

CHAPTER 10.09

PROCEEDINGS TO KEEP THE PEACE

SECTION:

- 10.09.010: Purpose and Scope
- 10.09.020: Commencement of Action
- 10.09.030: When Peace Bonds may be Required
- 10.09.040: Criminal Proceedings - Acquittal No Bar
- 10.09.050: Posting and Forfeiture
- 10.09.060: Indigence
- 10.09.070: Failure or Refusal to Post Bond

10.09.010: Purpose and Scope: It is the purpose of this chapter to give the judicial officers of the City of Kennewick all necessary and proper powers to keep and maintain the public peace and to ensure the individual safety of its citizens. The provisions of this chapter will be liberally construed to accomplish this purpose. These provisions are supplemental to the provisions of RCW 10.13 and other relevant state laws and city ordinances. (Ord. 2456 Sec. 1 (part), 1980)

10.09.020: Commencement of Action: An action to keep the peace is commenced by the service of civil process or by the institution of any criminal proceedings alleging an offense constituting an act of violence or a breach of the peace, or an offense anticipatory to either. (Ord. 2456 Sec. 1 (part), 1980)

10.09.030: When Peace Bonds May Be Required: In any proceedings to keep the peace, a court may require the posting of a peace bond under any circumstance where it would have been warranted at common law or under the laws of the State of Washington, or whenever by a preponderance of the evidence it appears that:

- (1) A person has committed an act of violence or a breach of the peace;
- (2) A person has committed any of the following offenses:
 - (a) Assault
 - (b) Coercion
 - (c) Provoking Assault
 - (d) Reckless Endangerment
 - (e) Disorderly Conduct
 - (f) Vagrancy
 - (g) Creating a Public Nuisance
 - (h) Lewd Conduct
- (3) A person has committed an offense anticipatory to, or of which includes as an element, one of the above; or
- (4) A person has manifested an intention, stated or otherwise indicating that he will cause harm or injury to any person or property, or will intentionally annoy or injure any person in the quiet enjoyment of his property. (Ord. 2456 Sec. 1 (part), 1980)

10.09.040: Criminal Proceedings - Acquittal No Bar: Should it appear, following the conviction of a person for a criminal offense or upon his acquittal, that a peace bond is in

order, the court may, upon the motion of prosecution or upon its own motion, require the posting of a peace bond, but, unless notice that such a bond might be required was previously given to the defendant or his counsel, he must be afforded a reasonable time to respond if he so requests. It shall be no bar to the requiring of a peace bond that the person was acquitted of any criminal charge. (Ord. 2456 Sec. 1 (part), 1980)

10.09.050: Posting and Forfeiture:

(1) Upon a judgment imposing a peace bond, the defendant shall post a cash bond or a surety bond with such sureties as are approved by the court. The bonds shall be posted within 10 days unless an appeal is taken.

(2) If it appears within one year of the entry of judgment that the defendant has violated any term of his bond or has committed a crime of violence or breached the peace, the court may, upon due notice, order him to show cause why his bond should not be forfeited. The bonds shall be disposed of as are all forfeitures for violation of municipal ordinances. (Ord. 2456 Sec. 1 (part), 1980)

10.09.060: Indigence: Should a defendant be unable to post a bond within 10 days because of poverty, the court may authorize installment payments or may suspend all or a portion of said bond. (Ord. 2456 Sec. 1 (part) 1980)

10.09.070: Failure or Refusal to Post Bond: Refusal to post a bond or failure to pay a forfeited surety or suspended bond is a misdemeanor punishable by a fine in the amount of the bond. Refusal to post a bond is a continuing offense. (Ord. 2456 Sec. 1 (part), 1980)