

Ordinance No. 00444

[City Council meeting minutes of March 19 2007](#)

ORDINANCE NO. 444

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Lakewood Municipal Code 09.42.020 on Harassment.

WHEREAS, the City has an interest in holding criminal offenders accountable particularly where the offense involves threats of harm; and

WHEREAS, state law has modified the definition of harassment to include not only threats of future harm, but threats of immediate harm as well; and

WHEREAS, conformity with state law in this instance will provide for holding criminal offenders more accountable,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1. That LMC Section 09.42.020 be amended so that the section reads:

09.42.020 - Harrassment - Definition - Penalties

Other than where a person has been charged with this offense under circumstances where (a) the person has previously been convicted of the crime of harassment as defined in RCW 9A.46.060 of the same victim or member of the victim's family or household or any person specifically named in a no-contact or no-harassment order, or (b) the person harasses another person under RCW 9A.46.020 (1)(a)(i) by threatening to kill the person threatened or any other person; a person is guilty of harassment if:

(a) without lawful authority, the person knowingly threatens:

(i) to cause bodily injury immediately or in the future to the person threatened or to any other person; or

(ii) to cause physical damage to the property of a person other than the actor; or

(iii) to subject the person threatened or any other person to physical confinement or restraint; or

(iv) maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and

(b) the person by words or conduct places the person threatened in reasonable fear that the threat will be carried out.

Violation of this Section shall be a gross misdemeanor. The penalty provided for this Section does not preclude the victim from seeking any other remedy otherwise available under law. (Ord. 41 ? 1 (part), 1996.)

Section 2. Severability. If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 3. Effective Date. That, upon passage and signatures hereon, this Ordinance shall be in full force and effect upon passage and signatures hereon.

ADOPTED by the City Council this 19th day of March, 2007.

CITY OF LAKEWOOD

Claudia B. Thomas, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney