

**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: 10/11/21**

<b>AGENDA ITEM:</b>	
Adopting the crime of Cyberstalking	
<b>PREPARED BY:</b>	<b>DIRECTOR APPROVAL:</b>
Jon Walker	
<b>DEPARTMENT:</b>	
Legal	
<b>ATTACHMENTS:</b>	
RCW 9.61.260	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
<b>SUMMARY:</b>	

The City may prosecute misdemeanors and gross misdemeanors set forth in the municipal code and RCW crimes adopted into the municipal code by reference. RCW 9.61.260 defines the crime of Cyberstalking. A copy of the RCW is attached. October is Domestic Violence Awareness Month. Electronic communication (emails, texts, social media, and the internet) are sometimes used to harass individuals, including domestic violence victims. Adopting this crime will provide the City with another tool to combat criminal behavior.

**RECOMMENDED ACTION: Staff recommends the Council consider adopting RCW 9.61.260, Cyberstalking, by reference.**

**RECOMMENDED MOTION: I move to adopt Ordinance No. \_\_\_\_**

CITY OF MARYSVILLE  
Marysville, Washington

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,  
WASHINGTON, SPECIFICALLY ADOPTING THE CRIME OF  
CYBERSTALKING.**

WHEREAS, under the revised code of Washington it is a crime to use electronic communication to harass, intimidate, torment, or embarrass another person; and

WHEREAS, by adopting RCW 9.61.260, Cyberstalking, the City will be able to prosecute such a crime in municipal court; and

WHEREAS, public safety will be enhanced by adopting this crime.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE,  
WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Section 6.50.010, of the municipal code is amended as set forth in Exhibit A.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 4. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF MARYSVILLE

By \_\_\_\_\_  
JON NEHRING, MAYOR

Attest:

By \_\_\_\_\_  
\_\_\_\_\_, DEPUTY CITY CLERK

Approved as to form:

By \_\_\_\_\_  
JON WALKER, CITY ATTORNEY

Date of publication: \_\_\_\_\_

Effective Date (5 days after publication): \_\_\_\_\_

# EXHIBIT A

6.50.010 Statutes incorporated by reference.

The following statutes regarding harassment are incorporated by reference:

RCW

9A.46.010 Legislative finding.

9A.46.020 Definition – Penalties.

9A.46.030 Place where committed.

9A.46.040 Court ordered requirements upon person charged with crime – Violation.

9A.46.050 Arraignment – No-contact order.

9A.46.060 Crimes included in harassment.

9A.46.070 Enforcement of orders restricting contact.

9A.46.080 Order restricting contact – Violation.

9A.46.090 Liability of peace officer.

9A.46.100 Convicted – Time when.

9A.46.110 Stalking.

[9.61.260 Cyberstalking.](#)

10.14.020 Definitions.

10.14.120 Disobedience of order – Penalties.

10.14.170 Criminal penalty.

## RCW 9.61.260

### Cyberstalking.

(1) A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party:

(a) Using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act;

(b) Anonymously or repeatedly whether or not conversation occurs; 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.

(2) Cyberstalking is a gross misdemeanor, except as provided in subsection (3) of this section.

(3) Cyberstalking is a class C felony if either of the following applies:

(a) The perpetrator has previously been convicted of the crime of harassment, as defined in RCW 9A.46.060, with the same victim or a member of the victim's family or household or any person specifically named in a no-contact order or no-harassment order in this or any other state; or

(b) The perpetrator engages in the behavior prohibited under subsection (1)(c) of this section by threatening to kill the person threatened or any other person.

(4) Any offense committed under this section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.

(5) For purposes of this section, "electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic communication" includes, but is not limited to, electronic mail, internet-based communications, pager service, and electronic text messaging.

[ 2004 c 94 § 1.]

### NOTES:

**Severability—2004 c 94:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [ 2004 c 94 § 6.]

**Effective dates—2004 c 94:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 24, 2004], except for section 3 of this act, which takes effect July 1, 2004." [ 2004 c 94 § 7.]