

ORDINANCE No. 112333

Law Department

COUNCIL BILL No. 104949

The City of Seattle--L

ORDINANCE relating to the Seattle Criminal Code, amending 12A.06.030 to redefine menacing and amending 12A.12.010 to define disorderly conduct.

REPORT OF

REC'D OMB JUL 02 1985

Honorable President:
Your Committee on

PUBLIC SAFETY

6/28/85 DO PASS AS AMENDED

ROLLER FILE No. 294158

to which was referred the within Council Bill No. _____
report that we have considered the same and respect

DO PASS

Adopted:	JUN 24 1985	By:	<i>Kraabe</i>
Adopted:	JUN 24 1985	To:	<i>77</i>
Adopted:		To:	
Adopted:		To:	
Adopted:	JUL 1 1985	Second Reading:	JUL 1 1985
Adopted:	JUL 1 1985	Signed:	JUL 1 1985
Adopted:	JUL 2 1985	Approved:	JUL 3 1985
Adopted:	JUL 3 1985	Published:	
Adopted:	JUL 3 1985	Veto Published:	
Adopted:		Veto Sustained:	



[Handwritten Signature]
Commi

REC'D OMB JUL 02 1985

Law Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

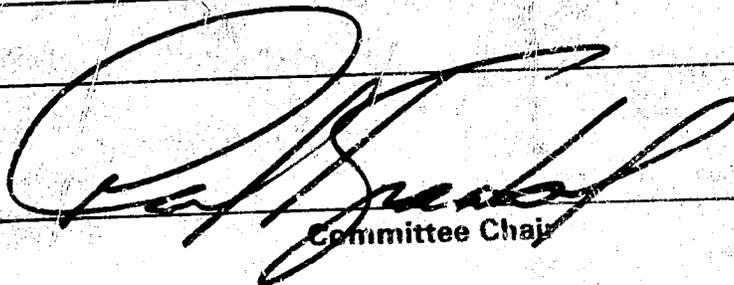
Honorable President:

Your Committee on

PUBLIC SAFETY

to which was referred the within Council Bill No. **1024949**
report that we have considered the same and respectfully recommend that the same:

DO PASS AS AMENDED.


Committee Chair

REC'D CMS JUL 02 1985

ED

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ORDINANCE 112333

AN ORDINANCE relating to the Seattle Criminal Code, amending 12A.06.030 to redefine menacing and amending 12A.12.010 to define disorderly conduct.

WHEREAS, there have been numerous complaints from citizens, particularly the elderly, business owners and downtown residents, about aggressive behavior on Seattle's streets; and

WHEREAS, all citizens should have free and unhampered access to public areas of Seattle without fear of harassment or intimidation and

WHEREAS, current law does not permit the Seattle Police Department to intervene in situations involving aggressive behavior which do not involve actual assault or the threat of serious bodily harm through the use of a weapon and amendment of the menacing and disorderly conduct ordinance now in existence would allow the Police Department to intervene in situations where people are menaced, intimidated, or denied reasonably free passage in a public place due to threatening and malicious behavior. Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.06.030 is amended to read as follows:

12A.06.030 Menacing

A. A person is guilty of menacing when:

1. By physical action he intentionally causes or attempts to cause another person reasonably to fear imminent (~~(serious)~~) bodily injury (~~(or death)~~) or the commission of a criminal act upon their person, or upon property in their immediate possession; or
2. By a present threat to another person subsequent to a history of threats or violence between himself and such other person, he intentionally causes or attempts to cause such other person reasonably to fear serious bodily injury or death.

B. As used in this section, "physical action" means an action as defined in Section 12A.02.150.1 or an action accompanied by words or threats but not words alone.

1 C. As used in this section, "threat" has the
2 meaning specified in Section 12A.08.050.L.1.

3 D. As used in this section, "history of threats or
4 violence" means one or more of the following:

- 5 1. Two or more threats; or
- 6 2. One or more assaults as defined in Section
7 12A.06.010; or
- 8 3. One or more menacings as defined in subsection
9 A.1 of this section.

10 E. As used in this section, "bodily injury" has
11 the meaning specified in Section 12A.02.150.4.

12 Section 2. Section 12A.12.010 is amended to read as
13 follows:

14 12A.12.010 Disorderly Conduct

15 ((A. As used in this section, "obstruct" means to
16 render impassable and thereby subject passerby to
17 unreasonable inconvenience or hazard.))

18 ((B.))A. A person is guilty of disorderly conduct if
19 ((without lawful authority)) he or she ((knowingly))
20 intentionally and maliciously:

21 1. Unreasonably disrupts any ((lawful))
22 assembly or meeting of persons, and refuses
23 or intentionally fails to cease such activity
24 when ordered to do so by a police
25 officer or by a person in charge of the
26 assembly or meeting; or

27 2. Obstructs pedestrian or vehicular traffic
28 in a public place by walking, standing,
sitting, lying, or placing an object, in
such a manner as to directly block passage
by another person, or to require a person
approaching to take evasive action to avoid
physical contact. and

((3. Refuses or intentionally fails to cease such
activity when ordered to do so by a police
officer or additionally in the case of sub-
section B by the persons in charge of the
assembly or meeting.))

B. The following definitions apply in this section:

1. "Public place" is an area generally visible
to public view and includes streets,
sidewalks, bridges, alleys, plazas, parks,
driveways, parking lots and buildings open
to the general public, including those that
serve food or drink or provide entertain-

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ment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

2. "Malice" or "maliciously" shall impart an evil intent, wish or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty. Malicious intent shall not be construed to mean the exercise of one's constitutional rights to picket, or to legally protest.

Section 3.... 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 1st day of July, 1985,
and signed by me in open session in authentication of its passage this 1st day of July, 1985.
Norman B. Fie
President of the City Council.

Approved by me this 3rd day of July, 1985.
Charles P. Ryan
Mayor.

Filed by me this 3rd day of July, 1985.
Jim Hill
Attest: City Comptroller and City Clerk.

(SEAL)

Published _____
By Theresa Dunbar
Deputy Clerk.

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ORDINANCE _____

AN ORDINANCE relating to the Seattle Criminal Code, amending 12A.06.030 to redefine menacing and amending 12A.12.010 to define disorderly conduct.

WHEREAS, there have been numerous complaints from citizens, particularly the elderly, business owners and downtown residents, about aggressive behavior on Seattle's streets; and

WHEREAS, all citizens should have free and unhampered access to public areas of Seattle without fear of harassment or intimidation and

WHEREAS, current law does not permit the Seattle Police Department to intervene in situations involving aggressive behavior which do not involve actual assault or the threat of serious bodily harm through the use of a weapon and amendment of the menacing and disorderly conduct ordinance now in existence would allow the Police Department to intervene in situations where people are menaced, intimidated, or denied reasonably free passage in a public place due to threatening and malicious behavior. Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.06.030 is amended to read as follows:

12A.06.030 Menacing

A. A person is guilty of menacing when:

1. By physical action he intentionally causes or attempts to cause another person reasonably to fear imminent (~~serious~~) bodily injury (~~or death~~) or the commission of a criminal act upon their person, or upon property in their immediate possession; or
2. By a present threat to another person subsequent to a history of threats or violence between himself and such other person, he intentionally causes or attempts to cause such other person reasonably to fear serious bodily injury or death.

B. As used in this section, "physical action" means an action as defined in Section 12A.02.150.1 or an action accompanied by words or threats but not words alone.

1 C. As used in this section, "threat" has the
meaning specified in Section 12A.08.050.L.1.

2 D. As used in this section, "history of threats or
3 violence" means one or more of the following:

- 4 1. Two or more threats; or
5 2. One or more assaults as defined in Section
6 12A.06.010; or
7 3. One or more menacings as defined in subsec-
tion A.1 of this section.

8 E. As used in this section, "bodily injury" has
9 the meaning specified in Section 12A.08.150.4.

10 Section 2. Section 12A.12.010 is amended to read as
11 follows:

12 12A.12.010 Disorderly Conduct

13 A. As used in this section, "obstruct" means to
14 render impassable and thereby subject passerby to unreasonable
15 inconvenience or hazard.

16 B.A. A person is guilty of disorderly conduct if he
17 or she intentionally and maliciously:

- 18 1. Unreasonably disrupts any assembly or
19 meeting of persons, and refuses or inten-
20 tionally fails to cease such activity when
21 ordered to do so by a police officer or by
22 a person in charge of the assembly or
23 meeting; or
24 2. Obstructs pedestrian or vehicular traffic
25 in a public place by walking, standing,
26 sitting, lying, or placing an object, in
27 such a manner as to directly block passage
28 by another person, or to require a person
approaching to take evasive action to avoid
physical contact; and
3. ~~Refuse or intentionally fails to cease such~~
~~activity when ordered to do so by a police~~
~~officer or additionally in the case of sub-~~
~~section B by the persons in charge of the~~
~~assembly or meeting.~~

B. The following definitions apply in this section:

1. "Public place" is an area generally visible
to public view and includes streets,
sidewalks, bridges, alleys, plazas, parks,
driveways, parking lots and buildings open
to the general public, including those that
serve food or drink or provide entertain-

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ment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

2. "Malice" or "maliciously" shall impart an evil intent, wish or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(To be used for all Ordinances except Emergency.)

Section 3.... 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 30th day of J., 19, and signed by me in open session in authentication of its passage this day of, 19

President.....of the City Council.

Approved by me this day of, 19

Mayor.

Filed by me this day of, 19

Attest:.....
City Comptroller and City Clerk.

(SEAL)

Published.....

By.....
Deputy Clerk.

City of Seattle

ORDINANCE 112333

AN ORDINANCE relating to the Seattle Criminal Code, amending 12A.06.030 to redefine menacing and amending 12A.12.010 to define disorderly conduct.

WHEREAS, there have been numerous complaints from citizens, particularly the elderly, business owners and downtown residents, about aggressive behavior on Seattle's streets; and

WHEREAS, all citizens should have free and unhampered access to public areas of Seattle without fear of harassment or intimidation and

WHEREAS, current law does not permit the Seattle Police Department to intervene in situations involving aggressive behavior which do not involve actual assault or the threat of serious bodily harm through the use of a weapon and amendment of the menacing and disorderly conduct ordinance now in existence would allow the Police Department to intervene in situations where people are menaced, intimidated, or denied reasonably free passage in a public place due to threatening and malicious behavior. Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.06.030 is amended to read as follows:

12A.06.030 MENACING

A. A person is guilty of menacing when:

1. By physical action he intentionally causes or attempts to cause another person reasonably to fear imminent (serious) bodily injury (or death); or THE COMMISSION OF A CRIMINAL ACT UPON THEIR PERSON, OR UPON PROPERTY IN THEIR IMMEDIATE POSSESSION; OR

2. By a present threat to another person subsequent to a history of threats or violence between himself and such other person, he intentionally causes or attempts to cause such other person reasonably to fear serious bodily injury or death.

B. As used in this section, "physical action" means an action as defined in Section 12A.02.150.1 or an action accompanied by words or threats but not words alone.

C. As used in this section, "threat" has the meaning specified in Section 12A.06.050.L.1.

D. As used in this section, "history of threats or violence" means one or more of the following:

1. Two or more threats; or
2. One or more assaults as defined in Section 12A.06.010; or
3. One or more menacings as defined in subsection A.1 of this section.

E. AS USED IN THIS SECTION, "BODILY INJURY" HAS THE MEANING SPECIFIED IN SECTION 12A.02.150.4.

Section 2. Section 12A.12.010 is amended to read as follows:

12A.12.010 DISORDERLY CONDUCT

((A. As used in this section, "abstract" means to render impassable and thereby subject passerby to unreasonable inconvenience or hazard.))

((B.)) A. A person is guilty of disorderly conduct if ((without lawful authority)) OR SHE ((knowingly)) INTENTIONALLY AND MALICIOUSLY:

1. Unreasonably disrupts any (lawful) assembly or meeting of persons; AND REFUSES OR INTENTIONALLY FAILS TO CEASE SUCH ACTIVITY WHEN ORDERED TO DO SO BY A POLICE OFFICER OR BY A PERSON IN CHARGE OF THE ASSEMBLY OR MEETING; or

2. Obstructs pedestrian or vehicular traffic: IN A PUBLIC PLACE BY WALKING, STANDING, SITTING, LYING, OR PLACING AN OBJECT, IN SUCH A MANNER AS TO DIRECTLY BLOCK PASSAGE BY ANOTHER PERSON, OR TO REQUIRE A PERSON APPROACHING TO TAKE EVASIVE ACTION TO AVOID PHYSICAL CONTACT and

((3. Refuses or intentionally fails to cease such activity when ordered to do so by a police officer or additionally in the case of sub-section B by the persons in charge of the assembly or meeting.))

B. THE FOLLOWING DEFINITIONS APPLY IN THIS SECTION:

1. "PUBLIC PLACE" IS AN AREA GENERALLY VISIBLE TO PUBLIC VIEW AND INCLUDES STREETS, SIDEWALKS, BRIDGES, ALLEYS, PLAZAS, PARKS, DRIVEWAYS, PARKING LOTS AND BUILDINGS OPEN TO THE GENERAL PUBLIC, INCLUDING THOSE THAT SERVE FOOD OR DRINK OR PROVIDE ENTERTAINMENT, AND THE DOORWAYS AND ENTRANCES TO BUILDINGS OR DWELLINGS AND THE GROUNDS ENCLCSING THEM.

2. "MALICE" OR "MALICIOUSLY" SHALL IMPART AN EVIL INTENT, WISH OR DESIGN TO VEX, ANNOY, OR INJURE ANOTHER PERSON. MALICE MAY BE INFERRED FROM AN ACT DONE IN WILLFUL DISREGARD OF THE RIGHTS OF ANOTHER, OR AN ACT WRONGFULLY DONE WITHOUT JUST CAUSE OR EXCUSE, OR AN ACT OR OMISSION OF DUTY BETRAYING A WILLFUL DISREGARD OF SOCIAL DUTY. MALICIOUS INTENT SHALL NOT BE CONSTRUED TO MEAN THE EXERCISE OF ONE'S CONSTITUTIONAL RIGHTS TO PICKET, OR TO LEGALLY PROTEST.

Section 1. 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 1st day of July, 1985, and signed by me in open session in authentication of its passage this 1st day of July, 1985.

NORMAN B. RICE,
President of the City Council.

Approved by me this 3rd day of July, 1985.

CHARLES ROYER,
Mayor.

Attest: TIM HILL,
City Comptroller and City Clerk.

((Seal)) By THERESA DUNBAR,
Deputy Clerk.

Publication ordered by TIM HILL,
Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, July 8, 1985. (C-672)

C-672

Affidavit of Publication

WASH
COUNTY
CLERK
JUL 10 1985
SEATTLE

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. 112333

was published on July 8, 1985

Kerry Bodilly

Subscribed and sworn to before me on
July 8, 1985

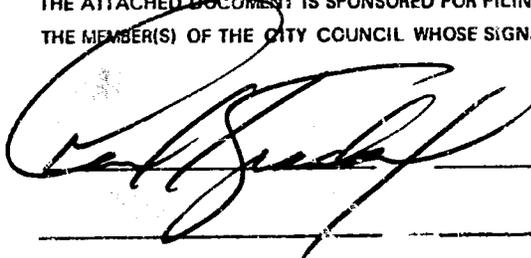
Barbara C. James

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

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:



A large, stylized handwritten signature in black ink is written over a horizontal line. Below this line are two more horizontal lines, and further down, two more horizontal lines, providing space for additional signatures.

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE