

CLERK FILE No. 304759

"The City of Seattle Initiative Measure Number 73
concerning the local administration of marijuana laws."

REPORT OF THE COMMITTEE

Honorable President:

The _____

to which was referred this file, respectfully reports that the same was considered, and the recom

Date Filed with Clerk _____

Received by _____
City Clerk Staff

ACTION OF THE COUNCIL

Referred	To
Referred	To
Referred	To
Reported	Disposition
Re-referred	To
Reported	Disposition

City of Seattle
Legislative Department



Office of the City Clerk

Judith E. Pippin
City Clerk
December 11, 2001

Mr. Dominic Holden
Sensible Seattle Coalition
P.O. Box 45622
Seattle, WA 98145

RE: PROPOSED INITIATIVE NO. 73

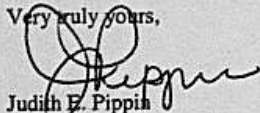
Dear Mr. Holden:

The deadline of January 2, 2002 to submit signed petitions for Initiative No. 73, was stated to you in error. The correct date is February 4, 2002.

If at least 17,150 signatures on petitions for Initiative 73 have been filed on or before February 4, 2002, they will then be transmitted to King County Elections Department for signature verification. A total of at least 17,149 valid Seattle resident registered voter signatures will be required to validate the initiative before transmittal to the City Council.

Please do not hesitate to contact me if you have questions. I can be reached at 684-8361.

Very truly yours,


Judith E. Pippin
City Clerk

cc: Mayor Paul Schell
City Councilmembers
Carol Van Noy, Executive Director, Ethics and Elections
Venerria Knox, Director, Human Services Department
Police Chief Gil Kerlikowske
City Attorney's Office

NOTICE:
IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Room 104, Municipal Building, Seattle, Washington 98104-1892
(206) 684-8344 FAX: (206) 386-9025 TDD: (206) 233-0025

Accommodations for people with disabilities provided upon request. An equal employment opportunity - affirmative action employer.

"Printed on Recycled Paper"

City of Seattle
Legislative Department

01 AUG -9 PM 2:15



Office of the City Clerk

Judith E. Pippin
City Clerk

**RECORDS & ELECTIONS
DIVISION**

RECEIVED BY: *SM. Connell*

August 9, 2001

HAND DELIVERED

Julie Anne Kempf, Superintendent of Elections
Records and Elections Division
Department of Information and Administrative Services
King County Administration Building, Room 553
500 Fourth Avenue
Seattle, WA 98104

RE: Proposed Seattle Initiative No. 73

Dear Ms. Kempf:

This is to inform you that a proposed initiative, Initiative No. 73 (Clerk File 304759) has been filed with the Seattle City Clerk. The initiative concerns the enforcement, prosecution and judicial resolution of marijuana possession misdemeanors. The proposed initiative was filed on July 31, 2001 at 4:15 p.m.

The City's Law Department, pursuant to Article IV, Section 1 of the City Charter, Seattle Municipal Code Section 2.08, and RCW 29.27.060, has approved the following ballot title:

"City of Seattle Initiative Number 73 concerns the enforcement, prosecution and judicial resolution of marijuana possession misdemeanors.

The measure would require the Seattle Police and City Attorney to make cases involving possession of 40 grams or less of marijuana their lowest law enforcement priority, would remove from the jurisdiction of the Municipal Court marijuana possession misdemeanors under RCW 69.50.401(e), and would require the Police and City Attorney to presume the 60-day marijuana supply provided by the federal government to participants in the Investigational New Drug program is a 60-day medical marijuana supply under RCW 69.51A.

Should this measure be enacted into law?

Yes.....
No....."

The initiative's proponents have been informed that they must submit 18,830 valid signatures to this office by January 2, 2002, for subsequent submittal to your office for verification.

If you have any questions or if you need additional information, please do not hesitate to call me at 684-8361.

Very truly yours,

Judith E. Pippin
Judith E. Pippin
City Clerk

cc: Carol Van Noy, Executive Director, Seattle Office of Ethics and Elections

Bob Bruce, Manager, King Records and Election Division

Room 104, Municipal Building, Seattle, Washington 98104-1892

f:\initiatives\73 to King Cnty.doc

(206) 684-8344 FAX: (206) 386-9025 TDD: (206) 233-0025

Accommodations for people with disabilities provided upon request. An equal employment opportunity - affirmative action employer.

"Printed on Recycled Paper"

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

City of Seattle
Legislative Department



Office of the City Clerk

Judith E. Pippin
City Clerk

August 8, 2001

CERTIFIED MAIL

Mr. Dominic Holden
Sensible Seattle Coalition
P.O. Box 45622
Seattle, WA 98145

RE: PROPOSED INITIATIVE NO. 73

Dear Mr. Holden:

I have approved proposed Initiative No. 73 as to form, as shown on the attached draft copy. You will need to change your petition to add the ballot title prepared by the City Attorney. The ballot title for the petition has been prepared to read as follows:

"City of Seattle Initiative Number 73 concerns the enforcement, prosecution and judicial resolution of marijuana possession misdemeanors.

The measure would require the Seattle Police and City Attorney to make cases involving possession of 40 grams or less of marijuana their lowest law enforcement priority, would remove from the jurisdiction of the Municipal Court marijuana possession misdemeanors under RCW 69.50.401(e), and would require the Police and City Attorney to presume the 60-day marijuana supply provided by the federal government to participants in the Investigational New Drug program is a 60-day medical marijuana supply under RCW 69.51A.

Should this measure be enacted into law?

Yes.....
No.....

The initiative process is defined in Article IV Section 1 of the City Charter, Seattle Municipal Code Section 2.08, and Washington State Code (RCW) 29.27.050. You have received copies of these reference materials; if you need additional copies, please let me know.

A copy of the approval letter from the City Attorney's Office was handed to you Monday, August 8, 2001, therefore that is the date of official notification to you. You must submit an electronic copy of the official petition to the Clerk's office.

The signed petitions for Initiative 73 must be filed with the City Clerk no later than 5:00 p.m. on Saturday, January 2, 2002. Because the City Clerk's office is not open Saturdays, I will be present in the office between 3:00 p.m. and 5:00 p.m. Saturday, January 2, 2002. If you choose to file on Saturday, January 2, 2002, please contact me at least three days prior. If at least 18,830 signatures on petitions for Initiative 73 have been filed on or before that date, they will then be transmitted to King County Elections Department for signature verification. A total of at least 18,830 valid Seattle resident registered voter signatures will be required to validate the initiative before transmittal to the City Council.

Please do not hesitate to contact me if you have questions. I can be reached at 684-8361.

Very truly yours,

Judith E. Pippin
City Clerk

cc: Mayor Paul Schell
City Councilmembers
Carol Van Noy, Executive Director, Ethics and Elections
Venerria Knox, Director, Human Services Department
Police Chief Gil Kerlikowske
City Attorney's Office

Room 104, Municipal Building, Seattle, Washington 98104-1892
(206) 684-8344 FAX: (206) 386-9025 TDD: (206) 233-0025

Accommodations for people with disabilities provided upon request. An equal employment opportunity - affirmative action employer.

"Printed on Recycled Paper"

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

SEATTLE CITY ATTORNEY
MARK H. SIDRAN

August 6, 2001

Judith Pippin
Seattle City Clerk
Municipal Building
600 Fourth Avenue
Seattle, WA 98104

Re: Initiative Number 73 (Clerk's File No. 304759)

Via e-mail and hand-delivered

Dear Ms. Pippin:

In response to your memorandum of August 1, 2001 regarding proposed Initiative Number 73, Clerk's File No. 304759, this office has established the following ballot title:

City of Seattle Initiative Number 73 concerns the enforcement, prosecution and judicial resolution of marijuana possession misdemeanors.

The measure would require the Seattle Police and City Attorney to make cases involving possession of 40 grams or less of marijuana their lowest law enforcement priority, would remove from the jurisdiction of the Municipal Court marijuana possession misdemeanors under RCW 69.50.401(e), and would require the Police and City Attorney to presume the 60-day marijuana supply provided by the federal government to participants in the Investigational New Drug program is a 60-day medical marijuana supply under RCW 69.51A.

Should this Initiative be enacted into law?

Yes

No

FILED
CITY OF SEATTLE
01 AUG -6 AM 11:11
CITY CLERK

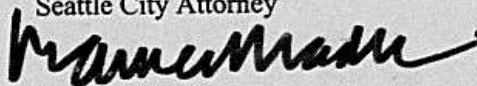
NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Judith Pippin
August 6, 2001
Page 2

If you have any questions, please contact me at 615-1960.

Very truly yours,

MARK H. SIDRAN
Seattle City Attorney



Maureen Madion
Assistant City Attorney
Municipal Law Section

MM:vp

I-Pippin73.doc

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.



**Legislative Department
Office of City Clerk
Memorandum**

Date: August 1, 2001
To: The Honorable Mark Sidran
City Attorney
From: Judith E. Pippin, City Clerk
Subject: Proposed Initiative Petition Initiative No. 73

I am forwarding with this memo Clerk File No. 304759, which contains Initiative 73, a proposed initiative petition concerning the administration of marijuana laws within the city.

The proposed initiative was filed with the City Clerk's Office on July 31, 2001 at 4:15 p.m., and is submitted pursuant to Article IV, Section 1B of the City Charter, and Seattle Municipal Code 2.08. The initiative is sponsored by Sensible Seattle Coalition organization.

The submitter has proposed the following ballot title. This file is transmitted to you for approval of this ballot title or preparation of a substitute ballot title:

"The City of Seattle Initiative Measure Number 73 concerning the local administration of marijuana laws.

Shall Seattle make misdemeanor marijuana possession its lowest law enforcement priority, refer such cases to state court rather than municipal court, and set the 60-day supply of medicinal marijuana for certain seriously ill patients as permitted by state law at an amount equivalent to that provided by the federal Department of Health and Human Services?"

Cc: Mayor Paul Schell
City Councilmembers
Carol Van Noy, Executive Director, Ethics and Elections Commission
Venerria Knox, Human Services Department
Police Chief Gil Kerlikowske
City Attorney's Office

Room 104, Municipal Building, Seattle, Washington 98104-1892
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025
email: clerk@ci.seattle.wa.us

Accommodations for people with disabilities provided upon request. An equal opportunity-affirmative action employer

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

FILED
CITY OF SEATTLE

2001 JUL 31 PM 4:15

CITY CLERK

Petition – City of Seattle Initiative Measure Number _____

WARNING

"Ordinance 94289¹ provides as follows:

"Section 1. It is unlawful for any person:

1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or
2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or
3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or
4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle.

The provisions of this ordinance shall be printed as a warning on every petition for a City initiative, referendum, or Charter amendment.

Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

**INITIATIVE PETITION FOR
SUBMISSION TO THE SEATTLE CITY
COUNCIL**

To the City Council of the City of Seattle.

We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. _____ entitled:

The City of Seattle Initiative Measure Number _____ concerning the local administration of marijuana laws.

Shall Seattle make misdemeanor marijuana possession its lowest law enforcement priority, refer such cases to state court rather than municipal court, and set the 60-day supply of medicinal marijuana for certain seriously ill patients as permitted by state law at an amount equivalent to that provided by the federal Department of Health and Human Services?

a full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five (45) days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of The City of Seattle for approval or rejection at the

next regular election or at a special election in accordance with Article IV, Section 1 of the City Charter; and each of us for himself or herself says: I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington, in the precinct (if known) written after my name, and my residence address is correctly stated.

Petitioner's Signature	Printed Name	Residence Address Street and Number	Precinct Name or Number (if known)
---------------------------	-----------------	--	--

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.

NOTICE:
IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

¹ Ordinance 94289 is codified in Chapter 2.16 of the Seattle Municipal Code.

AN ORDINANCE to Establish a
Sensible Marijuana Law Enforcement Policy in Seattle

WHEREAS, Seattle and other Washington taxpayers bear the substantial costs of investigating, arresting, prosecuting and jailing people charged with possession of even small amounts of marijuana;

WHEREAS, federal education loans are denied to middle-income and lower-income students pursuant to Congressional amendments to the Higher Education Act where applicant students have been convicted of possessing even small amounts of marijuana;

WHEREAS, Americans were subjected to more than 600,000 arrests for possession of marijuana and arrests related to marijuana accounted for nearly half of all drug arrests in the United States in 1999;

WHEREAS, the failures and harms of the Drug War have fallen most heavily on racial minorities and lower-income communities, and no racial or economic group in Washington or the United States has escaped the Drug War unharmed;

Now, Therefore, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

A new section 12A.20.030 of the Seattle Municipal Code is added to read as follows:

SMC 12A.20.030 Enforcement Priority – Marijuana Possession.

The Seattle Police Department and City Attorney's Office shall make the investigation, arrest and prosecution of persons believed to be in possession of 40 grams or less of marijuana pursuant to RCW 69.50.401(e) or similar legislation the City's lowest law enforcement priority.

Section 3.33.020 of the Seattle Municipal Code (Ordinance 118580, Section 1, 1997; Ordinance 113786, Section 1 (part), 1987) is amended to read as follows:

SMC 3.33.020 Jurisdiction -- Authority.

The Municipal Court has jurisdiction to try violations of all City ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine ~~all causes, civil or criminal~~, civil or criminal causes arising under such ordinances, and to pronounce judgment in accordance therewith; provided, that the Municipal Court does not have jurisdiction to hear any cause brought for possession of 40 grams or less of marijuana pursuant to RCW 69.50.401(e) or any similar provision of law. ~~for a~~ For violation of the criminal provisions of an ordinance, no greater punishment shall be imposed than is authorized by state law. All civil and criminal proceedings in Municipal Court, and judgments rendered therein, shall be subject to review in the Superior Court by writ of review or on appeal. Costs in civil and criminal cases may be taxed as provided by law.

A new section 12A.20.040 of the Seattle Municipal Code is added to read as follows:

SMC 12A.20.040 Medical Marijuana – 60-Day Supply.

The Seattle Police Department and City Attorney's Office shall presume the 60-day amount of marijuana supplied by the federal government to participants in the Investigational New Drug program administered by the Department of Health and Human Services at the time of the enactment of the Medical Use of Marijuana Act (RCW 69.51A) to be a 60-day supply of medical marijuana for purposes of enforcement of RCW 69.51A.

Severability of provisions

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the terms and provisions to other persons or circumstances shall not be affected.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

FILED
CITY OF SEATTLE

2001 JUL 31 PM 4:15

CITY CLERK

Petition - City of Seattle Initiative Measure Number _____

WARNING

"Ordinance 94289¹ provides as follows:

"Section 1. It is unlawful for any person:

1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or
2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or
3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or
4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle.

The provisions of this ordinance shall be printed as a warning on every petition for a City initiative, referendum, or Charter amendment.

Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

**INITIATIVE PETITION FOR
SUBMISSION TO THE SEATTLE CITY
COUNCIL**

To the City Council of the City of Seattle.

We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. _____ entitled:

The City of Seattle Initiative Measure Number _____ concerning the local administration of marijuana laws.

Shall Seattle make misdemeanor marijuana possession its lowest law enforcement priority, refer such cases to state court rather than municipal court, and set the 60-day supply of medicinal marijuana for certain seriously ill patients as permitted by state law at an amount equivalent to that provided by the federal Department of Health and Human Services?

a full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five (45) days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of The City of Seattle for approval or rejection at the

next regular election or at a special election in accordance with Article IV, Section 1 of the City Charter; and each of us for himself or herself says: I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington, in the precinct (if known) written after my name, and my residence address is correctly stated.

Petitioner's Signature	Printed Name	Residence Address Street and Number	Precinct Name or Number (if known)
---------------------------	-----------------	--	--

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

¹ Ordinance 94289 is codified in Chapter 2.16 of the Seattle Municipal Code.

AN ORDINANCE to Establish a
Sensible Marijuana Law Enforcement Policy in Seattle

WHEREAS, Seattle and other Washington taxpayers bear the substantial costs of investigating, arresting, prosecuting and jailing people charged with possession of even small amounts of marijuana;

WHEREAS, federal education loans are denied to middle-income and lower-income students pursuant to Congressional amendments to the Higher Education Act where applicant students have been convicted of possessing even small amounts of marijuana;

WHEREAS, Americans were subjected to more than 600,000 arrests for possession of marijuana and arrests related to marijuana accounted for nearly half of all drug arrests in the United States in 1999;

WHEREAS, the failures and harms of the Drug War have fallen most heavily on racial minorities and lower-income communities, and no racial or economic group in Washington or the United States has escaped the Drug War unharmed;

Now, Therefore, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

A new section 12A.20.030 of the Seattle Municipal Code is added to read as follows:

SMC 12A.20.030 Enforcement Priority – Marijuana Possession.

The Seattle Police Department and City Attorney's Office shall make the investigation, arrest and prosecution of persons believed to be in possession of 40 grams or less of marijuana pursuant to RCW 69.50.401(e) or similar legislation the City's lowest law enforcement priority.

Section 3.33.020 of the Seattle Municipal Code (Ordinance 118580, Section 1, 1997; Ordinance 113786, Section 1 (part), 1987) is amended to read as follows:

SMC 3.33.020 Jurisdiction -- Authority.

The Municipal Court has jurisdiction to try violations of all City ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine ~~all causes, civil or criminal~~, civil or criminal causes arising under such ordinances, and to pronounce judgment in accordance therewith; provided, that the Municipal Court does not have jurisdiction to hear any cause brought for possession of 40 grams or less of marijuana pursuant to RCW 69.50.401(e) or any similar provision of law. ~~for a~~ For violation of the criminal provisions of an ordinance, no greater punishment shall be imposed than is authorized by state law. All civil and criminal proceedings in Municipal Court, and judgments rendered therein, shall be subject to review in the Superior Court by writ of review or on appeal. Costs in civil and criminal cases may be taxed as provided by law.

A new section 12A.20.040 of the Seattle Municipal Code is added to read as follows:

SMC 12A.20.040 Medical Marijuana – 60-Day Supply.

The Seattle Police Department and City Attorney's Office shall presume the 60-day amount of marijuana supplied by the federal government to participants in the Investigational New Drug program administered by the Department of Health and Human Services at the time of the enactment of the Medical Use of Marijuana Act (RCW 69.51A) to be a 60-day supply of medical marijuana for purposes of enforcement of RCW 69.51A.

Severability of provisions

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the terms and provisions to other persons or circumstances shall not be affected.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.