ORDINANCE NO. 4087

AN ORDINANCE of the City Council of the City of Kent, Washington, adding a new Section 9.02.295 to the Kent City Code, entitled "Menacing".

RECITALS

A. Washington case law regarding the crime of stalking (RCW 9A.46.110) limits the charging of that crime to instances where a perpetrator's actions place another in reasonable fear of harm, and the perpetrator's conduct is "repeated" that is, it occurs on two or more separate occasions (RCW 9A.46.110(6)(e)).

B. The city of Kent prosecutor has encountered facts where a perpetrator's actions fall short of the crime of stalking only because his or her behavior is continuous and not divided into two or more separate occasions as is required by that statute, but are no less threatening to the alleged victim(s).

C. This ordinance will make stalking-like behavior unlawful when it is intended by the perpetrator to place the victim(s) in reasonable fear of harm when the perpetrator engages in the activity over the course of one continuous event.

Amend KCC 9.02 Ordinance
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - New Section. Section 9.02.295, "Menacing," is added to Chapter 9.02 to read as follows:

Sec. 9.02.295. A person is guilty of the crime of menacing when he or she intentionally follows or surveils another person and/or engages in a course of conduct that is intended to place a person in reasonable fear of bodily injury as that phrase is defined in RCW 9A.04.110.

"Follows", as used in this section, means deliberately maintaining visual observation and/or physical proximity of a specific person or persons over a continuous period of time.

Violation of this section is a misdemeanor, the maximum penalty of which is ninety (90) days in jail and a one-thousand dollar ($1,000.00) fine.

SECTION 2. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 3. - Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this 2 Amend KCC 9.02 Ordinance
ordinance and that remaining portion shall maintain its full force and effect.

**SECTION 4. - Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its passage and publication, as provided by law.

Suzette Cooke, Mayor

ATTEST:

Ronald F. Moore, MMC

RONALD F. MOORE, CITY CLERK

APPROVED AS TO FORM:

Arthur "Pat" Fitzpatrick, Acting City Attorney

PASSED: 3rd day of September, 2013.

APPROVED: 3rd day of September, 2013.

PUBLISHED: 6th day of September, 2013.

I hereby certify that this is a true copy of Ordinance No. 4087 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Ronald F. Moore, MMC (Seal)

RONALD F. MOORE, CITY CLERK

Amend KCC 9.02 Ordinance