

ORDINANCE 3376

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STALKING.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. There is hereby created a new section to be known as Section 11.61.040 and to read as follows:

11.61.040. Stalking. It is unlawful for any person, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) to intentionally and repeatedly follow another person to that person's home, school, place of employment, business, or any other location, or follow the person while the person is in transit between locations; and

(b) the person being followed is intimidated, harassed, or placed in fear that the perpetrator intends to injure the person or property of the person being followed or 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

(c) the perpetrator either:

(i.) intends to frighten, intimidate or harass the person being followed; or

(ii.) knows or reasonably should know that the person being followed is afraid, intimidated or harassed, even if the perpetrator did not intend to place the person in fear or intimidate or harass the person.

Any person who violates or fails to comply with the provisions herein is guilty of a gross misdemeanor.

Section 2. There is hereby created a new section to be known as Section 11.61.045 and to read as follows:

11.61.045. Defense to Stalking.

(a) It is not a defense to the crime of stalking under Section 11.61.040(c)(i) that the perpetrator was not given actual notice that the person being followed did not want the perpetrator to contact or follow the person; and

(b) It is not a defense to the crime of stalking under Section 11.61.040(c)(ii) that the perpetrator did not intend to frighten, intimidate, or harass the person 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.

Section 3. There is hereby created a new section to be known as Section 11.61.050 and to read as follows:

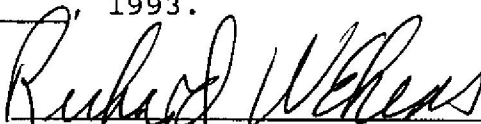
11.61.050. Prima Facie Evidence. For purposes of Section 11.61.040, attempts to contact or follow a person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the alleged stalker intends to intimidate or harass the person.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

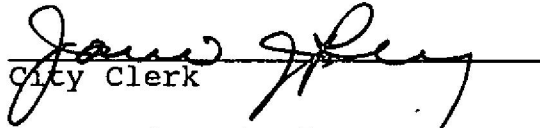
Section 5. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 20th day of July, 1993.


Signed in authentication thereof this 20th day of July, 1993.


MAYOR Pro Tem

Attest:


City Clerk

Approved as to Form:


City Attorney

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