemeanor.

8.44.060 Monuments and survey markers.

17 It shall be unlawful for any person or persons within the city limits of the City of Tacoma to remove,
18 change, pull up or destroy, or in any manner interfere with any monument, stake, post or peg established
19 or set by the City Engineer of the City of Tacoma, or by any of his assistants in the performance of his or
20 their duties as such engineer or assistant; provided, however, that this section shall not apply to any
21 contractor who may be obliged to remove such monument, stake, post, or peg in the performance of his
22 contract, provided said contractor shall first notify the City Engineer of the necessity for such removal
23 and obtain permission from him so to do. Violation is a misdemeanor.

8.44.065 Trespassing on posted public property.

21 Any person who shall go upon the premises or land owned by, under the control and care of, or in the
22 possession of, the City of Tacoma, County of Pierce, Metropolitan Park District or other political
23 subdivision of the State of Washington, with intent to vex the owner or occupant thereof or to commit any
24 unlawful act, or shall willfully go on or remain in or upon said premises or land after having been warned
25 by the owner or occupant thereof, occupant's agent, or a security or peace officer not to enter therein or
26 not to remain thereon, shall be guilty of a misdemeanor.

The City, County, Metropolitan Park District or other political subdivision of the State of Washington
shall be deemed to have given sufficient warning against trespassing within the meaning of this section,
after having posted in a conspicuous manner upon or near the boundary of each side of any unenclosed
lot or parcel of land, or near the entrance to any building, dwelling house or premises, a sign or signs



legibly printed or painted in the English language, substantially as follows: "WARNING – PUBLIC PROPERTY – NO TRESPASSING."

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8.44.070 Official signs and notices.

It shall be unlawful for any person to efface, destroy or remove any official sign or notice which has been posted by authority of the City of Tacoma in any public place or upon any building or other structure within the City by its officers or agents while the warning of such signs and notices shall be in force; provided that this chapter shall not apply to any sign or notice posted under any health or quarantine ordinance or regulation. Violation is a misdemeanor.

8.44.075 Political signs and notices.

It shall be unlawful for any person to efface, destroy or remove any bona fide political sign from its location within the City of Tacoma during the period preceding a political election; provided, however, this shall not impair the right of a person or owner in lawful occupancy of real property from removing any political sign placed without his or her consent upon his or her property or upon property over which he or she asserts dominion and control. Violation is a misdemeanor.

8.44.090 Railroad tracks – Obstructing.

It shall be unlawful for any person or persons to willfully place or cause to be placed upon or adjacent to the track or between the rails of any street railway company or any railroad company operating street cars or railroad trains in the City of Tacoma any obstacle whatever. Violation is a misdemeanor.

8.44.100 Utilities property – Light plant.

It is unlawful for any person to, in any manner, injure, mutilate, destroy, remove, disconnect, or in any wise interfere, or tamper with, any of the machinery, poles, wires, meters, lamps, or other appliances belonging to, or in any manner connected with, the Light and Power Plant of the City of Tacoma. Violation is a gross misdemeanor.

8.44.110 Utilities property – Reward.

The Director of Utilities is hereby authorized to offer, and the proper officers of the City are authorized to pay, a reward of \$10.00 out of the Light Fund to any person who shall furnish information to the Director which shall result in the conviction of any person for the violation of Section 8.44.100; provided, that not more than one reward shall be paid in any one case.

8.44.120 Utilities property – Water main bridges.

It is unlawful for any person to walk upon or use as a passageway any bridge or structure erected for the maintenance of sewer or water pipes in the City of Tacoma, or to molest, destroy, or in any manner interfere with, any gate or barrier connected thereto. Violation is a misdemeanor.

8.44.130 Malicious Mischief in the Third Degree.

RCW 9A.48.090, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

8.44.140 Malicious Mischief – “Physical damage” defined.

RCW 9A.48.100, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

8.44.150 Violation – Penalties. Repealed by Ord. 27842.

8.44.160 Criminal Mischief.

RCW 9A.84.010, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except, that conduct constituting a felony, as determined by the prosecutor, is excluded.



8.44.170 Computer trespass.

RCW 9A.52.120, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

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Chapter 8.74

CRIMINAL MISUSE OF TELEPHONE HARASSMENT AND CYBERSTALKING

Sections:

8.74.010 Telephone ~~harassment and cyberstalking~~ calls to harass, intimidate, torment, or embarrass.

~~8.74.020 Telephone calls to harass, intimidate, torment, or embarrass—Permitting telephone to be used.~~

~~8.74.030 Telephone calls to harass, intimidate, torment, or embarrass—Offense, where deemed committed.~~

8.74.010 Telephone harassment and cyberstalking calls to harass, intimidate, torment, or embarrass.

RCW Sections 9.61.230, 9.61.240, 9.61.250, and 9.61.260, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

Except as to one who has previously been convicted as set forth in RCW 9.61.230(3), every person who, with intent to harass, intimidate, torment or embarrass any other person, shall make a telephone call to such other person:

A. Using any lewd, lascivious, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; or

B. Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or

C. Threatening to inflict injury on the person or property of the person called or any member of his or her family or household; shall be guilty of a gross misdemeanor and subject to up to one year in jail and/or a \$5,000 fine.

8.74.020 Telephone calls to harass, intimidate, torment, or embarrass—Permitting telephone to be used.

Any person who knowingly permits any telephone under his or her control to be used for any purpose prohibited by TMC 8.74.010 shall be guilty of a misdemeanor.

8.74.030 Telephone calls to harass, intimidate, torment, or embarrass—Offense, where deemed committed.

Any offense committed by use of a telephone as set forth in TMC 8.74.010 may be deemed to have been committed either at the place from which the telephone call or calls were made or at the place where the telephone call or calls were received.

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Chapter 8.76

ASSAULT IN THE FOURTH DEGREE

Sections:

8.76.010 Assault in the Fourth Degree.

8.76.010 Assault in the Fourth Degree.

RCW 9A.36.041, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

Chapter 8.77

CRIMINAL MISTREATMENT

Sections:

8.77.010 Criminal mistreatment.

8.77.010 Criminal mistreatment.

Chapter 9A.42 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

Chapter 8.78

RECKLESS ENDANGERMENT

Sections:

8.78.010 Reckless endangerment.

8.78.010 Reckless endangerment.

RCW 9A.36.050, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

Chapter 8.79

COERCION

Sections:

8.79.010 Coercion.

8.79.010 Coercion.

RCW 9A.36.070, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

Chapter 8.80

HARASSMENT

Sections:

8.80.010 Harassment.

8.80.010 Harassment.

Chapter 9A.46 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.



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Chapter 8.81

JENNIFER PAULSON STALKING PROTECTION ORDER ACT

Sections:

8.81.010 Jennifer Paulson Stalking Protection Order Act.

8.81.010 Jennifer Paulson Stalking Protection Order Act.

Chapter 7.92 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

Chapter 8.82

INTERFERING WITH THE REPORTING OF DOMESTIC VIOLENCE

Sections:

8.82.010 Interfering with the reporting of domestic violence.

8.82.010 Interfering with the reporting of domestic violence.

RCW 9A.36.150, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

Chapter 8.83

FAILING TO SUMMON ASSISTANCE

Sections:

8.83.010 Failing to summon assistance.

8.83.010 Failing to summon assistance.

RCW Sections 9A.36.160 and 9A.36.161, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties.

Chapter 8.84

SEXUAL ASSAULT PROTECTION ORDER ACT

Sections:

8.84.010 Sexual Assault Protection Order Act.

8.84.010 Sexual Assault Protection Order Act.

Chapter 7.90 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

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Chapter 8.105

DOMESTIC VIOLENCE

Sections:

8.105.010 ~~Purpose—Intent~~ Domestic Violence.

8.105.020 ~~Definitions:~~

8.105.030 ~~Law enforcement officers—Training, powers, duties—Domestic violence reports:~~

8.105.040 ~~Duties of court—No Contact Order:~~

8.105.050 ~~Appearances by defendant:~~

8.105.060 ~~Victim contact—Restriction, prohibition—Violation, penalties—Written order—Procedures—Notice of change:~~

8.105.070 ~~Enforcement of orders:~~



- 8.105.075 — Violation of order for protection.
- 8.105.076 — Restraining orders — Violation — Penalty — Defense.
- 8.105.077 — Valid foreign protection orders.
- 8.105.078 — Violation of foreign protection order.
- 8.105.080 — Prosecutor’s notice to victim — Description of available procedures.
- 8.105.085 — Interfering with the reporting of domestic violence.
- 8.105.090 — Liability of peace officers.
- 8.105.100 — Severability.

8.105.010 Purpose — Intent Domestic Violence.

Chapters 10.99 and 26.50 RCW, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties.

The purpose of this chapter, as amended, is to provide for the enforcement by City agencies of the mandatory provisions of Washington's domestic violence laws (Chapters 7.90, 10.99, 26.50, 26.09 and 26.26 RCW). The City Council hereby finds that such provisions are required and necessary to allow for the effective enforcement thereof within the City and to allow the City to effectively provide increased services, as well as implement programs which are mandated by said provisions of State law.

8.105.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

A. “Family or household members” means spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they have been married or have lived together at any time, persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons 16 years of age or older with whom a respondent 16 years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

B. “Dating relationship” has the same meaning as in RCW 26.50.010.

C. “Domestic violence” includes, but is not limited to, any of the following crimes when committed by one family or household member against another:

1. Criminal assault (Tacoma Municipal Code (“TMC”) 8.12.013);
2. Destruction of property (TMC 8.12.120);
3. Intimidation with a deadly weapon (TMC 8.12.010(6));
4. Criminal trespass (TMC 8.12.025);
5. Harassment (TMC 8.106.010);
6. Assault in the first degree (RCW 9A.36.011);
7. Assault in the second degree (RCW 9A.36.021);
8. Assault in the third degree (RCW 9A.36.031);
9. Assault in the fourth degree (RCW 9A.36.041);
10. Drive-by shooting (RCW 9A.36.045);
11. Reckless endangerment (RCW 9A.36.050);
12. Coercion (RCW 9A.36.070);
13. Burglary in the first degree (RCW 9A.52.020);



- 14. Burglary in the second degree (RCW 9A.52.030);
- 15. Criminal trespass in the first degree (RCW 9A.52.070);
- 16. Criminal trespass in the second degree (RCW 9A.52.080);
- 17. Malicious mischief in the first degree (RCW 9A.48.070);
- 18. Malicious mischief in the second degree (RCW 9A.48.080);
- 19. Malicious mischief in the third degree (RCW 9A.48.090);
- 20. Kidnapping in the first degree (RCW 9A.40.020);
- 21. Kidnapping in the second degree (RCW 9A.40.030);
- 22. Unlawful imprisonment (RCW 9A.40.040);
- 23. Violation of the provisions of a restraining order, Sexual Assault Protection Order, No Contact Order, or protection order restraining the person from going onto the grounds of or entering a residence, workplace, school, or daycare, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location;
- 24. Rape in the first degree (RCW 9A.44.040);
- 25. Rape in the second degree (RCW 9A.44.050);
- 26. Residential Burglary (RCW 9A.52.025);
- 27. Interfering with the reporting of domestic violence (TMC 8.105.085); and
- 28. Stalking (TMC 8.12.170).

D. ~~“Victim” means a family or household member who has been subject to domestic violence.~~

E. ~~“Court” means the superior courts, district courts, and municipal courts of the state of Washington, and includes the Municipal Court of the City of Tacoma.~~

F. ~~“Judicial day” does not include Saturdays, Sundays, or legal holidays.~~

G. ~~“Foreign protection order” means an injunction or other order related to domestic or family violence, harassment, sexual abuse, or stalking for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to, another person, issued by a court of another state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia; or any United States military tribunal; or a tribal court; in a civil or criminal action.~~

8.105.030 — Law enforcement officers — Training, powers, duties — Domestic violence reports.

A. ~~All training of law enforcement officers relating to the handling of domestic violence complaints shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.~~

B. ~~The primary duty of peace officers when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party.~~

C. ~~1. When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's rights to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.~~



2. A peace officer responding to a domestic violence call shall take a complete offense report, including the officer's disposition of the case.

D. When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

~~“IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the City or County prosecuting attorney to file a criminal complaint. You also have the right to file a petition in Superior, District, or Municipal Court requesting an order for protection from domestic abuse which could include any of the following:~~

- ~~(a) An order restraining your abuser from further acts of abuse;~~
- ~~(b) An order directing your abuser to leave your household;~~
- ~~(c) An order preventing your abuser from entering your residence, school, business, or place of employment;~~
- ~~(d) An order awarding you or the other parent custody of or visitation with your minor child or children; and~~
- ~~(e) An order restraining your abuser from molesting or interfering with minor children in your custody.~~

~~The forms you need to obtain a protection order are available in any Municipal, District, or Superior Court. Information about shelters and alternatives to domestic violence is available from a state wide 24-hour toll free hotline (include appropriate phone number). The battered women's shelter and other resources in this area are: (include current local information).”~~

~~E. The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.~~

~~F. The law enforcement agency shall forward the offense report to the appropriate prosecutor within 10 days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.~~

~~G. Each law enforcement agency shall make, as soon as practicable, a written record and shall maintain records of all incidents of domestic violence reported to it.~~

~~H. Records kept pursuant to subsections C and G of this section shall be made identifiable by means of a departmental code for domestic violence.~~

8.105.040 — Duties of court — No Contact Order.

A. Because of the serious nature of domestic violence, the court, in domestic violence actions:

- ~~1. Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;~~
- ~~2. Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;~~
- ~~3. Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence; PROVIDED, that the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and~~
- ~~4. Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.~~

B. 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 or arrested for a crime involving domestic violence is



1 released from custody before arraignment or trial on bail or personal recognizance, or after trial but
2 before sentencing, the court authorizing the release may prohibit that person from having any contact
3 with the victim. If there is no outstanding restraining or protective order prohibiting that person from
4 having contact with the victim, the court authorizing release may issue, by telephone, a No Contact Order
5 prohibiting the person charged or arrested from having contact with the victim or from knowingly coming
6 within, or knowingly remaining within, a specified location.

7 1. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

8 2. The No Contact Order shall also be issued in writing as soon as possible.

9 C. At the time of arraignment the court shall determine whether a No Contact Order shall be issued or
10 extended. The No Contact Order shall terminate if the defendant is acquitted or the charges are dismissed.
11 If a No Contact Order is issued or extended, the court may also include in the conditions of release a
12 requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the
13 court shall specify who shall provide the monitoring services, and the terms under which the monitoring
14 shall be performed. Upon conviction, the court may require as a condition of the sentence that the
15 defendant reimburse the providing agency for the costs of the electronic monitoring.

16 D. Willful violation of a court order issued under this section or an order issued by any court of
17 competent jurisdiction under an equivalent statute or ordinance is a gross misdemeanor, punishable by a
18 fine not to exceed \$5,000, by imprisonment not to exceed 365 days, or both such fine and imprisonment;
19 provided, further, that upon conviction, and in addition to other penalties provided by law, the court may
20 require that the defendant submit to electronic monitoring. The court shall specify who shall provide the
21 electronic monitoring services and the terms under which the monitoring must be performed. The court
22 may also include a requirement that the defendant pay the costs of the monitoring. The court shall
23 consider the ability of the convicted person to pay for electronic monitoring.

24 E. The written order releasing the person charged or arrested shall contain the court's directives and shall
25 bear the legend: "Violation of this order is a criminal offense under Chapter 8.105 of the Tacoma
26 Municipal Code, 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, as prescribed by RCW 10.99. 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 the 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 72 hours if charges are
not filed. Such orders need not be entered into the computer-based criminal intelligence information
system in this state which is used by law enforcement agencies to list outstanding warrants.

27 F. Whenever an order prohibiting contact is issued, modified, or terminated under subsection B or C of
28 this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to
29 the appropriate law enforcement agency specified in the order, and to the Tacoma Pierce County Law
30 Enforcement Support Agency ("LESA"). Upon receipt of the copy of the order, LESA shall forthwith
31 enter the order for one year or until the expiration date specified on the order into any computer-based
32 criminal intelligence information system available in this state used by law enforcement agencies to list
33 outstanding warrants. Entry into the law enforcement information system constitutes notices to all law
34 enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in
35 the state.

36 **8.105.050—Appearances by defendant.**

37 A. A defendant arrested for an offense involving domestic violence, as defined by Section 8.105.020
38 hereof, shall be required to appear in person before a magistrate within one judicial day after the arrest, or
39 in a manner consistent with the existing court rules.

40 B. A defendant who is charged by citation, complaint, or information with an offense involving domestic
41 violence, as defined by Section 8.105.020 hereof, and not arrested shall appear in court for arraignment in
42 person as soon as practicable, but, subject to court rules and if consistent therewith, in no event later than



14 days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

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C. At the time of the appearance provided for in subsection A or B of this section, the court shall determine the necessity of imposing a No Contact Order or other conditions of pretrial or pre-sentencing release according to the procedures established by court rule for a preliminary appearance or an arraignment. 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.04.110, in any further acts of violence, as one of the conditions of pretrial release, the court may require the defendant to surrender any deadly weapon in the defendant's immediate possession or control, or subject to the defendant's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which the defendant resides, or to the defendant's counsel for safekeeping. The decision of the judge and findings of fact in support thereof shall be in writing.

D. Appearances required pursuant to this section are mandatory and cannot be waived unless otherwise provided by court rule.

E. The No Contact Order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in TMC 8.105.040(B) and (E).

8.105.060 — Victim contact — Restriction, prohibition — Violation, penalties — Written order — Procedures — Notice of change.

A. When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

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 a gross misdemeanor, punishable by a fine not exceeding \$5,000, by imprisonment not exceeding 365 days, or by both such fine and imprisonment.

C. The written order shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under TMC 8.105 and will subject a violator to arrest. Any assault or reckless endangerment that is a violation of this order is a felony as prescribed by RCW 10.99."

D. Whenever an order prohibiting contact is issued pursuant to 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, and to LESA. Upon receipt of the copy of the order, LESA shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notices to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

8.105.070 — Enforcement of orders.

A peace officer shall enforce an order issued by any court in this state restricting a defendant's ability to have contact with a victim by arresting and taking the defendant into custody, pending release on bail, personal recognizance, or court order, when the officer has probable cause to believe that the defendant has violated the terms of that order.

8.105.075 — Violation of order for protection.

A. Whenever an order for protection is granted pursuant to the terms of RCW 7.90, 10.99, 26.09, 26.10, 26.26, or 26.50, or there is a valid foreign protection order as defined in TMC 8.105.020, and the respondent or person restrained knows of the order, a violation of the provisions of such an order or of a provision excluding the person from a residence, workplace, school, or daycare, or of a provision prohibiting a 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, for which an arrest is required under RCW 10.31.100(2)(a) or (b), is a gross misdemeanor,



1 punishable by a fine not exceeding \$5,000, by imprisonment not exceeding 365 days, or both such fine
2 and imprisonment. Upon conviction, and in addition to any other penalties provided by law, the court
3 may require that the respondent submit to electronic monitoring services, and the terms under which the
4 monitoring shall be performed. The order may also include a requirement that the respondent pay the
5 costs of monitoring. The court shall consider the ability of the convicted person to pay for electronic
6 monitoring.

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

13 **~~8.105.076 — Restraining orders — Violation — Penalty — Defense.~~**

14 ~~A. Whenever a restraining order is issued under RCW 26.09, 26.10, or 26.26, and the person to be
15 restrained knows of the order, a violation of the provisions restricting the person from acts or threats of
16 violence or of a provision restraining the person from going onto the grounds of or entering the residence,
17 workplace, school, or daycare of another, or prohibiting the person from knowingly coming within, or
18 knowingly remaining within, a specified distance of a location, is a gross misdemeanor, punishable by a
19 fine not exceeding \$5,000, or by imprisonment not exceeding 365 days, or both such fine and
20 imprisonment.~~

21 ~~B. A person is deemed to have notice of a restraining order issued under RCW 26.09, 26.10, or 26.26 if:~~

- 22 ~~1. The person to be restrained or the person's attorney signed the order;~~
- 23 ~~2. The order recites that the person to be restrained or the person's attorney appeared in person before the
24 court;~~
- 25 ~~3. The order was served upon the person to be restrained;~~
- 26 ~~4. The peace officer gives the person oral or written evidence of the order by reading from it or handing
to the person a certified copy of the original order, certified to be an accurate copy of the original by a
notary public or by the clerk of the court.~~

~~C. It is a defense to prosecution under subsection A of this section that the court order was issued
contrary to law or court rule.~~

~~D. A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or
court order, a person without a warrant when the officer has probable cause to believe that:~~

1. A restraining order has been issued under RCW 26.09, 26.10, or 26.26;
2. The respondent or person to be restrained knows of the order; and
3. The person to be arrested has violated the terms of the order restraining the person from acts or threats
of violence or restraining the person from going onto the grounds of or entering the residence, workplace,
school, or daycare of another, or prohibiting the person from knowingly coming within, or knowingly
remaining within, a specified distance of a location.

8.105.077 — Valid foreign protection orders.

A. A foreign protection order is valid if the issuing court had jurisdiction over the parties and matter
under the law of the state, territory, possession, tribe, or United States military tribunal. There is a
presumption in favor of validity where an order appears authentic on its face. A person under restraint
must be given reasonable notice and the opportunity to be heard before the order of the foreign state,
territory, possession, tribe, or United States military tribunal was issued; provided, in the case of ex parte
orders, notice and opportunity to be heard was given as soon as possible after the order was issued,
consistent with due process.



B. Filing of a foreign protection order with a Washington court and entry of the foreign protection order into any computer based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants are not prerequisites for enforcement of the foreign protection order.

8.105.078—Violation of foreign protection order.

Whenever a foreign protection order is granted to a person entitled to protection and the person under restraint knows of the foreign protection order, a violation of a provision prohibiting the person under restraint from contacting or communicating with another person, or of a provision excluding the person under restraint from a residence, workplace, school, or daycare, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime, is punishable under Section 8.105.075 of this Code.

8.105.080—Prosecutor’s notice to victim—Description of available procedures.

The Assistant City Attorney responsible for making the decision whether or not to prosecute, or an agency contracting with the City to administer this chapter, shall advise the victim of that decision within five days, and, prior to making that decision, shall advise the victim, upon the victim's request, of the status of the case. Notification to the victim that charges will not be filed shall include a description of the procedures available to the victim in the jurisdiction to initiate a criminal proceeding.

8.105.085—Interfering with the 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 this chapter; 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 punishable by a fine not exceeding \$5,000.00, by imprisonment not exceeding 365 days, or by both such fine and imprisonment.

8.105.090—Liability of peace officers.

This chapter is intended to implement Chapter 10.99 RCW, and there is incorporated herein specifically RCW 10.99.070, reading as follows:

A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this chapter arising from an alleged incident of domestic violence brought by any party to the incident.

8.105.100—Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

**Chapter 8.106
HARASSMENT**

Sections:

- 8.106.010—Harassment.
- 8.106.020—Penalty.
- 8.106.030—Enhanced penalty.
- 8.106.040—Severability.



8.106.010—Harassment.

A. A person is guilty of harassment if:

1. The person threatens:

- a. To cause bodily injury to a specific person or group of persons; or
- b. To cause physical damage to the property of a person or group of persons other than the actor; or
- c. To subject a specific person or group of persons to physical confinement or restraint; or
- d. Maliciously to do any other act which is intended to substantially harm a specific person or group of persons with respect to their physical or mental health or safety; and

2. The person, by words or conduct, places a specific person or group of persons in reasonable fear that the threat will be carried out.

B. When any defendant charged with a crime involving harassment under this Chapter 8.106 is released from custody before trial on bail or on personal recognizance, the court authorizing such release may require, as a condition of release, that the defendant:

- 1. Stay away from the home, school, business, or place of employment of the victim or victims, or of any other person, business or entity associated with the events charged, and any specific address or location associated therewith;
- 2. Refrain from contacting, intimidating, threatening, or otherwise interfering with the victim or victims of the alleged offense, or any other persons, including, but not limited to, family or household members of the victim, as shall be specifically named by the court in the order. "Family or household" is defined as stated at City Code Section 8.105.020.A.

C. The court shall determine the necessity for imposing a no contact order or other condition of pre trial release. The Tacoma Police Department and the Tacoma Municipal Court may enforce this section as it relates to orders restricting the defendant's ability to have contact with the victim or others. The victim shall be informed by local law enforcement agencies or the City Attorney's office of the final disposition of the case in which the victim is involved. If a defendant is found guilty of a crime of harassment and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition shall be recorded and a written certified copy of that order shall be provided to the victim or witnesses by the clerk of the court. 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 a misdemeanor. The written order shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense and will subject the violator to arrest."

D. Immunity. A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission made in good faith under this chapter arising from an alleged incident of harassment brought by any party to the incident.

8.106.020—Penalty.

Any person who shall violate Section 8.106.010 of this chapter shall be guilty of a gross misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed \$5,000.00 or a jail sentence not to exceed one year, or by both such fine and jail sentence.

8.106.030—Enhanced penalty.

In any prosecution for harassment under this Chapter 8.106 where a defendant is convicted of violating Section 8.106.010, and where it was charged and subsequently found by the trier of fact that the act of which defendant was convicted was because of actual or perceived race, color, religion, ancestry, national origin, mental, physical or sensory handicap, sex or sexual orientation, then the court shall impose a minimum jail sentence of not less than ten days in jail for each such offense, which jail term shall not be suspended or deferred.



~~8.106.040 Severability.~~

~~If any subsection of this Chapter 8.106 shall be found to be invalid, then all of the remainder of this chapter shall remain and be in full force and effect.~~

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Chapter 8.107

VIOLATION OF CIVIL ANTI-HARASSMENT PROTECTION ORDER

Sections:

8.107.010 Violation of civil anti-harassment protection order.

8.107.010 Violation of civil anti-harassment protection order.

Any ~~person respondent age 18 years or over who is subject to any civil anti-harassment protection order issued pursuant to Chapter 280, Laws of 1987, and~~ who willfully disobeys any ~~such~~ civil anti-harassment protection order ~~issued pursuant to Chapter 10.14 RCW~~, shall be guilty of a gross misdemeanor, ~~and, upon conviction thereof, shall be punished by a fine not to exceed \$5,000.00, or a jail sentence not to exceed one year, or by both such fine and jail sentence.~~