

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON AMENDING OLYMPIA MUNICIPAL CODE CHAPTER 9.08 RELATED TO OFFENSES AGAINST GOVERNMENT; SPECIFICALLY AMENDING SECTION 9.08.020, OBSTRUCTING A PUBLIC SERVANT OR OFFICER, AND ADDING A NEW SECTION 9.08.025 RELATED TO MAKING A FALSE STATEMENT TO A PUBLIC SERVANT

WHEREAS, the Olympia Municipal Code (OMC) section related to Obstructing a Public Servant should be bifurcated to more clearly identify the conduct being charged; and

WHEREAS, by amending OMC Section 9.08.020 (Obstructing) and adding Olympia Municipal Code Section 9.08.025 (False Statement), charging documents and criminal history records will more clearly identify the criminal behavior; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington State Constitution;

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

Section 1. Amendment of OMC 9.08. Chapter 9.08 of the Olympia Municipal Code is hereby amended to read as follows:

**Chapter 9.08
OFFENSES AGAINST GOVERNMENT**

9.08.000 Chapter Contents

Sections:

- 9.08.010 Definitions.
- 9.08.020 Obstructing a public servant or officer.
- 9.08.025 Making a false or misleading statement to a public servant.
- 9.08.030 Hindering a law enforcement official.
- 9.08.040 Resisting arrest.
- 9.08.050 Rescue from official detention
- 9.08.055 Introducing contraband into jail.
- 9.08.060 Escape.
- 9.08.065 Bail Jumping.
- 9.08.070 False reporting.
- 9.08.080 Refusing to summon aid for a police officer.
- 9.08.090 Misrepresentation as policeman.

9.08.010 Definitions

For the purposes of this chapter "Official detention" means:

- A. Restraint pursuant to a lawful arrest for an offense; or
- B. Lawful confinement in the city jail; or
- C. Custody for purposes incident to the foregoing, including but not necessarily limited to:
 - 1. Transportation, or
 - 2. Medical diagnosis or treatment, or
 - 3. Court appearances, or
 - 4. Work and recreation.

9.08.020 Obstructing a public servant or officer

A person is guilty of obstructing a public servant or officer if he/she intentionally resists, delays or obstructs a person whom he/she knows is a public servant or officer and such servant or officer is acting in a governmental function capacity. ~~This section includes intentionally making untrue or misleading statements or reports to a public servant or officer.~~

9.08.025 Making a false or misleading statement to a public servant

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

9.08.030 Hindering a law enforcement official

A person is guilty of hindering a law enforcement official if he/she intentionally:

- A. Prevents, hinders or delays the apprehension or prosecution of a suspected violator who the person knows or has probable cause to suspect:
 - 1. Has committed a crime or juvenile offense; or
 - 2. Is being sought by law-enforcement officials for the commission of a crime or juvenile offense; or
 - 3. Has escaped from official detention; or
- B. Harbors or conceals a suspected violator; or

- C. Warns a suspected violator of impending discovery or apprehension; or
- D. Provides a suspected violator with money or transportation, disguise or other means of avoiding discovery or apprehension or a weapon; or
- E. Conceals, alters or destroys any physical evidence that might aid in the discovery or apprehension of a suspected violator; or
- F. Interferes with, hinders or delays a police dog while it is being used to track, pursue, detain, or apprehend a suspected violator as defined in subsection A of this section.

9.08.040 Resisting arrest

A person is guilty of resisting arrest if he intentionally prevents or attempts to prevent a peace officer from arresting him.

9.08.050 Rescue from official detention

It is unlawful for any person to rescue or attempt to rescue any person from official detention or aid or attempt to aid the escape of any person from any such detention or to advise or encourage any such escape, or to supply any person being subject to such detention with any weapon or any implement or means of escape.

9.08.055 Introducing contraband into jail

- A. A person is guilty of introducing contraband if he or she knowingly and unlawfully:
 - 1. Provides contraband to any person detained in a detention facility; or
 - 2. Introduces contraband into a detention facility for his or her own use.
- B. "Contraband" as used in this section means any intoxicating substances, tobacco, matches, lighters or drug paraphernalia.
- C. Introducing contraband is a misdemeanor.

9.08.060 Escape

A person is guilty of escape if, without lawful authority, he intentionally removes himself from official detention or fails to return to official detention following temporary leave granted for a specified purpose of a limited period.

9.08.065 Bail Jumping

- A. Any person having been released by court order or released on bail with knowledge of the requirement of a subsequent personal appearance before the Municipal Court, and who fails to appear is guilty of bail jumping.
- B. Any person having been released by court order or released on bail with knowledge of the requirement to report as directed by the court for service of sentence, and who fails to appear or to surrender for service of sentence as required is guilty of bail jumping.
- C. It is an affirmative defense to a prosecution under this section, that the defendant must prove by a preponderance of the evidence, that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in disregard of the requirement to appear or surrender, and that the person appeared or surrendered without delay as soon as such circumstances ceased to exist.
- D. Bail jumping is a misdemeanor punishable by up to 90 days in jail and a fine of \$1,000.

9.08.070 False reporting

Every person who knowingly initiates or circulates a false report or warning of an alleged or impending occurrence of a fire, explosion, crime, catastrophe or other emergency is guilty of false reporting.

9.08.080 Refusing a summon aid for a police officer

It is unlawful for a person to refuse to summon aid for a police officer of the city if, upon request by a person he knows, or should reasonably know, to be a peace officer, he unreasonably refuses or fails to summon aid for such officer.

9.08.090 Misrepresentation as policeman

It is unlawful for any person, not being a member of the police force of the city or a special policeman appointed in accordance with the ordinances of the city, to willfully or knowingly represent to any person that he is a policeman, police officer, city detective or any other member of the police force of the city.

Section 2. 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 3. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 4. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: