

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE CHAPTER 9.62 RELATING TO DOMESTIC VIOLENCE AND PROTECTIVE ORDERS

WHEREAS, the Olympia City Council intended Domestic Violence in the Presence of Children to include domestic violence against intimate partners, but the Washington State Legislature amended the definition to separate "Family and Household Member" and "Intimate Partner;" and

WHEREAS, the Olympia City Council determines it to be in the best interest of the City of Olympia to adopt an ordinance that will enhance penalties for committing domestic violence in the presence of children; and

WHEREAS, the Olympia City Council determines it to be in the best interest of the City of Olympia to correct the scrivener's error related to the adoption of RCW 26.50.010; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington State Constitution and any other applicable authority;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 9.16. Olympia Municipal Code Chapter 9.62 is hereby amended to read as follows:

**Chapter 9.62
DOMESTIC VIOLENCE AND PROTECTION ORDERS**

9.62.000 Chapter Contents

Sections:

- [9.62.010](#) State statutes adopted by reference.
- [9.62.020](#) Violation of protective order.
- [9.62.030](#) Domestic Violence in the presence of children - Penalty.

9.62.010 State statutes adopted by reference

The following sections of the Revised Code of Washington, as they appear now or are hereafter amended, are hereby adopted by reference as though fully set forth in this chapter:

RCW ~~26.58.010~~ [26.50.010](#) – Definitions

RCW [26.50.110](#) – Violation of order – Penalties

RCW [10.99.010](#) – Purpose – Intent

RCW [10.99.020](#) – Definitions

RCW [10.99.030](#) – Law enforcement officers – Training, powers, duties – Domestic violence reports

- RCW [10.99.040](#) – Duties of court – No-contact order
- RCW [10.99.045](#) – Appearances by defendant – Defendant’s history – No-contact order
- RCW [10.99.050](#) – Victim contact – Restriction, prohibition – Violation, penalties – Written order – Procedures – Notice of change
- RCW [10.99.055](#) – Enforcement of orders
- RCW [10.99.060](#) – Prosecutor’s notice to victim – Description of available procedures
- RCW [10.99.070](#) – Liability of peace officers
- RCW [10.99.080](#) – Penalty assessment (as amended by 2015 c 265)
- RCW [10.99.080](#) – Penalty assessment (as amended by 2015 c 275)
- RCW [10.99.090](#) – Policy adoption and implementation
- RCW [10.99.100](#) – Sentencing – Factors – Defendant’s criminal history
- RCW [10.99.901](#) – Construction – Chapter applicable to state registered domestic partnerships

9.62.020 Violation of protective order

- A. A person is guilty of Violation of Protective Order if the person knowingly violates an order of protection or order of restraint issued by any court.
- B. Violation of Protective Order is a gross misdemeanor.

9.62.030 Domestic Violence in the presence of children - Penalty

- A. If the Olympia Municipal Court finds that the accused committed any crime under Title 9 of the Olympia Municipal Code and the Court receives sufficient evidence that the crime was committed against a family or household member or intimate partner, as defined in RCW [10.99.020](#), and that the crime was committed in the presence of a child or children, the Court shall impose a minimum fine of not less than Five Hundred Dollars and no/100 (\$500.00) and a minimum jail sentence of not less than five (5) days for each such offense. Neither the mandatory minimum jail sentence nor the mandatory minimum fine shall be suspended or deferred, nor shall the jail sentence be served by alternative means.
- B. “Child” or “children” as used in this section means any person under eighteen years of age.
- C. “In the presence of” as used in this section means being in the immediate vicinity of or in close proximity to the criminal acts.
- D. Any person convicted of a crime under Title 9 of the Olympia Municipal Code and if the acts leading up to such conviction were, pursuant to this ordinance, committed in the presence of a child or children shall be guilty of a misdemeanor.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: