



## ORDINANCE NO. 28961

1 AN ORDINANCE relating to public safety; amending Chapter 8.17 of the  
2 Municipal Code, relating to False Reports of Crime by amending Section  
3 8.17.010, to adopt by reference Revised Code of Washington (“RCW”)  
4 Chapter 9A.84.040, and to amend Section 8.17.020, to update penalty  
5 provisions.

6 WHEREAS Tacoma Municipal Code (TMC) 8.17.010 was created by  
7 Ordinance Number 11551 Section 1, passed July 6, 1938, and has not been  
8 amended or updated since, and

9 WHEREAS TMC 8.17.010 prohibits false reports or representations to  
10 police that a person has suffered financial or property loss due to robbery, assault,  
11 holdup, larceny or burglary, and

12 WHEREAS the ordinance does not capture the gravamen of the offense of  
13 knowingly misusing 911 to generate an emergency response by making a false  
14 report, and

15 WHEREAS, the criminal misuse of 911 potentially negatively impacts  
16 availability of resources to respond to other calls for services throughout the City  
17 thereby potentially jeopardizing public safety, and

18 WHEREAS, while TMC 8.17.015, related to obstructing a public servant,  
19 can potentially apply in certain factual circumstances, it lacks clarity in effective  
20 application for these types of circumstances, and

21 WHEREAS, RCW 9A.84.040 is more expansive than the City’s current code  
22 provisions and would augment the City’s current law enforcement tools, and would  
23 harmonize the City’s false reporting provision with State law to effectively capture  
24 criminal conduct that might otherwise be inadequately addressed by the City, and  
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WHEREAS the Community Vitality and Safety Committee considered this proposal on December 14, 2023, and voted to forward the proposal on to the full City Council for consideration; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That Chapter 8.17 of the Tacoma Municipal Code is hereby amended, as set forth in the attached Exhibit "A."

Section 3. That the City Clerk, in consultation with the City Attorney, is 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.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

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Deputy City Attorney



EXHIBIT "A"

CHAPTER 8.17  
FALSE REPORTS OF CRIME

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Sections:

- 8.17.010 ~~Unlawful to make false crime report.~~ False Reporting.
- 8.17.015 Obstructing a public servant.
- 8.17.020 Violation – Penalty.

**8.17.010 ~~Unlawful to make false crime report.~~ False Reporting.**

~~It is unlawful for any person to knowingly falsely report or represent to any police officer that he or she has suffered the loss of any money or property as the result of robbery, assault, holdup, larceny or burglary.~~ RCW 9A.84.040 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

**8.17.015 Obstructing a public servant.**

A. A person shall be guilty of a gross misdemeanor if he or she knowingly:

- 1. Files false criminal charges against another person or makes any false or misleading material statement to a public servant in the discharge of his or her official duties, or
- 2. Hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.

B. For the purposes of this section, a law enforcement officer is a City of Tacoma police officer, Fire Department official, animal control officer, park patrol officer, warrant officer, bailiff, Pierce County Sheriff or deputy sheriff, Washington State Patrol Officer, or other law enforcement officer as defined in RCW 9A.76.020.

C. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

D. "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a council member, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function.

**8.17.020 Violation – Penalty.**

Any person violating the provisions of Section ~~8.17.010 or~~ 8.17.015 hereof shall be guilty of a gross misdemeanor and, upon conviction thereof, shall be punished by a fine in any sum not exceeding \$5,000.00 or by imprisonment for a term not exceeding 364 days~~one year~~, or by both such fine and imprisonment.