

ORDINANCE NO. 16-20

AN ORDINANCE of the City of Richland amending Richland Municipal Code Section 9.04.090 related to coercion and Richland Municipal Code Section 9.05.060 related to coercion – domestic violence.

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to remedy deficiencies or eliminate ambiguity; and

WHEREAS, when Richland Municipal Code Sections 9.04.090 and 9.05.060 were first adopted, the enabling legislation failed to include a penalty; and

WHEREAS, under state law, the crimes of coercion and coercion – domestic Violence (DV) are gross misdemeanors; and

WHEREAS, the City is authorized to adopt the same or a less severe punishment for a crime provided for under state law, but cannot adopt a more severe punishment; and

WHEREAS, a penalty consist with that enforced under state law is appropriate and should be adopted to avoid technical arguments related to perceived deficiencies in the City's criminal code.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Richland Municipal Code Section 9.04.090, entitled Coercion, as enacted by Ordinance No. 20-11, is hereby amended to read as follows:

9.04.090 Coercion.

A. A person is guilty of coercion if by use of a threat he or she compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he or she has a legal right to engage in.

B. "Threat" as used in this section means:

1. To communicate, directly or indirectly, the intent to immediately use force against any person who is present at the time; or

2. Threats as defined in RCW 9A.04.110(27)(a) through (f) as those subsections may be amended from time to time.

[3. Coercion is a gross misdemeanor.](#)

Section 2. Richland Municipal Code Section 9.05.060, entitled Coercion – Domestic violence, as first enacted by Ordinance No. 20-11, is hereby amended to read as follows:

9.05.060 Coercion – Domestic violence.

A. A person is guilty of coercion if by use of a threat he or she compels or induces another family or household member to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he or she has a legal right to engage in.

B. “Threat” as used in this section means:

1. To communicate, directly or indirectly, the intent to immediately use force against another family or household member who is present at the time; or
2. Threats as defined in RCW 9A.04.110(27)(a) through (f) as those subsections may be amended from time to time.

3. Coercion – Domestic Violence is a gross misdemeanor.

Section 3. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.


Section 4. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 5. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener’s errors/clerical errors, section numbering, references, or similar mistakes of form.

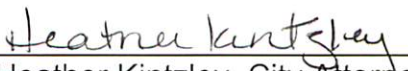
PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 21st day of July, 2020.


Ryan Lukson, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to form:


Heather Kintzley, City Attorney

Date Published: July 26, 2020