

ORDINANCE NO. 2002-11-076

**AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE SECTIONS 10.10.005 AND 10.20.005 TO INCORPORATE BY REFERENCE STATE CRIMINAL LAWS CONCERNING NEGLECT OF DEPENDENT PERSONS AND VIOLATION OF POST-CONVICTION NO CONTACT ORDERS.**

**WHEREAS**, the City wishes to protect the health, welfare and safety of its citizens, including those dependent persons and victims of domestic violence who require protection of the laws; and

**WHEREAS**, the Bellingham Municipal Court exercises jurisdiction over misdemeanor and gross misdemeanor violations committed within the City limits of state criminal laws that have been adopted by reference in the Bellingham Municipal Code; and

**WHEREAS**, the City wishes to adopt by reference those state criminal laws that prohibit neglect of dependent persons and violation of post-conviction no contact orders to protect its vulnerable citizens and to promote judicial economy,

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1.** Section 10.10.005 of the Bellingham Municipal Code shall be amended to read as follows:

**10.10.005 - Adoption By Reference**

The following provisions of the revised code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 9A.36.041	Assault in the Fourth Degree
RCW 9A.36.050	Reckless Endangerment
RCW 9A.46.020	Harassment
RCW 9A.46.040	Court Ordered Requirements upon person charged with crime-violation
<u>RCW 9A.46.080</u>	<u>Order restricting contact-Violation</u>
RCW 9.61.230	Telephone harassment
RCW 9A. 46.110	Stalking
RCW 9A.36.070	Coercion

City of Bellingham  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360) 676-6903

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**Section 2.** Section 10.20.005 of the Bellingham Municipal Code shall be amended to read as follows:

**10.20.005 - Adoption By Reference**

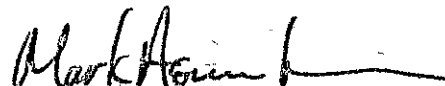
The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 9A.88.030	Prostitution
RCW 9A.88.110	Patronizing a prostitute
RCW 9A.88.030	Permitting prostitution
RCW 9A.88.010	Indecent exposure
RCW 9A.44.130	Registration of sex offender
<u>RCW 9A.42.035</u>	<u>Criminal Mistreatment Third Degree</u>
<u>RCW 9A.42.037</u>	<u>Criminal Mistreatment Fourth Degree</u>
RCW 9A.42.080	Abandonment of a dependent person
RCW 9A.42.090	Defense to Abandonment of a dependent person


PASSED by Council this 4TH day of NOVEMBER, 2002.

  
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Council President

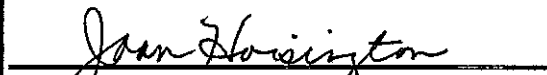
APPROVED by me this 12th day of November, 2002.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Finance Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Office of the City Attorney

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Bellingham, Washington 98225  
Telephone (360) 676-6903

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## TEXT OF STATE STATUTES

### 9A.42.035. Criminal mistreatment in the third degree

(1) A person is guilty of the crime of criminal mistreatment in the third degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(a) With criminal negligence, creates an imminent and substantial risk of substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life; or

(b) With criminal negligence, causes substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the third degree is a gross misdemeanor.

### 9A.42.037. Criminal mistreatment in the fourth degree

(1) A person is guilty of the crime of criminal mistreatment in the fourth degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(a) With criminal negligence, creates an imminent and substantial risk of bodily injury to a child or dependent person by withholding any of the basic necessities of life; or

(b) With criminal negligence, causes bodily injury or extreme emotional distress manifested by more than transient physical symptoms to a child or dependent person by withholding the basic necessities of life.

(2) Criminal mistreatment in the fourth degree is a misdemeanor.

### 9A.46.080. Order restricting contact--Violation

The victim shall be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim is involved. If a defendant is found guilty of a crime of harassment and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition shall be recorded and a written certified copy of that order shall be provided to the victim or witnesses by the clerk of the court. Willful violation of a court order issued under this section is a misdemeanor. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A.46 RCW and will subject a violator to arrest.