



ORDINANCE NO. 28822

1 AN ORDINANCE relating to public safety; amending Chapter 8.105 of the Tacoma
2 Municipal Code by repealing the adoption of Chapter 26.50 of the Revised
3 Code of Washington (“RCW”) therein, and adopting by reference
4 Chapter 7.105 RCW; declaring an emergency, making this ordinance
5 effective upon passage; and providing for severability.

6 WHEREAS in the 2021 Legislative Session, the Washington State
7 Legislature passed Engrossed Substitute House Bill (“ESHB”) 1320, with a
8 pertinent effective date of July 1, 2022, and

9 WHEREAS ESHB 1320 repeals in part and recodifies in part Revised
10 Code of Washington (“RCW”) Chapter 26.50 relating to domestic violence
11 protection orders, and adopts new Chapter 7.105 RCW relating to domestic
12 violence protection orders, and

13 WHEREAS, as of July 1, 2022, violations of domestic violence and related
14 protection orders can no longer be prosecuted under Chapter 26.50 RCW and
15 must be prosecuted under Chapter 7.105 RCW, and

16 WHEREAS Chapter 8.105 of the Tacoma Municipal Code (“TMC”) currently
17 adopts by reference former Chapter 26.50 RCW as the basis for the City’s
18 authority to prosecute violations of domestic violence protection orders, and

19 WHEREAS it is now necessary to amend TMC Chapter 8.105 to adopt by
20 reference Chapter 7.105 RCW on an emergency basis to facilitate the continuity
21 of prosecution of violations of domestic violence, protection orders, and to permit
22 municipal prosecution of anti-harassment and extreme risk protection order
23 violations, and
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WHEREAS the City was not previously aware of the impact of this change in state law to its enforcement authority and the need to amend the TMC; 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 8.105 of the Tacoma Municipal Code is hereby amended by repealing the previous adoption of Chapter 26.50 Revised Code of Washington ("RCW") and adopting by reference Chapter 7.105 RCW, as set forth in the attached Exhibit "A."

Section 3. That, based upon the facts and conclusions as specified herein, a public emergency exists, making this ordinance effective upon passage by an affirmative vote of a least six members of the City Council.

Section 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 5. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not



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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:

Assistant City Attorney



EXHIBIT "A"

CHAPTER 8.105

DOMESTIC VIOLENCE

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Sections:

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8.105.010 Domestic Violence.

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8.105.010 Domestic Violence.

Chapters 10. 99 and ~~7.10526.50~~ RCW, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties.

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