

EE-55
Ordinance No. 107245

AN ORDINANCE relating to and making unlawful the issuance of a bank check with intent to defraud; adding a new Section 12A.08.230 to the Seattle Criminal Code (Ordinance 102843).

3-15-78 P.S.J. P.S.S.

Council Bill No. 98508

INTRODUCED: JUN 27 1977	BY: MILLER
REFERRED: JUN 27 1977	TO: P.S. SAFETY & JUSTICE
REFERRED:	
REPORTED: MAR 20 1978	SECOND READING: MAR 20 1978
THIRD READING: MAR 20 1978	SIGNED: MAR 20 1978
PRESERVED TO MAYOR: MAR 21 1978	APPROVED: MAR 30 1978
RETD. TO CITY CLERK: MAR 30 1978	PUBLISHED:
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PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VOL.....	PAGE.....

ORDINANCE 107245

AN ORDINANCE relating to and making unlawful the issuance of a bank check with intent to defraud; adding a new Section 12A.08.230 to the Seattle Criminal Code (Ordinance 102843).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle Criminal Code (Ordinance 102843) is amended by adding thereto a new section designated Section 12A.08.230 to read as follows:

Section 12A.08.230 Unlawful issuance of bank checks.

(1) A person is guilty of unlawful issuance of a bank check if, with intent to defraud, he issues or delivers to another person any check, or draft, on a bank or other depository for the payment of money, when at the time of such issuance or delivery he does not have an account in, or sufficient funds or credit with, such bank or depository for payment of such check or draft in full upon presentation.

(2) The word "credit" as used in this section shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft in full upon presentation. The issuance or delivery of a check or draft to another person without having an account in or credit with the drawee at the time the same was issued or delivered shall be prima facie evidence of an intent to defraud.

(To be used for all Ordinances except Emergency.)

Section..... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 20 day of March, 1978
and signed by me in open session in authentication of its passage this 20 day of
March, 1978.

Jauneto Williams
President Pro Tem of the City Council.

Approved by me this 30 day of March, 1978
Charles Roney
Mayor.

Filed by me this 30 day of March, 1978

Attest: *E. L. King*
City Comptroller and City Clerk.

(SEAL)

Published.....

Rayne Angermeier
Deputy Clerk.

107245

15:05

(19:07)

March 2, 1978

Floyd Else
Washington Neighbors Against Crime
Post Office Box 9171
Seattle, Washington

Dear Mr. Else:

This is to advise you that the Public Safety and Justice Committee will consider Council Bill 98508, Councilman Miller's proposed ordinance relating to, and making unlawful, the issuance of a bank check with intent to defraud; adding a new section 12A.08.230 to the Seattle Criminal Code. At 9:30 a.m., Wednesday, March 15, 1978, in the Council Chambers, 1101 Seattle Municipal Building.

You and/or your representatives are invited to be present and participate.

Sincerely,

Florence Harrell, Council Assistant
Public Safety and Justice Committee

FH:vc

15:05

(19:07)

Continued

Mr. M. Lamont Bean
Pay'N Save
1511 Sixth Avenue
Seattle, Washington 98101

Mr. George Bartell
Bartell's Drugs
1916 Boren Avenue
Seattle, Washington 98101

Mr. Ken Vegsund, President
Washington State Food Dealer
13312 - 117th Northeast
Kirkland, Washington 98033

Mr. J. Roth, President
Ray's Market
2701 Beacon Avenue South
Seattle, Washington 98144

Mr. John Gipson, Security Director
Nordstrom, Inc.
1501 Fifth Avenue
Seattle, Washington 98101

15:05

(19:07)

Floyd Else
Washington Neighbors Against Crime
Post Office Box 9171
Seattle, Washington

Patricia L. Kion
Association Secretary
Northwest Check Investigators Association
Rainier National Bank
Post Office Box 3966
Seattle, Washington 98124

Robert N. Bollinger
Area Manager
National Fast Foods, Inc.
1450 - 114th Southeast
Bellevue, Washington 98009

Mr. Ralph Hitchman
District Manager
Stop-N-Go Foods, Inc.
23449 Pacific Highway South
Kent, Washington 98031

Mr. Ronald G. Huebner
Security Manager
Northern Region
Fred Meyer Stores
7101 Empire Way South
Seattle, Washington 98118

Mr. Robert B. Weber, President
Puget Sound Mutual Savings Bank
922 - 2nd Avenue
Seattle, Washington 98104

Mr. J. C. Purnell
Liberty Bank of Seattle
2320 East Union
Seattle, Washington 98122

Mr. John F. Gordon
Executive Vice President
Restaurant Association
722 Securities Building
Seattle, Washington 98101

Joshua Green, Jr.
Chairman of the Board
Peoples National Bank
404 Union Street
Seattle, Washington 98111

Mr. George Briggs
Senior Vice President
Seattle First National Bank
Post Office Box 3586
Seattle, Washington 98124

Mr. Joseph H. Schaeffer
Assistant Vice President
Rainier Bank
Post Office Box 3966
Seattle, Washington 98124

Mr. Bill Baillargeon, President
Seattle Trust and Savings Bank
804 Second Avenue
Seattle, Washington 98104

Mr. James Walsh
Bon Marche
Fourth and Pike
Seattle, Washington 98101

Mr. Robert Patterson
Frederick and Nelson
Fifth and Pine
Seattle, Washington 98101

Mr. Bruce Nordstrom
Nordstrom's, Inc.
1501 Fifth Avenue
Seattle, Washington 98101

Mr. John Gilmore
Downtown Seattle Development Association
Joseph Vance Building
Seattle, Washington 98101

Mr. Max Oberstreet
Operations Manager
Penney's
1409 Second Avenue
Seattle, Washington 98101

Mr. Jack Croco, President
QFC
10116 Northeast 8th
Bellevue, Washington 98004

W. H. Maloney
Division Manager
Safeway, Inc.
Post Office Box 947
Bellevue, Washington 98009

15:05

(19:07)

Continued

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Seattle, Washington 98144

Mr. John Gipson, Security Director
Nordstrom, Inc.
1501 Fifth Avenue
Seattle, Washington 98101



Seattle City Council

Memorandum

Date: February 23, 1978

To: Sam Smith, Chairman
Public Safety and Justice Committee

From: John Miller

Subject: Bad Checks

I am delighted that you have scheduled this matter for public hearing on March 15. When you get a meeting notice ready to be mailed, would you please have it sent to the following people:

Floyd Else
Washington Neighbors Against Crime
Post Office Box 9171
Seattle, Washington

Patricia L. Kion
Association Secretary
Northwest Check Investigators Association
Rainier National Bank
Post Office Box 3966
Seattle, Washington 98124

Robert N. Bollinger
Area Manager
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Seattle, Washington 98122

February 23, 1978

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722 Securities Building
Seattle, Washington 98101

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Chairman of the Board
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Seattle, Washington 98111

Mr. George Briggs
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804 - 2nd Avenue
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Bon Marche
4th and Pike
Seattle, Washington 98101

Mr. Robert Patterson
Frederick and Nelson
5th and Pine
Seattle, Washington 98101

Mr. Bruce Nordstrom
Nordstrom's Inc. 1501-5th AVE
Seattle, Washington 98101

Mr. John Gilmore
Downtown Seattle Development Association
Joseph Vance Building
Seattle, Washington 98101

Mr. Max Oberstreet
Operations Manager
Penney's
1409 - 2nd Avenue
Seattle, Washington 98101

Mr. Jack Croco, President
QFC
10116 Northeast 8th
Bellevue, Washington 98004

February 23, 1978

Page 3

W.H. Maloney
Division Manager
Safeway Inc.
Post Office Box 947
Bellevue, Washington 98009

Mr. M. Lamont Bean
Pay'N Save
1511 - 6th Avenue
Seattle, Washington 98101

Mr. George Bartell
Bartell's Drugs
1916 Boren Avenue
Seattle, Washington 98101

JM/kg

Ken Vegsund, President
Washington State Food Dealer
13312 - 117th N.E.
Kirkland, Wash. 98033

J. Roth, President
Ray's Market
2701 Beacon Ave. So.
Seattle, Wash. 98144

John Gipson, Security Director
Nordstrom, INC.
1501 - 5th Ave.
Seattle, Wash. 98101

WASHINGTON
NEIGHBORS AGAINST CRIME
Post Office Box 9171, Seattle, Washington 98109
February 16, 1978

Floyd Else, Coordinator
(206) 284-5996

A non-profit, charitable organization
devoted to encouraging citizen participation
in community crime prevention programs.

Councilman Sam Smith
Public Safety & Justice Committee
Municipal Building
Seattle, WA. 98104

Dear Councilman Smith:

Due to inaction on the part of the Seattle City Council, Seattle merchants are not being protected from bad check passers.

The revision of the Washington State Criminal Code in July of 1976 made bad checks in an amount of less than \$250 a misdemeanor. Historically, cities prosecute their own misdemeanor offenses. Therefore, the burden of bad check prosecution was passed from the County Prosecutor to the City Attorney and the Municipal Court.

The Municipal Court has not been able to assume jurisdiction because there is no applicable city ordinance. At the request of Councilman John Miller, the city attorney Harris drafted an ordinance which has since been collecting dust in the Public Safety & Justice Committee pending some far distant general review of the city's criminal code.

On behalf of the merchants and banks in the city of Seattle, we would like to request immediate consideration and passage of this bad check ordinance. Further, if there is any reason why prompt action can not be taken on this matter, we would like to be advised.

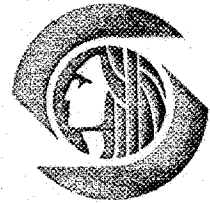
Sincerely,


Floyd Else

cc: other City Council members
Seattle Chamber of Commerce
Associated Grocers
Other interested parties

Handwritten notes:
Report
Vicki Miller
about the
situation
at the
legislature
in
Washington
State

Seattle City Council



Sam Smith
President of the Council
625-2455

George E. Benson
Chairman
Transportation
Committee
625-2441

Tim Hill
Chairman
Finance Committee
625-2438

Paul Kraabel
Chairman
Planning & Urban
Development Committee
625-2447

Phyllis Lamphere
Chairman
Intergovernmental
Relations Committee
625-2436

Wayne D. Larkin
Chairman
Utilities Committee
625-2443

John R. Miller
Chairman
Parks & Public
Grounds Committee
625-2451

Randy Revelle
Chairman
Public Safety & Justice
Committee
625-2445

Jeanette Williams
Chairman
Human Resources &
Operations Committee
625-2453

June 22, 1977

Subject: Bad Checks

Honorable Colleagues:


Attached is a copy of an ordinance I am introducing today, that clearly makes it a crime to pass a bad check in the City of Seattle. The bill has been prepared by Corporation Counsel.

As I noted in my request for legislation in April, state law makes it a felony to pass an account-closed or intentional NSF check over the sum of \$250. The County Prosecuting Attorney is handling felony cases, but declines to prosecute smaller check offenses. The City's criminal code is not specific enough to enable us to charge bad check offenders in Municipal Court. The bulk of violators have gone unprosecuted and unpunished, because the average bad check is \$33.56, far below the felony minimum.

This legislation will allow us to prosecute misdemeanor bad check offenders in city court. When the bill is discussed in Committee, I hope to change it in a way that will encourage judges to make bad check writers pay restitution to the stores and other businesses they victimize.

We need to combat this offense not only because it hurts businesses, but because it creates higher prices for consumers. My proposal has been endorsed by many banks and retailers, and I hope you will give it your support.

Very truly yours,


John Miller



LUCKY STORES, INC., 1400 EAST PINE ST., SEATTLE, WASH. 98122 . EA 2-9400

March 2, 1978

Councilman Sam Smith
Seattle City Council
600 - 4th Avenue
Seattle, Washington

Dear Councilman Smith:

The intent of this letter is to indicate Lucky Stores' support of the proposed city ordinance, designated Section 12A.08.230, titled, "Unlawful Issuance of Bank Checks".

We at Lucky feel local government has not shown enough interest in the rights and needs of the local merchant. We would hope more strong laws to protect and aid the merchant from the criminal element (ie. issuance of bad checks) will be forthcoming.

Sincerely,


Chris J. Tracy,
District Manager

CJT:rs



SAFEWAY STORES, INCORPORATED

P.O. Box 947, Bellevue, Washington 98009 (1121 124th Avenue N.E. 98005)

March 7, 1978

Seattle City Council
Attn: Florence Harrell, Council Assistant
Public Safety and Justice Committee
Eleventh Floor, Municipal Bldg.
Seattle, WA. 98104

Dear Ms. Harrell:

In reply to your letter of March 2, this is to advise that the following people from our office will attend the meeting on proposed bank check ordinance to be held in the Council Chambers at 9:30 A.M., March 15:

Jim Clark, Security Manager
Russ McCurdy, Public Affairs Manager

Very truly yours,

W. H. Maloney

W. H. MALONEY
Vice President and Division Manager

WHM:mm

cc: J.Clark
R.McCurdy

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

MAR 20 1978

Your Committee on

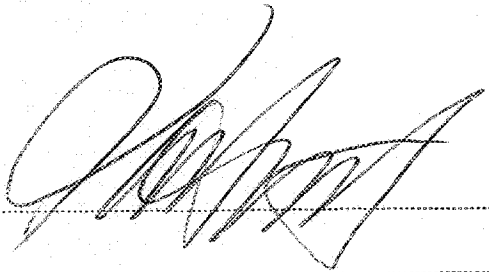
PUBLIC SAFETY & JUSTICE

to which was referred

C.B. 98508

Relating to and making unlawful the issuance of a bank check with intent to defraud; adding a new Section 12A.08.230 to the Seattle Criminal Code (Ordinance 102843).

RECOMMEND THAT THE SAME DO PASS



PS&J

Chairman

Chairman

Committee

Committee

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

John R. Miller

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: Public Safety & Justice

John R. Miller

PRESIDENT'S SIGNATURE

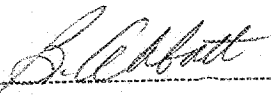
Affidavit of Publication**STATE OF WASHINGTON
KING COUNTY—SS.**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

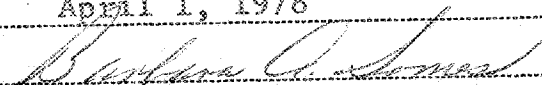
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 107245

was published on April 1, 1978


Subscribed and sworn to before me on

April 1, 1978


Notary Public for the State of Washington,
residing in Seattle.

ORDINANCE 107345

AN ORDINANCE relating to and making unlawful the issuance of a bank check with intent to defraud, adding a new Section 12A.05.230 to the Seattle Criminal Code (Ordinance 102843).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle Criminal Code (Ordinance 102843) is amended by adding thereto a new section designated Section 12A.05.230 to read as follows:

Section 12A.05.230 UNLAWFUL ISSUANCE OF BANK CHECKS.

(1) A person is guilty of unlawful issuance of a bank check if, with intent to defraud, he issues or delivers to another person any check or draft on a bank or other depository for the payment of money, when at the time of such issuance or delivery he does not have an account in, or sufficient funds or credit with, such bank or depository for payment of such check or draft in full upon presentation.

(2) The word "credit" as used in this section shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft in full upon presentation. The issuance or delivery of a check or draft to another person without having an account in or credit with the drawee at the time the same was issued or delivered shall be prima facie evidence of an intent to defraud.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 20th day of March, 1978, and signed by me in open session in authentication of its passage this 20th day of March, 1978.

JEANETTE WILLIAMS
President Pro Tem. of the
City Council.

Approved by me this 30th day
of March, 1978.

CHARLES ROYER
Mayor.

Filed by me this 30th day of
March, 1978.

Attest: E. L. KIDD,
City Comptroller and
City Clerk.

By WAYNE ANGEVINE
(Seal) Deputy Clerk.

Publication ordered by E. L.
KIDD, Comptroller and City
Clerk.

Date of official publication in
the Daily Journal of Commerce,
Seattle, April 1, 1978.

(C-151)