



TO: City Manager Elizabeth Pauli
FROM: William Fosbre, City Attorney, City Attorney’s Office; Keith A. Echterling, Assistant City Attorney, City Attorney’s Office.
COPY: City Council and City Clerk
SUBJECT: Requested ordinance to adopt immediately a new Revised Code of Washington [RCW], Chapter 7.105 RCW to facilitate continuity of prosecution services regarding domestic violence order violations.
DATE: July 7, 2022

SUMMARY AND PURPOSE:

An ordinance declaring an emergency and amending Chapter 8.105 of the Tacoma Municipal Code, entitled Domestic Violence, by adopting by reference Chapter 7.105 Revised Code of Washington (“RCW”) to allow for continued municipal prosecution of offenders who violate a variety of no-contact or protection orders, including violation of criminal no-contact orders issued under Chapter 10.99 RCW.

BACKGROUND:

In the 2021 Legislative Session, the Washington State Legislature, with an effective date of July 1, 2022, recodified in part and repealed in part Ch. 26.50 RCW, relating to domestic violence protection orders, and adopted new provisions for issuance of domestic violence protection orders now codified as Chapter 7.105 RCW. Ch. 26.50 RCW had been incorporated into the Tacoma Municipal Code pursuant to Ch. 8.105 TMC, allowing the Prosecution Division to prosecute violations of various domestic violence related orders under RCW 26.50.110. As of July 1, 2022, because of the repeal of Ch. 26.50 RCW, the Prosecution Division cannot prosecute violations of domestic violence protection orders, anti-harassment protection orders, and extreme risk orders. The Prosecution Division was not aware of this change in the law, making it necessary to take emergency action to adopt the proposed ordinance to ensure that violations of protection, anti-harassment, and extreme risk orders can be prosecuted in Tacoma Municipal Court.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

This proposal would facilitate the continuity of prosecutorial services by allowing the Prosecution Division to continue to prosecute criminal violations of various protection and no-contact orders. The Prosecution Division is in continuing contact with members of the community regarding the need for enforcement of protection orders.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility: (Mandatory)

People living in marginalized communities experience domestic violation at higher rates than other communities. The proposed ordinance would support the City’s equity and accessibility priorities by ensuring that the City maintains its authority to enforce domestic violence protection orders .

Livability: Equity Index Score: Moderate Opportunity

Increase positive public perception of safety and overall quality of life.



Explain how your legislation will affect the selected indicator(s).

This ordinance would help facilitate the continued prosecution of offenders who violate no-contact and other protection orders by the Prosecution Division for crimes that occur within the city limits.

ALTERNATIVES:

Presumably, your recommendation is not the only potential course of action; please discuss other alternatives or actions that City Council or staff could take. Please use table below.

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. Do not adopt Ch. 7.105 RCW.	N/A	Inability of Prosecution Division to prosecute violation of DV orders in Tacoma Municipal Court.
2.		
3.		

STAFF/SPONSOR RECOMMENDATION:

The City Attorney’s Office recommends amending Chapter 8.105 TMC to repeal the adoption of Ch. 26.50 RCW and to adopt the new state laws under Ch. 7.105 RCW to allow the Prosecution Division to continue to prosecute criminal violations of a variety of no-contact and protection orders. The City Attorney’s Office recommends an immediate adoption as an emergency.

FISCAL IMPACT:

Please provide a short summary of the fiscal impacts associated with the grant, agreement, policy action, or other action.

There is no fiscal impact.

ATTACHMENTS:

- Ordinance