

**ORDINANCE NO. 2022-28**

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,  
AMENDING CHAPTER 9.05 OF THE RICHLAND MUNICIPAL  
CODE RELATED TO CRIMES OF DOMESTIC VIOLENCE AND  
CHAPTER 9.07 OF THE RICHLAND MUNICIPAL CODE  
RELATED TO VIOLATION OF COURT ORDERS.**

**WHEREAS**, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to align with state law; and

**WHEREAS**, in 2021, the Washington State Legislature consolidated and recodified a number of discrete statutes, including but not limited to Chapter 26.50 RCW related to domestic violence orders, Chapter 10.14 RCW related to anti-harassment orders, and Chapter 74.34 RCW related to vulnerable adult protection orders, as Chapter 7.105 RCW; and

**WHEREAS**, amendments to Chapters 9.05 and 9.07 RMC are necessary to reflect this change so that criminal prosecution of no-contact orders by the City of Richland in Benton County District Court do not fail based on deficiencies in the charging document.

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

Section 1. Chapter 9.05 of the Richland Municipal Code entitled Crimes of Domestic Violence, as first enacted by Ordinance No. 20-11, and last amended by Ordinance No. 16-20, is hereby amended as follows:

**Chapter 9.05  
CRIMES OF DOMESTIC VIOLENCE**

**Sections:**

- 9.05.010 Purpose.**
- 9.05.020 Definitions.**
- 9.05.030 Simple assault – Domestic violence.**
- 9.05.040 Reckless endangerment second degree – Domestic violence.**
- 9.05.050 Stalking – Domestic violence.**
- 9.05.060 Coercion – Domestic violence.**
- 9.05.070 Trespass first degree – Domestic violence.**
- 9.05.075 Trespass second degree – Domestic violence.**
- 9.05.080 Destruction of property – Domestic violence.**
- 9.05.090 Violation of court orders – Domestic violence.**
- 9.05.100 Violation of orders – Penalties – Authority to arrest.**
- 9.05.110 Interfering with reporting domestic violence.**
- 9.05.120 Nonliability of peace officer – Domestic violence.**

### **9.05.010 Purpose.**

The purpose of this chapter of the Richland Municipal Code is to recognize the importance of domestic violence as a serious crime against society and to assure the victim of domestic violence the maximum protection from abuse that the law and those who enforce it can possibly provide.

### **9.05.020 Definitions.**

“Dating relationship” means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) the length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

“Domestic violence” includes but is not limited to any of the following crimes when committed by one family or household member against another:

1. Assault in the fourth degree (RCW 9A.36.041) and simple assault (RMC 9.05.030).
2. Reckless endangerment in the second degree (RCW 9A.36.050 and RMC 9.05.040).
3. Stalking (RCW 9A.46.110 and RMC 9.05.050).
4. Coercion (RCW 9A.36.070 and RMC 9.05.060).
5. Criminal trespass in the first degree (RCW 9A.52.070 and RMC 9.05.070).
6. Criminal trespass in the second degree (RCW 9A.52.080 and RMC 9.05.075).
7. Destruction of property (RMC 9.05.080).
8. Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the family or household member, or restraining the family or household member from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the family or household member from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party’s person, or a protected party’s vehicle (Chapter 7.105 RCW or RCW 10.99.040, 10.99.050, 26.09.300, 26.26B.050, 26.44.063, 26.44.150, or 26.52.070, or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and 74.34.145, and RMC 9.05.090). ~~or protection order restraining the family or household member or excluding the family or household member from a residence RCW 26.09.300, 26.50.060, 26.50.070, 26.50.110, 26.50.130, 26.52.070, or Chapter 74.34 RCW, and RMC 9.05.090).~~
9. Interfering with reporting domestic violence (RMC 9.05.110).

“Family or household member” means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship,

persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

“Victim” means a family or household member who has been subjected to domestic violence.

**9.05.030 Simple assault – Domestic violence.**

A. No person may, as a family or household member, intentionally use or threaten to use by purposeful words or acts, unlawful physical force against another family or household member.

B. A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, or custodial assault, he or she assaults another family or household member.

C. Any defense available to a person charged with the crime of “assault in the fourth degree” under RCW 9A.36.041 shall also be a defense to the crime of simple assault under this section.

D. Any crime charged under this section shall be a gross misdemeanor.

**9.05.040 Reckless endangerment second degree – Domestic violence.**

A person is guilty of reckless endangerment in the second degree when he or she recklessly endangers another family or household member, in conduct not amounting to reckless endangerment in the first degree as defined by RCW 9A.36.045, but which creates a substantial risk of death or serious physical injury to another family or household member. Reckless endangerment is a gross misdemeanor.

**9.05.050 Stalking – Domestic violence.**

A. A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

1. He or she intentionally and repeatedly follows a family or household member to that family or household member’s home, school, place of employment, business, or any other location, or follows the family or household member while the family or household member is in transit between locations; and

2. The family or household member being followed is intimidated, harassed, or placed in fear that the stalker intends to injure the family or household member or property of the family or household member being followed or the property of another person. The feeling of fear, intimidation, or harassment must be one that a reasonable person in the same situation would experience under all the circumstances; and

3. The stalker either:

a. Intends to frighten, intimidate, or harass the family or household member being followed; or

b. Knows or reasonably should know that the family or household member being followed is afraid, intimidated, or harassed even if the stalker did not intend to place the family or household member in fear or intimidate or harass the family or household member;

4. A person who commits the crime of stalking under this subsection (A) is guilty of a gross misdemeanor except under the conditions defined in subsection (E) of this section.

B. It is not a defense to the crime of stalking in this section where:

1. Under subsection (A)(3)(a) of this section the stalker was not given actual notice that the family or household member being followed did not want the stalker to contact or follow the family or household member; or

2. Under subsection (A)(3)(b) of this section the stalker did not intend to frighten, intimidate, or harass the family or household member being followed.

C. It shall be a defense to the crime of stalking that the defendant is a licensed private detective acting within the capacity of his or her license as provided by Chapter 18.165 RCW.

D. Attempts to contact or follow the family or household member after being given actual notice that the family or household member does not want to be contacted or followed constitute prima facie evidence that the stalker intends to intimidate or harass the family or household member.

E. A person who stalks another family or household member is guilty of a gross misdemeanor, except that the person is guilty of a Class C felony if any of the following applies:

1. The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RMC 9.04.020, of the same victim or members of the victim's family or household members or any person specifically named in a no-contact order or no-harassment order; or

2. The person violates a court order issued pursuant to RMC 9.05.090 or RCW 9A.46.040 protecting the family or household member being stalked; or

3. The stalker has previously been convicted of a gross misdemeanor or felony stalking offense for stalking another family or household member; or

4. The stalker was armed with a deadly weapon as defined in RCW 9.94A.825 while stalking the family or household member; or

5. The stalker's victim is or was a law enforcement officer, judge, juror, attorney, victim advocate, legislator, or community corrections officer, and the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties, or to influence the victim's performance of official duties; or

6. The stalker’s victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim’s testimony or potential testimony.

F. Definitions as used in this section:

1. “Follows” means deliberately maintaining visual or physical proximity to a specific family or household member over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the family or household member’s home, school, place of employment, business, or any other location to maintain visual or physical proximity to the family or household member is sufficient to find that the alleged stalker follows the family or household member. It is not necessary to establish that the alleged stalker follows the family or household member while in transit from one location to another.

2. “Harasses” means unlawful harassment as defined in RMC 9.04.020 or RCW 10.14.020.

3. “Protective order” means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another family or household member.

4. “Repeatedly” means on two or more separate occasions.

**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.

**9.05.070 Trespass first degree – Domestic violence.**

It is unlawful for any person to knowingly enter or remain, unlawfully, in a building of another family or household member. For the purpose of this section, a person “enters or remains, unlawfully,” in a building of another family or household member when he is not then licensed, invited, or otherwise privileged to so enter or remain.

Trespass – domestic violence in the first degree shall be a gross misdemeanor.

**9.05.075 Trespass second degree – Domestic violence.**

It is unlawful for any person to knowingly enter or remain, unlawfully, upon the premises of another family or household member. For the purpose of this section, a person “enters or remains, unlawfully,” in or upon the premises of another family or household member when he is not then licensed, invited, or otherwise privileged to so enter or remain.

Trespass – domestic violence in the second degree shall be a misdemeanor.

**9.05.080 Destruction of property – Domestic violence.**

It is unlawful for any person to:

A. Intentionally cause physical damage to the property of another family or household member;  
or

B. Write, paint, draw or create any inscription, figure or mark of any type on any public or private building or other structure or any real or personal property owned by any other person, family or household member, unless the person has obtained the express permission of the owner or operator of the property.

Any person found in violation of the provisions of this section shall be guilty of destruction of property, which is a gross misdemeanor if the damage to the property is in an amount less than \$750.00.

**9.05.090 Violation of court orders – Domestic violence.**

A. Definitions. The definitions in this section apply throughout this chapter.

1. “Foreign protection order” means an injunction or other order related to domestic violence or family violence, harassment, sexual abuse, or stalking, for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with, or physical proximity to, another family or household member, issued by a court of another state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or any United States military tribunal, or tribal court, in a civil or criminal action as defined in RCW 26.52.010(3).

2. “Person entitled to protection” means a person, regardless of whether the person was the moving party in the foreign jurisdiction, who is benefited by the foreign protection order as defined in RCW 26.52.010(6).

3. “Person under restraint” means a person, regardless of whether the person was the responding party in the foreign jurisdiction, whose ability to contact or communicate with another family or household member, or to be physically close to another family or household member, is restricted by the foreign protection order.

[4. “Respondent” means the person who is identified as the respondent in a petition filed under any of the RCWs listed in this chapter or in an order granted by the Benton County district court.](#)

B. Violations. Any person violating, within the city of Richland, a court order issued by any court of competent jurisdiction ~~of the state of Washington~~, when the violation of such court order is a criminal misdemeanor or gross misdemeanor under:

~~1. Chapter 9A.46 RCW (criminal no-contact order); or~~

~~2. Chapter 10.99 RCW (criminal no-contact order); or~~

~~3. Chapter 10.14 RCW (anti-harassment order); or~~

1. 4. Chapter 26.44 RCW (restraining order issued on behalf of an abused child or adult dependent person); or

2. 5. Chapter ~~7.105 26.50~~ RCW (domestic violence protection order (former RCW 26.50.060, 26.50.070, 26.50.130), sexual assault protection order, stalking protection order, vulnerable adult protection order (former RCW 74.34.145), order granted under Chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, foreign protection order, or Canadian domestic violence protection order);

~~6. Chapter 26.52 RCW (foreign protection order); or~~

~~7. Chapter 74.34 RCW (order for protection of a vulnerable adult);~~

is subject to prosecution for such violation in the Benton County district court the same as any other criminal violation of this title. Whenever an order is granted by the Benton County district court or under any of the RCWs listed herein, and the defendant, respondent, or person to be restrained is a family or household member as defined in RMC 9.05.020 who knows of the order, a violation of any of the following is a gross misdemeanor:

a. The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or the restraint provisions prohibiting contact with a protected party; or

b. A provision excluding the person from a residence, workplace, school, or day care; or

c. A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle; or

d. A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; or

e. d. A provision of a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.

**9.05.100 Violation of orders – Penalties – Authority to arrest.**

A. A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued by the Benton County district court or ~~an~~ [a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order](#) issued pursuant to Chapter [7.105 RCW](#) or [any of the former RCW 26.50.060, 26.50.070, 26.50.130 and 74.34.145](#), or an order issued under Chapter [9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW](#), or a valid foreign protection order as defined in [RCW 26.52.020](#), or a Canadian domestic violence protection order as defined in [RCW 26.55.010, ~~10.99, 26.09, 26.10, 26.26, 26.50, 26.52 or 74.34 RCW~~](#), that restrains the person or excludes the person from a residence, workplace, school or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, [a protected party's person, or a protected party's vehicle, ~~family member or household member~~](#), if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

B. A violation of an order issued in Benton County district court, ~~or~~ [a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order](#) issued under Chapter [7.105 RCW](#) or [any of the former RCW 26.50.060, 26.50.070, 26.50.130 and 74.34.145](#), or an order issued under Chapter [9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW](#), or a valid foreign protection order as defined in [RCW 26.52.020](#), or a Canadian domestic violence protection order as defined in [RCW 26.55.010, ~~10.99, 26.09, 26.10, 26.26, 26.50, 26.52 or 74.34 RCW~~](#), shall also constitute contempt of court, and is subject to the penalties prescribed by law.

C. Any assault that is a violation of an order issued by Benton County district court, ~~or~~ [a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order](#) issued under Chapter [7.105 RCW](#) or [any of the former RCW 26.50.060, 26.50.070, 26.50.130 and 74.34.145](#), or an order issued under Chapter [9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW](#), or a valid foreign protection order as defined in [RCW 26.52.020](#), or a Canadian domestic violence protection order as defined in [RCW 26.55.010, ~~10.99, 26.09, 26.10, 26.26, 26.50, 26.52 or 74.34 RCW~~](#), that does not amount to assault in the first or second degree under [RCW 9A.36.011 or 9A.36.021](#) is a Class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another family or household member is a Class C felony.

D. A violation of a court order issued by Benton County district court, ~~or~~ [a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order](#) issued under Chapter [7.105 RCW](#) or [any of the former RCW 26.50.060, 26.50.070, 26.50.130 and 74.34.145](#), or an order issued under Chapter [9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW](#), or a valid foreign protection order as defined in [RCW 26.52.020](#), or a Canadian domestic violence protection order as defined in [RCW 26.55.010, ~~10.99, 26.09, 26.10, 26.26, 26.50, 26.52 or 74.34 RCW~~](#), is a Class C felony if the offender has at least two previous convictions for violating the provisions of ~~an order issued under~~ [a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order](#) issued under Chapter [7.105](#) or [any of the former RCW](#)



[26.50.060, 26.50.070, 26.50.130 and 74.34.145](#), or an order issued under Chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010 ~~Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52 or 74.34 RCW~~. The previous convictions may involve the same family or household member or another family or household member specifically protected by the orders the offender violated.

E. Upon the filing of an affidavit by the petitioner or any peace officer alleging that the defendant, respondent, or person under restraint has violated an order granted under the Richland Municipal Code or [a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order issued under Chapter 7.105 or any of the former RCW 26.50.060, 26.50.070, 26.50.130 and 74.34.145, or an order issued under Chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, ~~10.99, 26.09, 26.10, 26.26, 26.50, 26.52 or 74.34 RCW~~](#), the court may issue an order to the defendant, respondent, or person under restraint, requiring that person to appear and show cause within 14 days why he or she should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

[F. Appearances required under this section are mandatory and cannot be waived.](#)

#### **9.05.110 Interfering with reporting domestic violence.**

A. A person commits the crime of interfering with reporting domestic violence if the person:

1. Commits a crime of domestic violence as defined in RMC 9.05.020; and
2. Prevents or attempts to prevent the victim of or a witness to that domestic violence crime from calling the 911 emergency communication system, or from obtaining medical assistance, or from making a report to any law enforcement official.

B. Commission of a crime of domestic violence under subsection (A)(1) of this section is a necessary element of the crime of interfering with reporting domestic violence.

C. Interfering with reporting domestic violence is a gross misdemeanor.

#### **9.05.120 Nonliability of peace officer – Domestic violence.**

A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this chapter arising from an alleged incident of domestic violence brought by any party to the incident.

Section 2. Chapter 9.07 of the Richland Municipal Code entitled Violation of Court Orders, as first enacted by Ordinance No. 20-11, and last amended by Ordinance No. 06-18, is hereby amended as follows:

## Chapter 9.07 VIOLATION OF COURT ORDERS

### Sections:

**9.07.010 Definitions.**

**9.07.020 Violation of court orders.**

**9.07.030 Violation of orders – Penalties – Authority to arrest.**

**9.07.040 Nonliability of peace officer.**

### **9.07.010 Definitions.**

The definitions in this section apply throughout this chapter.

“Foreign protection order” means an injunction or other order related to harassment, sexual abuse, or stalking, for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with, or physical proximity to, another person, issued by a court of another state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or any United States military tribunal, or tribal court, in a civil or criminal action as defined in RCW 26.52.010(3).

“Person entitled to protection” means a person, regardless of whether the person was the moving party in the foreign jurisdiction, who is benefited by the foreign protection order as defined in RCW 26.52.010(6).

“Person under restraint” means a person, regardless of whether the person was the responding party in the foreign jurisdiction, whose ability to contact or communicate with another person, or to be physically close to another person, is restricted by the foreign protection order.

“Respondent” means the person who is identified as the respondent in a petition filed under any of the RCWs listed in this chapter or in an order granted by the Benton County district court.

### **9.07.020 Violation of court orders.**

Any person violating, within the city of Richland, a court order issued by any court of competent jurisdiction ~~of the state of Washington~~, when the violation of such court order is a criminal misdemeanor or gross misdemeanor under:

A. Chapter 7.105 RCW (sexual assault protection order, stalking protection order, vulnerable adult protection order (former RCW 74.34.145), anti-harassment order, order granted under Chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 26.09, 26.26A, or 26.26B RCW, foreign protection order); or Chapter 9A.46 RCW (criminal no-contact order); or

~~B. Chapter 10.99 RCW (criminal no-contact order); or~~

~~C. Chapter 10.14 RCW (anti-harassment order); or~~

B. D. Chapter 26.44 RCW (restraining order issued on behalf of an abused child or adult dependent person); or

~~E. Chapter 26.52 RCW (foreign protection order); or~~

~~F. Chapter 74.34 RCW (order for protection of a vulnerable adult);~~

is subject to prosecution for such violation in the Benton County district court the same as any other criminal violation of this title. Whenever an order is granted by the Benton County district court or under any of the RCWs listed herein, and the defendant, respondent, or person to be restrained knows of the order, a violation of any of the following is a gross misdemeanor:

1. The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or the restraint provisions prohibiting contact with a protected party; or
2. A provision excluding the person from a residence, workplace, school, or day care; or
3. A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle; or
4. A provision of a foreign protection order specifically indicating that a violation will be a crime.

#### **9.07.030 Violation of orders – Penalties – Authority to arrest.**

A. A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued by the Benton County district court or a sexual assault protection order, a stalking protection order, an anti-harassment order, or a vulnerable adult protection order issued pursuant to Chapter 7.105 RCW or former Chapter 10.14 RCW or 74.34.145, or an order issued under Chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, ~~an order issued pursuant to Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52 or 74.34 RCW,~~ that restrains the person or excludes the person from a residence, workplace, school or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

B. A violation of an order issued in Benton County district court, a sexual assault protection order, a stalking protection order, an anti-harassment order, or a vulnerable adult protection order issued pursuant to Chapter 7.105 RCW or former Chapter 10.14 RCW or 74.34.145, or an order issued under Chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, ~~or under Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52 or 74.34 RCW,~~ shall also constitute contempt of court, and is subject to the penalties prescribed by law.

C. Any assault that is a violation of an order issued by Benton County district court, a sexual assault protection order, a stalking protection order, an anti-harassment order, or a vulnerable adult protection order issued pursuant to Chapter 7.105 RCW or former Chapter 10.14 RCW or

[74.34.145](#), or an order issued under Chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, ~~or under Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52 or 74.34 RCW~~, that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021, is a Class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a Class C felony.

D. A violation of a court order issued by Benton County district court, [a sexual assault protection order, a stalking protection order, an anti-harassment order, or a vulnerable adult protection order issued pursuant to Chapter 7.105 RCW or former Chapter 10.14 RCW or 74.34.145](#), or an order issued under Chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, ~~or under Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52 or 74.34 RCW~~, is a Class C felony if the offender has at least two previous convictions for violating the provisions of [a sexual assault protection order, a stalking protection order, an anti-harassment order or a vulnerable adult protection order issued under Chapter 7.105 or any former Chapter 10.14 RCW or 74.34.145](#), or an order issued under Chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020. ~~order issued under Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52 or 74.34 RCW~~. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

E. Upon the filing of an affidavit by the petitioner or any peace officer alleging that the defendant, respondent, or person under restraint has violated an order granted under the Richland Municipal Code, or [a sexual assault protection order, a stalking protection order, an anti-harassment order, or a vulnerable adult protection order issued under Chapter 7.105 or any former Chapter 10.14 RCW or 74.34.145](#), or an order issued under Chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, ~~under Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52 or 74.34 RCW~~, the court may issue an order to the defendant, respondent, or person under restraint, requiring that person to appear and show cause within 14 days why he or she should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

[F. Appearances required under this section are mandatory and cannot be waived.](#)

#### **9.07.040 Nonliability of peace officer.**

A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this chapter arising from an allegation brought by any party to the incident.

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

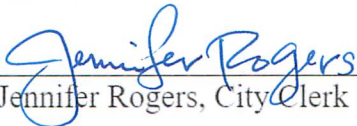
Section 4. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

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.

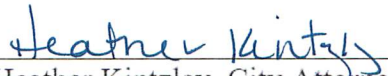
**PASSED** by the City Council of the City of Richland, Washington, at a regular meeting on the 16<sup>th</sup> day of August, 2022.

  
Michael Alvarez, Mayor

Attest:

  
Jennifer Rogers, City Clerk

Approved as to Form:

  
Heather Kintzley, City Attorney

First Reading: August 1, 2022  
Second Reading: August 16, 2022  
Date Published: August 21, 2022