

## CHAPTER 10.04

### OFFENSES AGAINST GOVERNMENTAL ORDER

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**10.04.010: Obstructing a Public Servant:** Every person who knowingly hinders, delays or obstructs any public servant in the discharge of that public servant's powers or duties, shall be guilty of a misdemeanor. (Ord. 2655 Sec. 1 (part), 1982; Ord. 2089 Sec. 2 (part), 1977)

**10.04.015: Unlawful Acts Against Police Department Dogs:** It shall be unlawful for any person to willfully or maliciously interfere with, obstruct, torture, beat, kick, strike, or in any way abuse or harass any dog used by the Kennewick Police Department for police work, or otherwise interfere with or attempt to interfere with the use of such dog by a police officer in discharging or attempting to discharge any legal duty or power, under circumstances not amounting to "Harming a Police Dog," as defined in RCW 9A.76.200. A violation of this section is a misdemeanor. (Ord. 3946 Sec. 1, 2000)

**10.04.020: Refusing to Summon Aid For a Peace Officer:** A person is guilty of refusing to summon aid for a peace officer if, upon request by a person he knows to be a police officer, he unreasonably refuses or fails to summon aid for such peace officer. Refusing to summon aid for a peace officer is a misdemeanor. (Ord. 2089 Sec. 2 (part), 1977)

**10.04.030: Resisting Arrest:** A person is guilty of resisting arrest if he intentionally prevents or attempts to prevent a peace officer from lawfully arresting him. Resisting arrest is a gross misdemeanor. (Ord. 2089 Sec. 2 (part), 1977)

**10.04.040: Escape:** A person is guilty of escape if he intentionally removes himself from a detention facility or fails to return to an official detention facility following a leave granted for a specific purpose for a limited duration. Escape is a gross misdemeanor. (Ord. 2876 Sec. 2, 1984: Ord. 2641 Sec. 3, 1981: Ord. 2089 Sec. 2 (part), 1977)

**10.04.050: Rendering Criminal Assistance:** A person renders criminal assistance if, with intent to prevent, hinder or delay the apprehension or prosecution of another person who he knows has committed a crime or is sought by law enforcement officials for the commission of a crime or has escaped from a detention facility he:

- (1) Harbors or conceals such person;
- (2) Warns such person of impending discovery or apprehension; or
- (3) Provides such person with money, transportation, disguise or the means of avoiding discovery or apprehension; or
- (4) Prevents or obstructs by use of force, or threat, anyone from performing an act that might aid in the discovery or apprehension of such person; or
- (5) Fails or refuses to give information not privileged or gives false information to any peace officer or other public servant which information would reasonably lead to the discovery or apprehension of such person; or
- (6) Conceals, alters or destroys any physical evidence that might aid in the discovery or apprehension of such person; or
- (7) Provides such person with a weapon. Rendering criminal assistance is a misdemeanor. (Ord. 2641 Sec. 4, 1981: Ord. 2385 Sec. 3, 1979: Ord. 2089 Sec. 2 (part), 1977)

**10.04.060: Rescuing or Aiding an Escape From Custody - Supplying Prisoner With Contraband Material:** It is unlawful for any person to rescue, or attempt to rescue, any other person from the custody of any police officer of the City, or from any person legally having him in charge; or to aid, or attempt to aid, the escape of any person from such custody, or from the city jail, or any penal, correctional or custodial institution; or to advise or encourage such escape; or to supply any person in custody or in jail with any weapon or implement or means of escape, or with any intoxicating liquor, dangerous drug, or narcotic drug. Every person convicted of a violation of the provisions of this section shall be guilty of a gross misdemeanor. (Ord. 2089 Sec. 2 (part), 1977)

**10.04.070: Unauthorized Communication With Prisoner:** Every person who, not being authorized by law or by an officer authorized by law, has any verbal communication with any prisoner in the city jail, or brings into or conveys out of the city jail any writing, clothing, food, tobacco, or any article whatsoever, is guilty of a misdemeanor. (Ord. 2089 Sec. 2 (part), 1977)

**10.04.080: Criminal Impersonation:**

- (1) A person is guilty of criminal impersonation in the second degree if the person:
  - (a) (i) Claims to be a law enforcement officer or creates an impression that he is a law enforcement officer; and

- (ii) Under circumstances not amounting to criminal impersonation in the first degree, does an act with intent to convey the impression that he is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer; or
- (b) Falsely assumes the identity of a veteran or active duty member of the armed forces of the United States with intent to defraud for the purposes of personal gain or to facilitate any unlawful activity.
- (2) Criminal impersonation in the second degree is a gross misdemeanor. (Ord. 5057 Sec. 8, 2004: Ord. 3479 Sec. 1, 1993: Ord. 2089 Sec. 2 (part), 1977)

**10.04.090: False Reporting:**

(1) A person is guilty of false reporting in the first degree if, with knowledge that the information reported, conveyed or circulated is false, he initiates or circulates a false report or warning of an alleged occurrence, or impending occurrence, of a fire, explosion, crime, catastrophe, or emergency, knowing that such false report is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm, or to knowingly make a false report or representation to any police officer, or other officer or employee having the authority to receive such report, that he has suffered the loss of any money or property as a result of robbery, assault, holdup, larceny, or burglary, or to knowingly make a false report of the commission of any criminal offense under the laws of the United States, the state of Washington, or any other state or territory, or under the resolutions or ordinances of Benton County, any other county, this City, or any other city. False reporting in the first degree is a gross misdemeanor.

(2) A person is guilty of false reporting in the second degree if he knowingly makes a false report or representation to any police officer or other public servant while they are acting within the scope of their duties. False reporting in the second degree is a misdemeanor. (Ord. 2641 Sec. 5, 1981: Ord. 2089 Sec. 2 (part), 1977)

**10.04.100: Unlawful to Strike a Police Officer or Other Public Officer:** It is unlawful for any person to knowingly or willfully strike a police officer or other public officer of the City while said police officer or other public officer is engaged in the discharge of any lawful act or duty. Every person convicted of a violation of the provisions of this section shall be guilty of a gross misdemeanor. (Ord. 2089 Sec. 2 (part), 1977)

**10.04.110: Bail Jumping:** Any person, having been released by court order, or admitted to bail with the requirement of a subsequent personal appearance before any court of this state, who knowingly fails to appear as required is guilty of bail jumping. Bail jumping is a misdemeanor. (Ord. 2876 Sec. 3, 1984: Ord. 2089 Sec. 2 (part), 1977)

**10.04.120: Criminal Contempt:**

- (1) Every person who commits a contempt of court, or any one of the following acts, is guilty of criminal contempt:
  - (a) Disorderly, contemptuous, or insolent behavior committed during the sitting of the court, in its immediate view and presence, and directly tending to interrupt its proceedings, or to impair the respect due its authority;

- (b) Breach of the peace, noise, or other disturbance directly tending to interrupt the proceedings of a court, jury, or referee;
  - (c) Contumacious and unlawful refusal to be sworn as a witness, or, after being sworn, to answer any legal or proper interrogatory;
  - (d) Failure to respond to a lawfully served subpoena or summons to:
    - (i) Appear and give testimony, or
    - (ii) Produce documents before the court, or
    - (iii) Appear for jury duty in any case arising under this code; or
  - (e) It is a defense to a violation of this section that a summons or subpoena was issued contrary to law or court rule.
- (2) Every person who commits any one of the following acts at a City Council meeting, is guilty of criminal contempt:
- (a) Warning. The presiding officer shall request that any person breaching the rules of decorum or who is disorderly, contemptuous, or insolent be orderly and silent.
  - (b) If, after receiving the warning from a presiding officer, a person persists in disturbing the meeting through continued disorderly, contemptuous, or insolent conduct or otherwise continues to interrupt the proceedings with irrelevant, repetitious comments, or comments likely to provoke immediate combat may be removed by any law enforcement officer who is on duty at the meeting and charged with a violation of this section.
- (3) An action for violation of this section may be commenced by complaint or by a court on its own motion. Punishment for any conduct proscribed by this section under a court's inherent or statutory power, constitutes a bar to prosecution under this section and vice versa.
- (4) Penalty. A person found guilty of criminal contempt shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) and not more than one (1) year in jail, or both. (Ord. 5156 Sec. 1, 2006: Ord. 2880 Sec. 1, 1984: Ord. 2089 Sec. 2 (part), 1977)

**10.04.130: Violating Court Orders:**

- (1) It is unlawful for any person to knowingly violate or fail to comply with any injunction, restraining order, order for protection or other order of a court, or to aid and abet or acquiesce in such violation or failure.
- (2) It is unlawful for any person to fail to comply with or violate the terms and conditions of any sentence or judgment in a criminal case.
- (3) It is a defense to a violation of this section that a court order was issued contrary to law or court rule.
- (4) An action for violation of this section may be commenced by complaint or by a court on its own motion. Punishment for any conduct proscribed by this section under a court's inherent or statutory power, constitutes a bar to prosecution under this section and vice versa.
- (5) Violation of a court order is a gross misdemeanor. (Ord. 3697 Sec. 1, 1996: Ord. 2880 Sec. 2, 1984)

**10.04.140: Official Misconduct:** A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege, he:

- (1) Intentionally commits an unauthorized act under color of law; or

(2) Intentionally refrains from performing a duty imposed upon him by law.  
Official misconduct is a gross misdemeanor. (Ord. 2089 Sec. 2 (part), 1977)

**10.04.150: Compounding:**

- (1) A person is guilty of compounding if:
  - (a) He requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that he will refrain from initiating a prosecution for a crime; or
  - (b) He confers, or offers or agrees to confer, any pecuniary benefit upon another pursuant to an agreement or understanding that such other person will refrain from initiating a prosecution for a crime.
- (2) In any prosecution under this section, it is a defense if established by a preponderance of the evidence that the pecuniary benefit did not exceed an amount which the defendant reasonably believed to be due as restitution or indemnification for harm caused by the crime.
- (3) Compounding is a gross misdemeanor. (Ord. 2385 Sec. 4 (part), 1979)

**10.04.180: Jury Tampering:**

- (1) A person is guilty of jury tampering if, with intent to influence a juror's vote, opinion, decision, or other official action in a case, he attempts to communicate directly or indirectly with a juror or prospective juror other than as part of the proceedings in the trial of the case.
- (2) Jury tampering is a gross misdemeanor. (Ord. 2641 Sec. 6, 1981: Ord. 2385 Sec. 4 (part), 1979)

**10.04.190: Tampering With Physical Evidence:**

- (1) A person is guilty of tampering with physical evidence if, having reason to believe that an official proceeding is pending or about to be instituted and acting without legal right or authority, he:
  - (a) Destroys, mutilates, conceals, removes or alters physical evidence with intent to impair its appearance, character, or availability in such pending or prospective official proceeding; or
  - (b) Knowingly presents or offers any false physical evidence.
- (2) "Physical evidence" as used in this section includes any article, object, document, record, or other thing of physical substance.
- (3) Tampering with physical evidence is a gross misdemeanor. (Ord. 2385 Sec. 4 (part), 1979)

**10.04.200: Report of Criminally Caused Injuries:**

- (1) When any practitioner of medicine, surgery, osteopathy, dentistry, chiropractic or chiropody, registered nurse, hospital or ambulance attendant has reasonable cause to believe that a person has died or had physical injuries inflicted upon him, other than by accidental means, as the result of an attempted suicide, gunshot wound, knife wound, overdose of drugs, assault, rape or attempted rape or any other criminal activity or instrumentality, he shall report such incident or cause a report to be made to the proper law enforcement authority.
- (2) An immediate oral report shall be made by telephone or otherwise and shall be followed by a written report to the proper law enforcement agency containing:

- (a) The name and address of the victim,
  - (b) The nature and extent of his injuries,
  - (c) Any other additional information helpful to the establishment of the cause of the victim's injuries and the identity of the perpetrator or perpetrators, and
  - (d) The name of the person making or causing the report to be made.
- (3) Every person who is required to make, or cause to be made, a report pursuant to Sections (1) and (2) above and who knowingly fails to make, or fails to cause to be made, such report, shall be guilty of a misdemeanor. (Ord. 3274 Sec. 3, 1990; Ord. 2446 Sec. 1, 1980; Ord. 1880 Sec. 1, (part), 1975)

**10.04.210: False Swearing:**

- (1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. False swearing is a gross misdemeanor.
- (2) No person shall be convicted of false swearing if he retracts his false statement in the course of the same proceedings in which it is made, if in fact he does so before it becomes manifested the falsification is or will be exposed and before the falsification substantially affects the proceeding. Statements made in separate hearings at separate stages of the same trial, administrative, or other official proceeding shall be treated as if made in the course of the same proceeding.
- (3) It is no defense to a prosecution for perjury or false swearing, however: (a) that the oath was administered or taken in any irregular manner; or (b) that the person administering the oath lacked authority to do so, if the taking of the oath was required or authorized by law.
- (4) An unqualified statement of that which one does not know to be true is equivalent to a statement of that which he knows to be false. (Ord. 2641 Sec. 7, 1981)

**10.04.220: Interfering with Reporting Domestic Violence:**

- (1) A person commits the crime of interfering with the reporting of domestic violence if he:
- (a) Commits a crime of domestic violence, as defined by RCW 10.99.020; and
  - (b) Prevents or attempts to prevent the victim of or a witness to that domestic violence crime from calling an emergency communication system, obtaining medical assistance, or making a report to any law enforcement official.
- (2) Commission of a crime of domestic violence under subsection (1) of this section is a necessary element of the crime of interfering with the report of domestic violence.
- (3) Interference with the reporting of domestic violence is a gross misdemeanor. (Ord. 3691 Sec. 1, 1996)