

Amending the Seattle Municipal Code  
by correcting disparities in the  
chapter designations. *See Criminal Code Sections*

87:C:45

## Ordinance No. 109674

AN ORDINANCE relating to the enactment of the Seattle Municipal Code; amending Seattle Municipal Code Sections 12A.04.020 through 12A.04.120, 12A.06.080, 12A.10.070, 12A.12.010, 12A.14.080, 12A.14.090 through 12A.14.120, 12A.16.010, 12A.16.040, 12A.28.050, 12A.28.070, 12A.52 adding Sections 12A.06.025, 12A.06.120, 12A.06.130, 12A.06.140, 12A.06.150, 12A.08.105, 12A.10.100, 12A.16.050 and 12A.16.060 to the Seattle Municipal Code; amending the Seattle Criminal Code (Ordinance 102843, as recently amended by Ordinances 108814, 108861, 108908, 108995, 109037, 109125, 109190 and 109433), Sections 12A.02.030, 12A.04.140, 12A.04.090, 12A.04.195, 12A.04.196, 12A.04.12A.04.198, 12A.08.290, 12A.12.150, 12A.12.140, 12A.16.020, 12A.17.12A.17.160, 12A.20.020, 12A.20.110, 12A.20.010, 12A.20.070, 12A.17.12A.20.120, making said amendments effective on the effective date of the Seattle Municipal Code; and declaring the emergency therefor

COMPTROLLER  
FILE NUMBER \_\_\_\_\_

## Council Bill No. 102052

INTRODUCED: 2-2-81	EXECUTIVE REQUEST
REFERRED: 2-2-81	TO: 759J
REFERRED:	
REFERRED:	
REPORTED: FEB 09 1981	SECOND READING: FEB 09 1981
THIRD READING: FEB 09 1981	SIGNED: FEB 09 1981
PRESENTED TO MAYOR: FEB 10 1981	APPROVED: FEB 18 1981
RETD. TO CITY CLERK: 3 18 1981	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

. 110701 -Amends Sec 14 to make it unlawful for a person to intentionally conceal or alter any material which he knows a public officer is attempting to obtain, secure or preserve during a lawful investigation, search, or arrest, to require a judge to determine if a public officer was acting lawfully in a governmental function, & to define public officer.

ORDINANCE 109674

AN ORDINANCE relating to the enactment of the Seattle Municipal Code; amending Seattle Municipal Code Sections 12A.04.020 through 12A.04.060, 12A.06.080, 12A.10.070, 12A.12.010, 12A.14.080, 12A.14.090 through 12A.14.120, 12A.16.010, 12A.16.040, 12A.28.050, 12A.28.070, 12A.52.020; adding Sections 12A.06.025, 12A.06.120, 12A.06.130, 12A.06.140, 12A.06.150, 12A.08.105, 12A.10.100, 12A.16.050 and 12A.16.060 to the Seattle Municipal Code; amending the Seattle Criminal Code (Ordinance 102843, as recently amended by Ordinances 108814, 108867, 108908, 108995, 109037, 109125, 109190 and 109433), Sections 12A.02.030, 12A.04.140, 12A.04.090, 12A.04.195, 12A.04.196, 12A.04.197, 12A.04.198, 12A.08.290, 12A.12.150, 12A.12.140, 12A.16.020, 12A.17.140, 12A.17.160, 12A.20.020, 12A.20.110, 12A.20.010, 12A.20.070, 12A.17.170, 12A.20.120, making said amendments effective on the effective date of the Seattle Municipal Code; and declaring the emergency therefor.

WHEREAS, the enactment of the Seattle Municipal Code makes the amendments and additions listed above necessary to avoid confusion between said ordinance numbers and Seattle Municipal Code numbers, and to protect the constitutional rights of individuals to correctly identify the laws that they are charged with violating; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.02.030 of the Seattle Criminal Code (Ordinance 102843, as amended by Ordinance 109433, Section 1), and Sections 12A.04.020 through 12A.04.060 of the Seattle Municipal Code are each amended as follows:

~~((Section 12A.02.030 General Requirements of Culpability))~~

~~((1))~~ Section 12A.04.020 Minimum Requirement of Culpability. A person is not guilty of an offense, other than an offense which involves absolute liability, unless with respect to each material element described by the section defining the offenses, he acts while having one of the mental states described in ~~((subsection 2))~~ Section 12A.04.030.

~~((2))~~ Section 12A.04.030 Kinds of Culpability Defined.

~~((a))~~ A. Intent. A person intends or acts intentionally or with intent to accomplish a result or to

1 engage in conduct described by the section defining the  
2 offense, when his conscious objective or purpose is to  
3 accomplish such a result or to engage in conduct of that  
4 nature.

5 ((+b+)) B. Knowledge. A person knows or acts  
6 knowingly or with knowledge with respect to:

- 7 (((+)+)) 1. a result described by a section  
8 defining an offense, when is is aware  
9 that it is substantially certain that  
10 his conduct will cause such result; or  
11 (((+ii+)) 2. conduct described by a section  
12 defining an offense, when he is aware  
13 that his conduct is of that nature; or  
14 (((+iii+)) 3. a circumstance described by a  
15 section defining an offense, when he is  
16 aware that such circumstance exists; or  
17 (((+iv+)) 4. a particular fact, whe he is  
18 aware that there is a high probability  
19 that such facts exist.

18 ((+e+)) C. Recklessness: A person is reckless or  
19 acts recklessly when he knows of and consciously disregards  
20 a substantial and unjustifiable risk that:

- 21 (((+)+)) 1. the result described by a section  
22 defining an offense may occur; or  
23 (((+ii+)) 2. a circumstance described by a  
24 section defining an offense exists, and  
25 when the disregard of such risk constitutes  
26 a gross deviation from the standard of  
27 conduct that a reasonable person would  
28 exercise in the situation.

1                   ((+d+)) D. Criminal Negligence. A person is  
2 criminally negligent or acts with criminal negligence when  
3 he fails to be aware of a substantial and unjustifiable risk  
4 that:

5                   ((+i+)) 1. the result described by a section  
6 defining an offense may occur; or

7                   ((+i+)) 2. a circumstance described by a  
8 section defining an offense exists, and  
9 the failure to be aware of such risk  
10 constitutes a gross deviation from the  
11 standard of care that a reasonable  
12 person would exercise in that situation.

13                   ((+3+)) Section 12A.04.040 Prescribed Culpability Require-  
14 ment Applies to All Material Elements. When the Seattle Municipal  
15 Code or an ordinance defining an offense prescribes as an  
16 element thereof a specified mental state, such mental state  
17 is deemed to apply to every material element of the offense  
18 unless an intent to limit its application clearly appears.

19                   ((+4+)) Section 12A.04.050 Substitutes for Criminal  
20 Negligence -- Recklessness and Knowledge. When the Seattle  
21 Municipal Code or an ordinance provides that criminal negligence  
22 suffices to establish an element of an offense, such element  
23 also is established if a person acts intentionally, knowingly  
24 or recklessly. When recklessness suffices to establish an  
25 element, such element also is established if a person acts  
26 intentionally or knowingly. When acting knowingly suffices  
27 to establish an element, such element also is established if  
28 a person acts intentionally.

                  ((+5+)) Section 12A.04.060 Culpability as Determinant  
of Grade of Offense. When the grade or degree of an offense

1 depends on whether the offense is committed intentionally,  
2 knowingly, recklessly, or with criminal negligence, its  
3 grade or degree shall be the lowest for which the determinative  
4 kind of culpability is established with respect to any  
5 material element of the offense.

6 Section 2. Section 12A.04.140 of the Seattle Criminal  
7 Code (Ordinance 102843, as amended by Ordinance 109433,  
8 Section 2) and Section 12A.06.080 of the Seattle Municipal  
9 Code are each amended as follows:

10 ~~((Section 12A.04.140))~~ Section 12A.06.080 Sexual Abuse.

11 ~~((1))~~ A. The following definitions apply in this  
12 Section ~~((12A.04.140))~~ 12A.06.080:

13 ~~((a))~~ 1. "Forcible compulsion" means physical force  
14 that overcomes earnest resistance; or a threat,  
15 express or implied, that places a person in  
16 fear of death or physical injury to himself  
17 or another person, or in fear that he or  
18 another person will be kidnapped.

19 ~~((b))~~ 2. "Sexual contact" means touching the sexual  
20 or other intimate parts of another person, done  
21 to gratify the sexual desire of either party;

22 ~~((c))~~ 3. "Sexual intercourse" has its ordinary  
23 meaning and occurs upon any penetration,  
24 however slight. It also means any act of  
25 sexual conduct between persons involving the  
26 sex organs of one person and the mouth or  
27 anus of another;

28 ~~((d))~~ 4. "Spouse" means a person married to the  
actor; persons living together as man and wife  
are married for purposes of this section,  
while persons living apart under a decree of

1 judicial separation are not married to one  
2 another for purposes of this section;

3 ((+e)) 5. "Mentally incapacitated" means a  
4 person who:

5 ((+i)) a. is rendered temporarily incapable  
6 of appraising or controlling his conduct  
7 because of the influence of a narcotic  
8 or intoxicating substance administered  
9 to him without his consent; or

10 ((+ii)) b. has a mental condition or developmental  
11 disability at the time of the offense which  
12 renders him incapable of appraising the  
13 nature or consequences of, or making an  
14 informed decision about, his conduct.

15 ((+f)) 6. "Physically helpless" means a person who  
16 is physically unconscious or who, for any reason,  
17 is physically unable to communicate unwillingness  
18 to an act;

19 ((+g)) 7. "Incapable of consent" means a legal  
20 inability to agree to a course of conduct. A  
21 person is deemed incapable of consent if he  
22 is less than sixteen (16) years old.

23 ((+2)) B. A person is guilty of sexual abuse when:

24 ((+a)) 1. he intentionally subjects another person  
25 to sexual contact or sexual intercourse by  
26 forcible compulsion; or

27 ((+b)) 2. he intentionally subjects another person  
28 not his spouse to sexual contact or sexual  
intercourse when the other person is mentally  
incapacitated or physically helpless; or

1 ((+e)) 3. he intentionally subjects another  
2 person not his spouse to sexual contact or  
3 sexual intercourse when the other person is  
4 incapable of consent.

5 ((+3)) C. In any prosecution under ((§-2(+e)))  
6 subsection B3 of this section, it is an affirmative defense  
7 that if such other person is at least fourteen (14) years  
8 old the actor is less than three (3) years older.

9 ((+4)) D. In any prosecution under ((§-2(+b)))  
10 subsection B2, it is an affirmative defense that the actor,  
11 at the time he engaged in the conduct constituting the  
12 offense, reasonably believed that the circumstances giving  
13 rise to such disability were not present.

14 ((+5)) E. In any prosecution under ((§-2(+e)))  
15 subsection B3 of this section, it is an affirmative defense  
16 that the actor reasonably believed that the other person was  
17 sixteen (16) years old or more.

18 Section 3. Section 12A.04.090 of the Seattle Criminal  
19 Code (Ordinance 102843, as amended by Ordinance 108908,  
20 Section 1) is amended as follows, and the Seattle Municipal  
21 Code is amended by adding thereto a new Section 12A.06.025  
22 as follows:

23 ((Section 12A-04-090)) Section 12A.06.025 Fighting.

24 ((+1)) A. It is unlawful for any person to intentionally  
25 fight with another person in a public place and thereby  
26 create a substantial risk of.

27 ((+a)) 1. injury to a person who is not actively  
28 participating in the fight; or

((+b)) 2. damage to the property of a person who  
is not actively participating in the fight.

1           ((+2+)) B. In any prosecution under subsection ((±))  
2 A. of this Section ((12A-04-090)) 12A.06.025, it is an  
3 affirmative defense that:

4           ((+a+)) 1. the fight was duly licensed or authorized  
5 by law; or

6           ((+b+)) 2. the person was acting in self defense.

7           ((+3+)) C. As used in this Section ((12A-04-090))  
8 12A.06.025, "public place" means an area open to the general  
9 public, and includes streets, sidewalks, bridges, alleys,  
10 plazas, parks, driveways, parking lots, automobiles (whether  
11 moving or not), and buildings open to the general public  
12 including those which serve food or drink or provide entertainment,  
13 and the doorways and entrances to buildings or dwellings and  
14 the grounds enclosing them.

15           Section 4. Section 12A.04.195 of the Seattle Criminal  
16 Code (Ordinance 102843, as amended by Ordinance 108995,  
17 Section 1) is amended as follows, and the Seattle Municipal  
18 Code is amended by adding thereto a new Section 12A.06.120  
19 as follows:

20           ((Section 12A-04-195)) Section 12A.06.120 DOMESTIC  
21 VIOLENCE DEFINED.

22           ((+1+)) A. Unless the context requires otherwise, the  
23 following terms shall have the following meanings as used in  
24 ((this ordinance)) Sections 12A.06.120, 12A.06.130, 12A.06.140,  
25 and 12A.06.150:

26           "Social Partner" means a person who is, or who has  
27 been, a party to a marriage, cohabitation, dating (social  
28 engagement) relationship, or conception of a born child.

          "Domestic violence" means a crime committed by a person  
against the person or property of his/her social partner  
including, but not limited to the following offenses as

1 defined by Title 12.A (the Seattle Criminal Code, Ordinance  
2 102843 as amended):

3	Assault	\$ (( <del>12A-04-020</del> ))	<u>12A.06.010</u>
4	Appropriation of Lost or Misdelivered Property	\$ (( <del>12A-08-280</del> ))	<u>12A.08.100</u>
5	Coercion	\$ (( <del>12A-04-170</del> ))	<u>12A.06.090</u>
6	Criminal Trespass	\$ (( <del>12A-08-080</del> ))	<u>12A.08.040</u>
7	Custodial interference	\$ (( <del>12A-04-115</del> ))	<u>12A.06.070</u>
8	Extortion	\$ (( <del>12A-08-240</del> ))	<u>12A.08.080</u>
9	Harassment	\$ (( <del>12A-04-070</del> ))	<u>12A.06.040</u>
10	Menacing	\$ (( <del>12A-04-050</del> ))	<u>12A.06.030</u>
11	Property Destruction	\$ 12A.08.020	
12	Reckless Burning	\$ (( <del>12A-08-050</del> ))	<u>12A.08.030</u>
13	Reckless Endangerment	\$ (( <del>12A-08-080</del> ))	<u>12A.06.050</u>
14	Sexual Abuse	\$ (( <del>12A-04-140</del> ))	<u>12A.06.080</u>
15	Telephone Harassment	\$ (( <del>12A-04-180</del> ))	<u>12A.06.100</u>
16	Theft	\$ (( <del>12A-08-220</del> ))	<u>12A.08.060</u>
17	Unauthorized Use of a Motor Vehicle	\$ (( <del>12A-08-300</del> ))	<u>12A. 110</u>
18	Unlawful Imprisonment	\$ (( <del>12A-04-110</del> ))	<u>12A.06.060</u>

11 Section 5. Section 12A.04.196 of the Seattle Criminal  
12 Code (Ordinance 102843, as amended by Ordinance 108995,  
13 Section 1) is amended as follows, and the Seattle Municipal  
14 Code is amended by adding thereto a new Section 12A.06.130  
15 as follows:

16 ((Section ~~12A-04-196~~)) Section 12A.06.130 NO CONTACT ORDERS.

17 Because of the likelihood of repeated violence directed  
18 at those who have been victims of domestic violence in the  
19 past, when any defendant charged with a crime involving  
20 domestic violence is released from custody before trial on  
21 bail or personal recognizance, the court authorizing the  
22 release may prohibit the defendant from having any contact  
23 with the victim. Wilful violation of a court order issued  
24 under this section is a misdemeanor. The written order  
25 releasing the defendant shall contain the court's directives  
26 and shall bear the legend: Violation of this order is a  
27 criminal offense under ((Chapter ~~12A-04-196~~ ef)) Section  
28 12A.06.130 (The Seattle Criminal Code (Ordinance 102843) as  
amended). A certified copy of such order shall be provided

1 to the victim.

2 Section 6. Section 12A.04.197 of the Seattle Criminal  
3 Code (Ordinance 102843, as amended by Ordinance 108995,  
4 Section 1) is amended as follows, and the Seattle Municipal  
5 Code is amended by adding thereto a new Section 12A.06.140  
6 as follows:

7 ((Section ~~12A-04-197~~)) Section 12A.06.140 VIOLATION IS  
8 A CRIME. Wilful violation of an order issued pursuant to  
9 Section ((~~12A-04-196~~)) 12A.06.130 constitutes a crime subject  
10 to the provisions of Chs. 12A.02 and 12A.04 (Chs. 12A.01 and  
11 12A.02 of the Seattle Criminal Code (Ordinance 102843) as  
12 amended) and any person convicted thereof may be punished by  
13 a fine of not more than Five Hundred Dollars (\$500) or by  
14 imprisonment for no more than One Hundred Eighty (180) days,  
15 or by both such fine and imprisonment.

16 Section 7. Section 12A.04.198 of the Seattle Criminal  
17 Code (Ordinance 102843, as amended by Ordinance 108995,  
18 Section 1) is amended as follows, and the Seattle Municipal  
19 Code is amended by adding thereto a new Section 12A.06.150  
20 as follows:

21 ((Section ~~12A-04-198~~)) Section 12A.06.150 Peace officers  
22 shall enjoy the immunity provided by RCW 10.99.070 (Substitute  
23 House Bill No. 438), § 7; and further, The City of Seattle  
24 will defend its peace officers at City expense in civil  
25 actions arising out of law enforcement in cases of domestic  
26 violence as provided by Chapter 4.64 (Ordinance 104526, as  
27 amended).

28 Section 8. Section 12A.08.290 of the Seattle Criminal  
Code (Ordinance 102843, as amended by Ordinance 109037,  
Section 1) is amended as follows, and the Seattle Municipal  
Code is amended by adding thereto a new Section 12A.08.105

1 as follows:

2 ((Section 12A-08-290)) Section 12A.08.105 Unauthorized  
3 Manufacture, Duplication, Use or Possession of a Key Which  
4 Opens a Parking Meter. It is unlawful for any person to  
5 knowingly manufacture, duplicate, use or possess a key which  
6 opens a parking meter located within the limits of the City  
7 of Seattle, unless authorized to do so by the Director of  
8 Engineering or the City Treasurer.

9 Section 9. Section 12A.12.150 of the Seattle Criminal  
10 Code (Ordinance 102843, as amended by Ordinance 108814,  
11 Section 1) and Section 12A.10.070 of the Seattle Municipal  
12 Code are each amended as follows:

13 ((Section 12A-12-150)) Section 12A.10.070 Lewd Conduct

14 ((1)) A. As used in this section a "lewd act" is:

15 ((a)) 1. an exposure of one's genitals or  
16 female breasts; or

17 ((b)) 2. the touching, caressing or fondling of  
18 the genitals or female breasts; or

19 ((c)) 3. sexual intercourse as defined in Section  
20 ((12A-04-140(1)(c))) 12A.06.080(A)(3); or

21 ((d)) 4. masturbation.

22 ((2)) B. A person is guilty of lewd conduct if he  
23 intentionally performs any lewd act in a public place or at  
24 a place and under circumstances where such act could be  
25 observed by any member of the public. "Public place" has  
26 the meaning defined in Section ((12A-12-020(1)(a))) 12A.10.010  
27 (A)(3).

28 ((3)) C. The owner, manager or operator of premises  
open to the public wherein alcoholic beverages are sold,  
served or consumed is guilty of permitting lewd conduct if  
he intentionally permits or causes any lewd act on said

1 premises.

2 ((4)) D. This section shall not be applied to artistic  
3 or dramatic performances in a theater or a museum.

4 Section 10. Section 12A.12.140 of the Seattle Criminal  
5 Code (Ordinance 102843, as amended by Ordinance 108867,  
6 Section 1), is amended as follows, and the Seattle Municipal  
7 Code is amended by adding thereto a new Section 12A.10.100  
8 as follows:

9 Section ((12A-12-140)) 12A.10.100 Urinating in Public.

10 ((1)) A. A person is guilty of urinating in public  
11 if he intentionally urinates or defecates in a public place,  
12 other than a washroom or toilet room, under circumstances  
13 where such act could be observed by any member of the public.

14 ((2)) B. "Public place" as used in this Section  
15 ((12A-12-140)) 12A.10.100 has the meaning defined in Section  
16 ((12A-12-020(1)(a))) 12A.10.010(A)(3).

17 ((3)) C. Any person who violates this Section  
18 ((12A-12-140)) 12A.10.100 shall be guilty of a violation as  
19 defined in Section ((12A-01-090(2))) 12A.02.080.

20 Section 11. Section 12A.16.020 of the Seattle Criminal  
21 Code (Ordinance 102843, as amended by Ordinance 108814,  
22 Section 2) and Section 12A.12.010 of the Seattle Municipal  
23 Code are each amended as follows:

24 ((Section 12A-16-020)) Section 12A.12.010 Disorderly Conduct

25 ((1)) A. As used in this Section ((12A-16-020))  
26 12A.12.010 "obstruct" means to render impassible and thereby  
27 subject passers-by to unreasonable inconvenience or hazard.

28 ((2)) B. A person is guilty of disorderly conduct if  
without lawful authority he knowingly:

((a)) 1. unreasonably disrupts any lawful  
assembly or meeting of persons; or

1           ((b)) 2. obstructs pedestrian or vehicular traffic;  
2                           and refuses or intentionally fails to cease  
3                           such activity when ordered to do so by a police  
4                           officer or additionally in the case of  
5                           ((2(a))) (B)(1) by the person in charge of  
6                           the assembly or meeting.

7           Section 12. Section 12A.17.140 of the Seattle Criminal  
8           Code (Ordinance 102843, as amended by Ordinance 108814,  
9           Section 3), and Section 12A.14.080 of the Seattle Municipal  
10           Code are each amended as follows:

11           Section ((12A.17.140)) 12A.14.080 Unlawful Use of Weapons

12           It is unlawful for a person knowingly to:

13           ((a)) A. Sell, manufacture, purchase, possess or  
14           carry any blackjack, sand-club, metal knuckles, switchblade  
15           knife, chako sticks, or throwing stars; or

16           ((b)) B. Carry on his person or in any vehicle any  
17           dangerous knife or deadly weapon except as otherwise provided  
18           in Section ((12A.17.140(e))) 12A.14.080C, or to sell or  
19           give away to any person under eighteen years of age any  
20           dangerous knife or deadly weapon, or for any such person to  
21           purchase or possess any such dangerous knife or deadly  
22           weapon; or

23           ((e)) C. Carry a loaded pistol in any vehicle or  
24           carry a pistol on his person, except when in his place of  
25           abode or fixed place of business, without a license therefor  
26           as provided in RCW Chapter 9.41 and ((12A.17.040)) 12A.14.030;  
27           or

28           ((d)) D. Set a spring gun; or

          ((e)) E. Use any device or attachment of any kind  
          designed, used or intended for use in silencing the noise of  
          any firearm; or

1            ~~((f))~~ F. Sell, purchase, possess or carry any gas  
2 pen, gas pencil, gas bomb or gas pistol.

3            Section 13. Section 12A.17.160 of the Seattle Criminal  
4 Code (Ordinance 102843, as amended by Ordinance 108814,  
5 Section 4) and Sections 12A.14.090 through 12A.14.120 of the  
6 Seattle Municipal Code are each amended as follows:

7            Section ~~((12A-17-160))~~ 12A.14.090 Affirmative Defenses.

8            ~~((1))~~ The proscriptions of ~~((subsection 12A-17-140(1)(f))~~  
9 Section 12A.14.080F relating to gas pens, gas pencils, gas  
10 bombs, and gas pistols, shall not apply to:

11           ~~((a))~~ A. Sales at wholesale; or

12           ~~((b))~~ B. Peace officers or military personnel while  
13 in the performance of their official duties; or

14           ~~((c))~~ C. Sales to a governmental agency; or

15           ~~((d))~~ D. The sale to mail carriers, field personnel  
16 of the King County Department of Assessments, or public or  
17 private utility meter readers, or the purchase, possession  
18 or carrying by any such persons, of aerosol canister devices  
19 designed for the purpose of repelling attacks by dogs and  
20 other animals and containing and capable of emitting in  
21 spray form oleoresin of capsicum or other similar substance;  
22 or

23           ~~((e))~~ E. The sale, by a person licensed to sell  
24 pistols in accordance with RCW 9.41.110, of Federal's Streamer  
25 No. 280 liquid tear gas repeater or similar liquid tear gas  
26 aerosol canister devices approved by the Chief of Police as  
27 safe against accidental firing and capable of only temporary  
28 disablement or impairment, to truck drivers, taxicab drivers,  
transit drivers, or other commercial drivers who regularly  
as part of their occupation carry cash or merchandise, or to  
the purchase, possession or carrying during working hours

1 of such device by such persons.

2 Section 12A.14.100 Exemptions - Dangerous Knives The  
3 proscriptions of (~~(subsection 12A-17-140(i)(b))~~) Section  
4 12A.14.080B relating to dangerous knives shall not apply to:

5 (~~(a)~~) A. Individual licensed hunters or fishermen  
6 while on a hunting, camping, or fishing trip; or

7 (~~(b)~~) B. Any person carrying such a knife in a  
8 secure wrapper or in a tool box while traveling from the  
9 place of purchase, from or to a place of repair, or from or  
10 to such person's home or place of business, or in moving  
11 from one place of abode or business to another, or while in  
12 such person's place of abode or fixed place of business.

13 (~~(Subsection 12A-17-140(i)(e))~~) Section 12A.14.110  
14 Exemptions - Pistols. Section 12A.14.080C shall not apply  
15 to or affect:

16 (~~(a)~~) A. Peace officers or military personnel while  
17 in the performance of their official duties; or

18 (~~(b)~~) B. Regularly enrolled members of any club or  
19 organization organized for the purpose of practicing shooting  
20 at targets upon established target ranges, whether public or  
21 private, while such members are at, or are going to or from  
22 such target ranges; or

23 (~~(c)~~) C. Regularly enrolled members of any club or  
24 organization organized for the purpose of collecting modern  
25 or antique firearms while such members are at, or are going  
26 to or from a gun collector's show or exhibit; or

27 (~~(d)~~) D. Individual licensed hunters or fishermen  
28 while on a hunting, camping, or fishing trip; or

(~~(e)~~) E. Any person engaged in the business or  
manufacturing, repairing, or dealing in firearms or the

1 agent or representative of such person, having in his  
2 possession, using or carrying a pistol in the usual or  
3 ordinary course of such business; or

4 ((#)) F. Any person carrying a pistol unloaded and  
5 in a secure wrapper from the place of purchase, from or to a  
6 place of repair, or from or to his home or place of business,  
7 or in moving from one place of abode or business to another.

8 ((4)) Section 12A.14.120 (~~Subsection 12A.17.140(1)(a)~~)  
9 Section 12A.14.080A relating to chako sticks or throwing  
10 stars shall not apply to or affect regularly enrolled members  
11 of clubs and associations organized for the practice,  
12 instruction or demonstration of self defense arts involving  
13 chako sticks or throwing stars while such members are at or  
14 are going to or from their place of residence, a practice  
15 session, an instruction session, a demonstration or a place  
16 of repair, or while such members are going from the place of  
17 purchase.

18 Section 14. Section 12A.20.020 of the Seattle Criminal  
19 Code (Ordinance 102843, as amended by Ordinance 108814,  
20 Section 10) and Section 12A.16.010 of the Seattle Municipal  
21 Code are each amended as follows:

22 Section (~~12A.20.020~~) 12A.16.010 Obstructing a Public  
23 Officer. A person is guilty of obstructing a public officer  
24 if, with knowledge that the person obstructed is a public  
25 officer, he:

26 ((1)) A. intentionally and physically interferes with  
27 a public officer and such officer is acting lawfully in a  
28 governmental function; or

29 ((2)) B. intentionally hinders or delays a public  
30 officer by disobeying a lawful order to stop given by such  
31 officer, and such officer is acting lawfully in a governmental

1 function; or

2 ((+3)) C. intentionally refuses to cease an activity  
3 or behavior that creates a risk of injury to any person when  
4 ordered to do so by a public officer, and such officer is  
5 acting lawfully in a governmental function; or

6 ((+4)) D. intentionally destroys or attempts to  
7 destroy any material which he knows the public officer is  
8 lawfully attempting to obtain, secure or preserve during a  
9 lawful investigation, search or arrest, or

10 ((+5)) E. intentionally refuses to leave the scene of  
11 an investigation of a crime while an investigation is in  
12 progress after being requested to leave by a public officer  
13 acting lawfully in a governmental function.

14 Section 15. Section 12.20.110 of the Seattle Criminal  
15 Code (Ordinance 102843, as amended by Ordinance 108814,  
16 Section 5) and Section 12A.16.040 of the Seattle Municipal  
17 Code are each amended as follows:

18 Section ((12A-20-110)) 12A.16.040 False Reporting. A  
19 person is guilty of false reporting if he:

20 ((+1)) A. initiates or circulates a written or oral  
21 report or warning of an alleged or impending occurrence of a  
22 fire, explosion, crime, catastrophe, or emergency knowing  
23 that such report contains false information and knowing that  
24 such report is likely to cause evacuation of a building,  
25 place of assembly, or transportation facility, or to cause  
26 substantial public inconvenience or alarm; or

27 ((+2)) B. makes, files or causes to be filed with a  
28 public officer of the City of Seattle a written report,  
statement, application, citation or complaint which he knows  
to contain a misstatement of a material fact; or

1 ((+3)) C. makes a verbal statement relating to a  
2 crime, catastrophe, or emergency to a Seattle police officer  
3 or a Seattle Police Department 911 emergency operator,  
4 knowing that such statement contains a misstatement of a  
5 material fact; or

6 ((+4)) D. gives false identification to a Seattle  
7 police officer when such officer is executing a search or  
8 arrest warrant, issuing a citation or making an arrest.

9 Section 16. Section 12A.20.010 of the Seattle Criminal  
10 Code (Ordinance 102843, as amended by Ordinance 108814,  
11 Section 8) is amended as follows, and the Seattle Municipal  
12 Code is amended by adding thereto a new Section 12A.16.050  
13 as follows:

14 Section ((12A-20-010)) 12A.16.050 Resisting Arrest. A  
15 person is guilty of resisting arrest if he intentionally  
16 prevents or attempts to prevent a peace officer from lawfully  
17 arresting him.

18 Section 17. Section 12A.20.070 of the Seattle Criminal  
19 Code (Ordinance 102843, as amended by Ordinance 109190,  
20 Section 1) is amended as follows, and the Seattle Municipal  
21 Code is amended by adding thereto a new Section 12A.16.060  
22 as follows:

23 Section ((12A-20-070)) 12A.16.060 Unlawful Interference  
24 with a Police Dog or Horse. It is unlawful for a person  
25 knowingly to grab, harass, strike, injure, or attempt to  
26 injure, or to hold a collar, harness or saddle of, any dog  
27 or horse used by a police department for police work, or to  
28 interfere with such dog or horse while it is being used in  
the performance of a police duty or function.

Section 18. Section 12A.17.170 of the Seattle Criminal  
Code (Ordinance 102843, as amended by Ordinance 108814,

1 Section 6) and Section 12A.28.050 of the Seattle Municipal  
2 Code are each amended as follows:

3 Section (~~(12A.17.170)~~) 12A.28.050 Discharging Firearm  
4 or Explosive -- Exceptions. It is unlawful to discharge any  
5 cannon, gun, pistol, revolver or other firearm, or to fire  
6 or explode or set off any squib, firecracker, torpedo or  
7 other thing containing powder, or other explosive material,  
8 except on days of public celebration or jubilee, and then  
9 only as permitted by law. This section shall not apply to the  
10 following: Licensed shooting galleries; airplane ordinance  
11 testing and proving grounds used in the manufacture of  
12 aircraft; rifle or pistol practice ranges located, established,  
13 used and patrolled by the armed forces of the United States,  
14 by the State of Washington, or by the police department; the  
15 discharge of any firearm in the performance of official  
16 duties or in the course of employment or in civilian sports  
17 by any person having a permit or lawful right to carry such  
18 firearm; or to the lawful use of explosives for blasting or  
19 construction or demolition work.

20 Section 19. Section 12A.20.120 of the Seattle Criminal  
21 Code (Ordinance 102843, as amended by Ordinance 108814,  
22 Section 7) and Section 12A.28.070 of the Seattle Municipal  
23 Code are each amended as follows:

24 Section (~~(12A.20.120)~~) 12A.28.070 Failure to Appear in  
25 Response to Citation. It shall be unlawful for any person  
26 to fail to appear as directed when served with a citation  
27 and notice to appear in municipal court as provided in  
28 Section (~~(12A.01.140)~~) 12A.02.140.

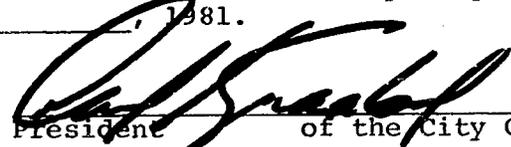
Section 20. Section 12A.52.020 (as amended by Ordinance  
109125, Section 1) of the Seattle Municipal Code is amended  
as follows:

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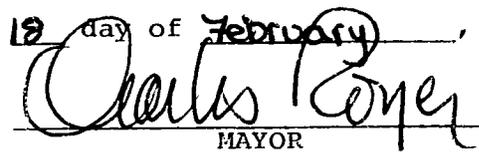
Section ((~~1-A~~)) 12A.52.020 Enforcement Authority.  
The Director of Construction and Land Use shall enforce provisions of this ((~~ordinance~~)) chapter relating to the deposit or accumulation of litter on private property and the Director of Engineering shall enforce all other provisions of this ((~~ordinance~~)) chapter.

Section 21. WHEREAS, the amendments made in this ordinance are necessary for the immediate preservation of the public peace, health and safety to avoid confusion between section numbers of ordinances passed after compilation of the Seattle Municipal Code, which becomes effective on February 21, 1981, and section numbers assigned in said Code, and to protect constitutional rights of citizens to be advised of the laws they are charged with violating; Now, Therefore, in accordance with Article IV, § 1.I of the City Charter, by reason of the facts above-stated and the emergency which is hereby declared to exist, after passage and approval by the Mayor, or passage over his veto as provided by the City Charter, this ordinance shall become effective upon the effective date of the Seattle Municipal Code.

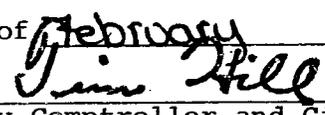
PASSED by the City Council the 9 day of February, 1981, by a three-fourths vote of all of its members and signed by me in open session in authentication of its passage this 9 day of February, 1981.

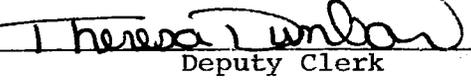
  
\_\_\_\_\_  
President of the City Council

Approved by me this 18 day of February, 1981.

  
\_\_\_\_\_  
MAYOR

Filed by me this 18 day of February, 1981.

Attest:   
\_\_\_\_\_  
City Comptroller and City Clerk

(SEAL) BY   
\_\_\_\_\_  
Deputy Clerk

Published \_\_\_\_\_

# THE CITY OF SEATTLE

## LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

January 28, 1981

Honorable Paul Kraabel  
President  
Seattle City Council

Re: Codification of Seattle Criminal Code

Dear Mr. Kraabel:

Enclosed for consideration by the City Council is a proposed ordinance amending the Seattle Municipal Code. This amendatory legislation has been prepared to identify and clarify provisions of the Criminal Code, some of which have been recently codified in the Seattle Municipal Code. There have been no changes in the substantive offenses of the Criminal Code.

In 1973, Ordinance 102843 was enacted by the City. The Ordinance established the Seattle Criminal Code and identified the sections of the Code by the chapter designation "12A." This citation form was continued in the codification of the general ordinances of the City in the Seattle Municipal Code (Ordinance 109560). The codified sections in the Seattle Municipal Code do not necessarily mirror the section numbers in the Seattle Criminal Code. For example, Section 12A.36.200 of the Seattle Criminal Code was codified as Section 12A.22.120 of the Seattle Municipal Code. With the adoption of the Municipal Code, effective February 21, 1981, the latter designation (of the Municipal Code) will be the proper form.

There is a strong potential for confusion, however, resulting from amendments to the Criminal Code between November, 1979 (the cut-off date imposed by the codifier for the first compilation) and the present. Amendments to the Criminal Code since November, 1979, employed the old Criminal Code numbering system because the codifier had not supplied us with a new system. Such disparity is only really of much importance in the Criminal and Traffic Codes because of their impact or potential impact on individual freedom and constitutional rights. The codifier will correct similar disparities elsewhere in supplements to the Municipal Code; the first is due shortly. However, with respect to the Criminal and Traffic Codes, we could not risk the confusion before publication of the first supplement.

Honorable Paul Kraabel  
January 28, 1981  
Page Two

Uniformity in citation form is necessary for the orderly administration of the City's criminal justice system. The Police Department and its officers must be apprised of the proper form of citation. The Municipal Court's computerized record system has already been programmed to the form of citation appearing in the new Municipal Code. Defendants should be clearly informed of the specific charges against them in order that their rights to fair notice and trial not be jeopardized.

In order to achieve this uniformity, the proposed ordinance amends Criminal Code Sections, amended after Municipal Code printing, by renumbering them, and including them in the Seattle Municipal Code. The Seattle Municipal Code, as first printed, with this amendatory ordinance, will serve as the uniform citation form to the criminal ordinances of the City. Fortunately, no changes in the Traffic Code since November, 1979, require any legislative action now.

If you have any questions concerning this matter, please contact the undersigned Assistants. Thank you for your immediate attention to this proposal.

Very truly yours,

DOUGLAS N. JEWETT  
City Attorney

*Donald H. Stout*

DONALD H. STOUT  
Director, Advisory Division

*Paul J. Bernstein*  
PAUL J. BERNSTEIN  
Director, Criminal Division

PJB:mc

cc: Mayor Royer  
Chief Fitzsimmons  
Presiding Judge

