



City Council

Approval of an Ordinance Amending Olympia Municipal Code Chapter 9.62 Relating to Domestic Violence and Protective Orders

Agenda Date: 9/28/2021
Agenda Item Number: 4.H
File Number:21-0856

Type: ordinance **Version:** 2 **Status:** Passed

Title

Approval of an Ordinance Amending Olympia Municipal Code Chapter 9.62 Relating to Domestic Violence and Protective Orders

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve on second reading the Ordinance Amending Olympia Municipal Code Chapter 9.62 Relating to Domestic Violence and Protective Orders.

Report

Issue:

Whether to approve an ordinance amending Olympia Municipal Code (OMC) Chapter 9.62 to correct the requirement that Domestic Violence in the presence of children includes domestic violence against intimate partners and correcting a scrivener's error in the adoption of RCW 26.50.010.

Staff Contact:

R. Tye Graham, 360.753.8449

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Background and Analysis did not change from first to second reading.

In 2019, the Washington State Legislature amended RCW 10.99.020 creating a definition of "Intimate Partner" and removing some of that definition from the definition of "Family and Household Member." The purpose of Domestic Violence in the Presence of Children previously included the definitions now found in the definition of "Intimate Partner" and the proposed Ordinance reflects that intent.

In addition, staff discovered a scrivener's error in OMC 9.62.010 related to the adoption of RCW

26.50.010, which addresses definitions in Chapter 26.50 RCW, Domestic Violence Prevention. The proposed ordinance corrects that error.

Neighborhood/Community Interests (if known):

There is an inherent interest in protecting the public's safety, protecting children from violence, and appropriately holding offenders accountable who violate orders of protection.

Options:

1. Approve the Ordinance Amending OMC Chapter 9.62 Related to Domestic Violence and Protective Orders.
2. Do not approve the Ordinance. The City's Prosecutors will have to continue to work around the missing definitions to the crimes adopted and will not be able to charge Domestic Violence in the Presence of a Child if the case involves an intimate partner (former spouse, former domestic partner, people with a child in coming, or people who are in a dating relationship). Further, the known scrivener's error in OMC 9.62.010 related to the adoption of RCW 26.50.010 will remain uncorrected.
3. Consider approving the Ordinance at another time.

Financial Impact:

There is no financial impact related to this Ordinance.

Attachments:

Ordinance