

ORDINANCE NO. 2406

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING REDMOND MUNICIPAL CODE, 9.34.015, CYBERSTALKING, BY ADOPTING RCW 9.61.260, CYBERSTALKING BY REFERENCE; CONTAINING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the Redmond City Council finds that this ordinance is in the interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Adoption of section. Redmond Municipal Code 9.34.015, Cyberstalking, is hereby adopted to read as follows:

9.34.015. Cyberstalking. The following statute of the state of Washington, including any future amendments, additions thereto and repeals thereof, is adopted by reference and incorporated herein by this reference as if set forth in full:

RCW 9.61.260          Cyberstalking

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other sections, sentence, clause or phrase of this ordinance.

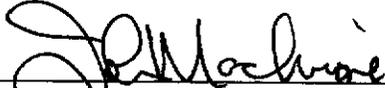
Section 3. Procedure. Incident to the adoption by reference of certain state laws contained in the Revised Code of Washington, one copy of the text of the statute adopted by reference in this ordinance is attached hereto as Exhibit A and shall be filed

with the City Clerk as required by RCW 35A.12.140 for use and examination by the public.

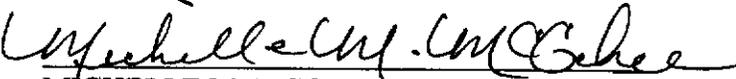
Section 4. Effective date. This ordinance shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

Adopted this 1st day of July, 2008.

CITY OF REDMOND

  
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MAYOR, JOHN MARCHIONE

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
MICHELLE M. MCGEHEE, CMC  
CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY:   
\_\_\_\_\_  
JAMES E. HANEY

FILED WITH THE CITY CLERK: June 25, 2008  
PASSED BY THE CITY COUNCIL: July 1, 2008  
PUBLISHED: July 7, 2008  
EFFECTIVE DATE: July 12, 2008  
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## EXHIBIT A

### RCW 9.61.260 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 a 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) Cyberstalking is a gross misdemeanor, except as provided in subsection (3) of this section.

(3) Cyberstalking is a class C felony if either of the following applies:

- (a) The perpetrator has previously been convicted of the crime of harassment, as defined in RCW 9A.46.060, with the same victim or a member of the victim's family or household or any person specifically named in a no-contact order or no-harassment order in this or any other state; or
- (b) The perpetrator engages in the behavior prohibited under subsection (1)(c) of this section by threatening to kill the person threatened or any other person.

(4) Any 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.

(5) 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.