

**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: July 25, 2022**

<b>AGENDA ITEM: Amendments to the Municipal Code regarding protection orders</b>	
<b>PREPARED BY: Jon Walker</b>	<b>DIRECTOR APPROVAL:</b>
<b>DEPARTMENT: Legal</b>	
<b>ATTACHMENTS:</b>	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
<b>SUMMARY:</b>  The legislature reorganized and amended the RCW's regarding protection orders in a 127 page bill that became effective this month. Several statutes were repealed and recodified in chapter 7.105 RCW, such as those addressing anti-harassment orders and domestic violence orders issued in a civil case. While under MMC 6.06.020, amendment, repeal, and recodification of statutes previously adopted by the City automatically become part of the municipal code, in this case I recommend amending the code to provide clarity. In addition to adopting RCW's relevant to anti-harassment and civil domestic violence orders, this ordinance also adopts a RCW that imposes criminal penalties for persons who either provide materially false information with a petition for an extreme risk protection order (ERPO) or file a petition for an ERPO with the intent to harass the person who would be subject to the ERPO. An ERPO prohibits a person from possessing firearms when the court finds that the person's possession of firearms poses a significant danger of causing personal injury to the person or others in the near future. RCW 7.105.330. This ordinance would also adopt an RCW that imposes criminal penalties for a person who possesses a firearm in violation of an ERPO.	

<b>RECOMMENDED ACTION:</b> Staff recommends that Council consider specifically adopting RCW's related to criminal penalties related to civil protection orders and extreme risk protection orders.
<b>RECOMMENDED MOTION:</b> 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, RELATING TO PROTECTION ORDERS AND AMENDING  
SECTIONS 6.50.010 AND 6.56.010 OF THE MUNICIPAL CODE.**

WHEREAS, title 6 of the municipal code, Penal Code, addresses crimes including the violation of protection orders; and

WHEREAS, the City Council has adopted various RCW's that define protection order violations so these may be prosecuted in municipal court; and

WHEREAS, the legislature repealed and recodified several statutes regarding protection orders SHB 1901; and

WHEREAS, although section 6.06.020 of the municipal code automatically adopts repealers and recodifications, protection orders are an important tool for public safety; and

WHEREAS, specifically adopting RCW's in regard to protection orders provides clarity and thereby will enhance public safety.

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

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

B. SECTION 2. Section 6.56.010 of the municipal code is amended as set forth in Exhibit

SECTION 3. 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 4. 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 5. 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 \_\_\_\_\_, 2022.

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

9.61.260 Cyberstalking.

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.

10.14.020 Definitions.

~~10.14.120 Disobedience of order – Penalties.~~

~~10.14.170 Criminal penalty.~~

# EXHIBIT B

## **6.56.010 Statutes incorporated by reference – Domestic violence.**

The following statutes regarding domestic violence are incorporated by reference:

RCW

7.105.010 Definitions.

7.105.450 Enforcement and penalties—Other than antiharassment protection orders and extreme risk protection orders.

7.105.455 Enforcement and penalties—Antiharassment protection orders.

7.105.460 Enforcement and penalties—Extreme risk protection orders—False petitions.

7.105.465 Enforcement and penalties—Knowledge of order.

RCW 7.105.470 Enforcement—Prosecutor assistance.

9A.36.150 Interfering with the reporting of domestic violence.

10.99.020 Definitions.

10.99.040 Duties of court – No-contact order.

10.99.050 Victim contact – Restriction, prohibition – Violation, penalties – Written order – Procedures – Notice of change.

26.09.300 Violation of a restraining order issued in a dissolution proceeding.

~~26.50.110 Violation of a protective order issued in a civil domestic violence proceeding.~~