

CHAPTER 10.08

OFFENSES AGAINST PUBLIC ORDER

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10.08.005: Definitions: As used in this chapter:

- (1) “Basic Necessities of Life” means food, water, shelter, clothing, and medically necessary health care, including but not limited to health-related treatment or activities, hygiene, oxygen, and medication.
- (2)(a) “Bodily Injury” means physical pain or injury, illness, or an impairment of physical condition;
- (b) “Substantial Bodily Harm” means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;
- (c) “Great Bodily Harm” means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily part or organ.
- (3) “Child” means a person under eighteen years of age.
- (4) “Dependent Person” means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life. A resident of a nursing home, as defined in RCW 18.51.010, a resident of an adult family home, as defined in RCW 70.128.010, and a frail elder or vulnerable adult, as defined in RCW 74.34.020(8), is presumed to be a dependent person for purposes of this chapter.

(5) “Employed” means hired by a dependent person, another person acting on behalf of a dependent person, or by an organization or governmental entity, to provide to a dependent person any of the basic necessities of life. A person may be “employed” regardless of whether the person is paid for the services or, if paid, regardless of who pays for the person’s services.

(6) “Parent” has its ordinary meaning and also includes a guardian and the authorized agent of a parent or guardian.

(7) “Abandons” means leaving a child or other dependent person without the means or ability to obtain one or more of the basic necessities of life. (Ord. 4060 Sec. 1, 2002)

10.08.010: Failure to Disperse:

- (1) A person is guilty of failure to disperse if:
 - (a) He congregates with a group of three or more other persons, and there are acts or conduct within the group which create a substantial risk of harm to property, or injury to persons; and
 - (b) He refuses or fails to disperse when ordered to do so by a peace officer, or other public servant engaged in enforcing or executing the laws.
- (2) Failure to disperse is a misdemeanor. (Ord. 2641 Sec. 10, 1981: Ord. 2089 Sec. 2 (part), 1977)

10.08.020: Disorderly Conduct:

- (1) A person is guilty of disorderly conduct under this section, if he:
 - (a) Uses abusive language, and thereby intentionally creates a risk of assault; or
 - (b) Intentionally disrupts any lawful assembly or meeting of persons, without legal authority; or
 - (c) Intentionally obstructs vehicular or pedestrian traffic, without legal authority.
- (2) Disorderly conduct is a misdemeanor. (Ord. 5239 Sec. 1, 2008: Ord. 2876 Sec. 4, 1984: Ord. 2641 Sec. 11, 1981: Ord. 2089 Sec. 2 (part), 1977)

10.08.030: Disruption of School Activities: A person is guilty of disruption of school activities if he comes into, or remains in, any school building or classroom, upon any school ground, or street, sidewalk, or public way adjacent thereto and intentionally causes undue disruption of the activities of the school. Disruption of school activities is a misdemeanor. (Ord. 2876 Sec. 5, 1984: Ord. 2089 Sec. 2 (part), 1977)

10.08.040: City Park Regulations: It is unlawful for any person to violate any posted rule or regulation of the Kennewick Park Commission. Violation of a park rule which independently is a criminal act shall be punished as the crime; violation is otherwise an infraction. (Ord. 2855 Sec. 2, 1984: Ord. 2089 Sec. 2 (part), 1977)

10.08.050: Littering: It is unlawful for any person to willfully or negligently throw from any vehicle, or to place or deposit upon or along any street or alley, upon public or private property, except in containers provided therefor, any debris, paper, litter, glass bottle, glass, can, nail, tack, wire, trash or garbage, lighted material, or other waste substance. Littering is a misdemeanor. (Ord. 2089 Sec. 2 (part), 1977)

10.08.060: Riot: A person is guilty of the crime of riot, if, acting with three or more other persons, he knowingly and unlawfully uses or threatens to use force, or in any way

participates in the use of such force, against any other person or against property. The crime of riot is a gross misdemeanor. (Ord. 2385 Sec. 6 (part), 1979)

10.08.070: Vagrancy: Every lewd, disorderly or dissolute person is a vagrant and guilty of a misdemeanor. (Ord. 2385 Sec. 6 (part), 1979)

10.08.080: Contributing to the Delinquency of a Minor: It is unlawful for anyone, by act or omission, knowingly to encourage or cause the child under the age of eighteen years to violate any law of the United States, State of Washington or any ordinance of the City of Kennewick or County of Benton. (Ord. 2856 Sec. 1, 1984: Ord. 2385 Sec. 8, 1979: Ord. 2089 Sec. 2 (part), 1977)

10.08.090: Failure to Supervise Child Unlawful:

(1) It is unlawful for any parent, parents, legal guardian, or any other person having the care or custody of a child, whether temporary or permanent, to:

- (a) Fail to properly supervise and care for such child, in that such failure of supervision or care contributes to the child violating any law of the United States, the State of Washington, or any ordinance of the City of Kennewick or County of Benton; or
- (b) Fail to exercise proper parental control of a child twelve (12) years of age or younger by leaving the child without adult supervision for unreasonable periods of time, or leaving the child unattended under circumstances which create a risk of bodily harm to the child; or
- (c) Neglect, inflict cruelty or depravity upon or fail to provide a fit place for such child to live; or
- (d) Allow such child to be truant in violation of compulsory school attendance laws.

(2) Failure to supervise a child is a misdemeanor. (Ord. 5234 Sec. 1, 2008: Ord. 2906 Sec. 1, 1985: Ord. 2856 Sec. 1, 1984: Ord. 2089 Sec. 2 (part), 1977)

10.08.091: Abandonment of a Dependent Person in the Third Degree:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependant person in the third degree if:

- (a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide the child or dependent person any of the basic necessities of life; and
- (b) The person recklessly abandons the child or other dependent person; and
 - (i) As a result of being abandoned, the child or other dependent person suffers bodily harm; or
 - (ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other person will suffer substantial bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to RCW 13.34.360 is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the third degree is a gross misdemeanor. (Ord. 5234 Sec. 2, 2008)

10.08.092: Abandonment of Dependent Person – Defense. It is an affirmative defense to the charge of abandonment of a dependent person that the person employed to provide any of the basic necessities of life to the child or other dependent person gave reasonable notice of termination of services and the services were not terminated until after the termination date specified in the notice. The notice must be given to the child or dependent person, and to other persons or organizations that have requested notice of termination of services furnished to the child or other dependent person. (Ord. 5234 Sec. 2, 2008)

10.08.093: 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 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. (Ord. 4060 Sec. 2, 2002)

10.08.095: 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) When a law enforcement officer arrests a person for criminal mistreatment of a child, the officer must notify child protective services.

(3) When a law enforcement officer arrests a person for criminal mistreatment of a dependent person other than a child, the officer must notify adult protective services.

(4) Criminal mistreatment in the fourth degree is a misdemeanor. (Ord. 4060 Sec. 3, 2002)

10.08.097: Exclusions:

(1) KMC 10.08.093 and 10.08.095 do not apply to decisions to withdraw life support systems made in accordance with chapter 7.70 or 70.122 RCW by the dependent person, his or her legal surrogate, or others with a legal duty to care for the dependent person.

(2) KMC 10.08.093 and 10.08.095 do not apply when a terminally ill or permanently unconscious person or his or her legal surrogate, as set forth in chapter 7.70 RCW, requests, and the person receives, palliative care from a licensed home health agency, hospice agency, nursing home, or hospital providing care under the medical direction of a physician. As used in this section, the terms “terminally ill” and “permanently unconscious”

have the same meaning as “terminal condition” and “permanent unconscious condition” in chapter 70.122 RCW. (Ord. 4060 Sec. 4, 2002)

10.08.099: Leaving a Child with a Sex Offender:

(1) A person is guilty of the crime of leaving a child in the care of a sex offender if the person is (a) the parent of a child; (b) entrusted with the physical custody of a child; or (c) employed to provide to the child the basic necessities of life, and leaves the child in the care or custody of another person who is not a parent, guardian, or lawful custodian of the child, knowing that the person is registered or required to register as a sex offender under the laws of this state, or a law or ordinance in another jurisdiction with similar requirements, because of a sex offense against a child.

(2) It is an affirmative defense to the charge of leaving a child in the care of a sex offender under this section, that the defendant must prove by a preponderance of the evidence, that a court has entered an order allowing the offender to have supervised contact with children, or that the offender is allowed to have unsupervised contact with the child in question under a family reunification plan, which has been approved by a court, the department of corrections, or the department of social and health services in accordance with department policies.

(3) Leaving a child in the care of a sex offender is a misdemeanor. (Ord. 4060 Sec. 5, 2002)

10.08.100: Harassment: A person is guilty of harassment if:

(1) Without lawful authority, he knowingly threatens:

(a) To cause bodily injury immediately or in the future to the person threatened or any other person; or

(b) To cause physical damage to the property of a person other than himself; or

(c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his physical health or safety; and

(2) The person by word or conduct places the person threatened in reasonable fear that the threat will be carried out. “Words or conduct” includes, in addition to any other forms of communication or conduct, the sending of an electronic communication.

(3) Harassment is a gross misdemeanor. (Ord. 5057 Sec. 11, 2004; Ord. 4021 Sec. 1, 2001; Ord. 3164 Sec. 1, 1988)

10.08.110: Cyberstalking:

(1) A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or third party:

(a) Using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act;

(b) Anonymously or repeatedly whether or not conversation occurs; or

(c) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household.

(2) An offense committed under this section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.

(3) For purposes of this section, “electronic communication” means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. “Electronic communication” includes, but is not limited to, electronic mail, Internet based communications, pager service, and electronic text messaging.

(4) Cyberstalking is a gross misdemeanor. (Ord. 5084 Sec. 1, 2005)