

ORDINANCE No. 117157

COUNCIL BILL No. 110160

AN ORDINANCE relating to firearms, authorizing a court issuing a no-contact order to require a defendant to surrender a firearm, dangerous weapon or concealed pistol license, prohibiting the discharge of a firearm, revising the definition of the crime of unlawful use of weapons to intimidate, revising the definition of the crime of unlawful use of weapons, prohibiting the possession of a firearm in a stadium or convention center, prohibiting the possession and delivery of a personal protection spray device, amending Sections 12A.14.010, 12A.14.075 and 12A.14.080, adding sections to Chapter 12A.36 and Chapter 12A.14 and repealing Sections 12A.14.020, 12A.14.035, 12A.14.040, 12A.14.055, 12A.14.060, 12A.14.070, 12A.14.085, 12A.14.090, 12A.14.110, 12A.14.125, 12A.14.130, 12A.14.135, 12A.14.155, 12A.14.165, 12A.18.040, 12A.18.050, 12A.18.060 and 12A.28.050 of the Seattle Municipal Code.

The City of Seattle--Legislative

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

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

Full Council vote 8-2

Committee Chair

COMPTROLLER FILE No. _____

Introduced: <u>MAY - 9 1994</u>	By: <u>PAGELER</u>
Referred: <u>MAY - 9 1994</u>	To: <u>PUBLIC SAFETY COMMITTEE</u>
Referred:	To:
Referred:	To:
Reported: <u>MAY 31 1994</u>	Second Reading: <u>MAY 31 1994</u>
Third Reading: <u>MAY 31 1994</u>	Signed: <u>MAY 31 1994</u>
Presented to Mayor: <u>MAY 11 1994</u>	Approved: <u>MAY 31 1994</u>
Returned to City Clerk: <u>MAY 31 1994</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

57

NA

The City of Seattle--Legislative Department



REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Your Committee on _____

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

Full Council vote 8-0

Committee Chair

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ORDINANCE 117157

1 AN ORDINANCE relating to firearms, authorizing a court issuing
2 a no-contact order to require a defendant to surrender a
3 firearm, dangerous weapon or concealed pistol license,
4 prohibiting the discharge of a firearm, revising the
5 definition of the crime of unlawful use of weapons to
6 intimidate, revising the definition of the crime of
unlawful use of weapons, prohibiting the possession of a
firearm in a stadium or convention center, prohibiting the
possession and delivery of a personal protection spray
device, amending Sections 12A.14.010, 12A.14.075 and
12A.14.080, adding sections to Chapter 12A.06 and Chapter
12A.14 and repealing Sections 12A.14.020, 12A.14.035,
12A.14.040, 12A.14.055, 12A.14.060, 12A.14.070, 12A.14.085,
12A.14.090, 12A.14.110, 12A.14.125, 12A.14.13C, 12A.14.135,
12A.14.155, 12A.14.165, 12A.18.040, 12A.18.050, 12A.18.060
and 12A.28.050 of the Seattle Municipal Code.

7 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

8 Section 1. Chapter 12A.06 of the Seattle Municipal Code
9 (Ordinance 102843, as amended) is further amended by adding the
10 following section:

11 **12A.06.195 Court order requiring surrender of firearm,
12 dangerous weapon or concealed pistol license.**

13 A. In this section, the following definitions apply
14 unless a different meaning plainly is required:

15 1. "Dangerous weapon" means a dagger, dirk, spring
16 blade knife, knife the blade of which is automatically released
17 by a spring mechanism or other mechanical device, knife having
18 a blade which opens, falls or is ejected into position by the
19 force of gravity or by an outward, downward or centrifugal
thrust or movement and any instrument or weapon of the kind
usually known as a slung shot, sand club or metal knuckles.

20 2. "Firearm" means a weapon or device from which a
projectile may be fired by an explosive such as gunpowder.

21 3. "Serious offense" means any of the following
22 felonies or felony attempt to commit any of the following
23 felonies, as now existing or hereafter amended: class A felony;
24 criminal solicitation of class A felony; conspiracy to commit
25 class A felony; manslaughter in the first degree; manslaughter
26 in the second degree; indecent liberties; rape in the second
27 degree; kidnapping in the second degree; arson in the second
28 degree; assault in the second degree; assault of a child in the
second degree; extortion in the first degree; burglary in the

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1 second degree; robbery in the second degree; child molestation
2 in the second degree; controlled substance homicide; incest when
3 committed against a child under age fourteen (14); leading
4 organized crime; promoting prostitution in the first degree;
5 rape in the third degree; sexual exploitation; vehicular
6 assault; vehicular homicide when proximately caused by the
7 driving of any vehicle by any person while under the influence
8 of intoxicating liquor or any drug as defined by RCW 46.61.502
9 or by the operation of any vehicle in a reckless manner; any
10 other class B felony with a finding of "sexual motivation" as
11 defined under RCW 9.94A.030; any other felony with a deadly
12 weapon verdict under RCW 9.94A.125; any felony offense in effect
13 at any time prior to the effective date of this section that is
14 comparable to a serious offense; or any federal or out-of-state
15 conviction for an offense that under the laws of this state
16 would be a serious offense.

17 B. When entering an order authorized under Section
18 12A.06.040, 12A.06.130, 12A.06.165 or 12A.06.170 and upon a
19 showing by either clear and convincing evidence or a
20 preponderance of the evidence, but not by clear and convincing
21 evidence, that a party has used, displayed or threatened to use
22 a firearm or dangerous weapon in a serious offense, that a party
23 has previously committed any offense making the party ineligible
24 to possess a firearm under the provisions of RCW 9.41.040 or
25 that a party's possession of a firearm or dangerous weapon
26 presents a serious and imminent threat to public health or
27 safety or to the health or safety of any person, the court
28 shall:

1. Require the party to surrender any firearm or dangerous weapon;
2. Require the party to surrender any concealed pistol license issued under RCW 9.41.070;
3. Prohibit the party from obtaining or possessing a firearm or dangerous weapon;
4. Prohibit the party from obtaining or possessing

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a concealed pistol license.

1 C. The court may order temporary surrender of a firearm
2 or dangerous weapon without notice to the party if it finds, on
3 the basis of the moving affidavit or other evidence, that
4 irreparable injury could result if an order is not issued until
5 the time for a response has passed.

6 E. The requirements and prohibitions of subsections B and
7 C of this section may be for a period of time less than the
8 duration of the order.

9 F. The court may require the party to surrender any
10 firearm or dangerous weapon in or subject to the party's
11 immediate possession or control to the King County Sheriff, the
12 party's counsel or any person designated by the court.

13 Section 2. Section 12A.14.010 of the Seattle Municipal
14 Code (Ordinance 102843 § 12A.17.010, as last amended by
15 Ordinance 116872 § 11) is further amended as follows:

16 **12A.14.010 Definitions.**

17 The following definitions apply in this chapter:

18 A. (~~"Aerosol tear gas personal protection device" means~~
19 ~~a commercially manufactured hand-held container for dispensing~~
20 ~~tear gas by aerosol spray, the active ingredient of which is:~~

21 1. ~~either chloracetophenone (CN) or O-~~
22 ~~chlorobenzylidene malonitrile (CS) within the range of 0.8% to~~
23 ~~1.2% of the net contents by volume, which container has a net~~
24 ~~weight of one hundred fifty (150) grams or less; or~~

25 2. ~~oleoresin capsicum (OC); or~~

26 3. ~~a mixture of oleoresin capsicum (OC), and either~~
27 ~~chloracetophenone (CN) or O-chlorobenzylidene malonitrile (CS)~~
28 ~~within the range of 0.08% to 1.2% CN or CS of the net contents~~
~~by volume, which container has a net weight of one hundred fifty~~
~~(150) grams or less.~~

~~"Aerosol tear gas personal protection device" does not~~
~~include devices that are designed to release solid projectiles,~~
~~or that are intended to be thrown or propelled.~~

B. ~~"Commercial seller" means a person who has a federal~~

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firearms license.

~~C. "Crime of violence" means:~~

1 ~~1. Any of the following felonies, as now existing or~~
2 ~~hereafter amended: Any felony defined under any law as a class~~
3 ~~A felony or an attempt to commit a class A felony, criminal~~
4 ~~solicitation of or criminal conspiracy to commit a class A~~
5 ~~felony, manslaughter in the first degree, manslaughter in the~~
6 ~~second degree, indecent liberties if committed by forcible~~
7 ~~compulsion, rape in the second degree, kidnapping in the second~~
8 ~~degree, arson in the second degree, assault in the second~~
9 ~~degree, assault of a child in the second degree, extortion in~~
10 ~~the first degree, burglary in the second degree, and robbery in~~
11 ~~the second degree;~~

12 ~~2. Any conviction or adjudication for a felony~~
13 ~~offense in effect at any time prior to July 1, 1976, which is~~
14 ~~comparable to a felony classified as a crime of violence in~~
15 ~~subsection C1 of this section; and~~

16 ~~3. Any federal or out-of-state conviction or~~
17 ~~adjudication for an offense comparable to a felony classified as~~
18 ~~a crime of violence under subsection C1 or 2 of this section.~~

19 ~~D.) "Dangerous knife" means any fixed-blade knife and any~~
20 ~~other knife having a blade more than three and one-half inches~~
21 ~~(3 1/2") in length.~~

22 ~~((E))B. "Fixed-blade knife" means any knife, regardless~~
23 ~~of blade length, with a blade which is permanently open and does~~
24 ~~not fold, retract or slide into the handle of the knife, and~~
25 ~~includes any dagger, sword, bayonet, bolo knife, hatchet, axe,~~
26 ~~straight-edged razor, or razor blade not in a package, dispenser~~
27 ~~or shaving appliance.~~

28 ~~((F))C. "Firearm" means a weapon or device from which a~~
~~projectile may be fired by an explosive such as gunpowder.~~

~~((G. "Gas pen," "gas pencil," "gas bomb" and "gas pistol"~~
~~means any pen, pencil, bomb, pistol or other device which is~~
~~capable of containing and emitting tear gas or any noxious~~
~~liquid, gas or substance.~~

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H. ~~"Short firearm" or "pistol" means any firearm having a barrel less than twelve inches (12") in length.~~

F))D. "Personal protection spray device" means a commercially available dispensing device designed and intended for use in self-defense and containing a nonlethal sternutator or lacrimator agent, including but not limited to:

(1) Tear gas, the active ingredient of which is either chloracetophenone (CN) or O-chlorobenzylidene malonotrile (CS); or

(2) Other agent commonly known as mace, pepper mace, or pepper gas.

E. "Switchblade knife" means any knife having a blade that opens automatically by hand pressure applied to a button, spring mechanism, or other device, or a blade that opens, falls or is ejected into position by force of of (~~(or)~~) gravity or by an outward, downward, or centrifugal thrust or movement.

Section 3. Chapter 12A.14 of the Seattle Municipal Code (Ordinance 102843, as amended) is further amended by adding the following section:

12A.14.071 Discharge of a firearm.

A person is guilty of discharge of a firearm if he or she discharges a firearm in a place where there is a reasonable likelihood that humans, domestic animals or property will be jeopardized.

Section 4. Section 12A.14.075 of the Seattle Municipal Code (Ordinance 110179, § 1, as last amended by Ordinance 113547 § 2) is further amended as follows:

12A.14.075 Unlawful use of weapons to intimidate another.

A. A person is guilty of unlawful use of weapons to intimidate another if he or she carries (~~(It shall be unlawful for any person to carry)~~), exhibits, displays or draws a (~~(any)~~) dangerous knife, any (~~(or other)~~) knife with a blade that is open for use or a deadly weapon other than a firearm in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another person or warrants

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alarm for the safety of other persons.

B. Subsection A of this section shall not apply to or affect the following:

1 1. Any person who by virtue of his or her office or
2 public employment is vested by law with a duty to preserve
3 public safety, maintain public order, or (~~to~~) make arrests for
4 offenses, while in the performance of such duty;

5 2. Any person acting for the purpose of protecting
6 himself or herself against the use of presently threatened
7 unlawful force by another, or for the purpose of protecting
8 another against the use of presently threatened unlawful force
9 by a third person;

10 3. Any person making or assisting in making a lawful
11 arrest for the commission of a felony; or

12 4. Any person engaged in military activities
13 sponsored by the federal or state governments.

14 C. A person convicted of unlawful use of weapons to
15 intimidate another shall lose his or her concealed pistol
16 license, if any, and the court shall send notice of the
17 conviction to the Washington State Department of Licensing and
18 the city, town or county which issued the license.

19 Section 5. Section 12A.14.080 of the Seattle Municipal
20 Code (Ordinance 102843 § 12A.17.140, as last amended by
21 Ordinance 116872 § 14) is further amended as follows:

22 **12A.14.080 Unlawful use of weapons.**

23 It is unlawful for a person knowingly to:

24 A. Sell, manufacture, purchase, possess or carry any
25 blackjack, sand-club, metal knuckles, switchblade knife, chako
26 sticks, or throwing stars; or

27 B. Carry concealed or unconcealed on his or her person
28 any dangerous knife, or carry concealed on his or her person any
deadly weapon other than a firearm (~~(pistol)~~); or

C. Possess a firearm in any stadium or convention center
operated by a city, county or other municipality, except that
such restriction shall not apply to:

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1. any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

2. any showing, demonstration or lecture involving the exhibition of firearms. ((Carry a loaded pistol in any vehicle or carry a pistol concealed on his or her person, except when in his or her place of abode or fixed place of business, without a license therefor as provided in RCW Chapter 9.41 and Section 12A.14.035; or))

D. Sell or give away to any person under eighteen (18) years of age any dangerous knife or deadly weapon other than a firearm, or for any person under eighteen (18) years of age to purchase any dangerous knife or deadly weapon other than a firearm, or for any person under eighteen (18) years of age to possess any dangerous knife or deadly weapon other than a firearm except when under the direct supervision of an adult(~~or~~

~~E. Set a spring gun; or~~

~~F. Use any device or attachment of any kind designed, used or intended for use in silencing the noise of any firearm; or~~

~~G. Sell, purchase, possess or carry any gas pen, gas pencil, gas bomb or gas pistol except as provided in Section 12A.14.090)).~~

Section 6. Chapter 12A.14 of the Seattle Municipal Code (Ordinance 102843, as amended) is further amended by adding the following section:

12A.14.081 Possession or delivery of a personal protection spray device.

A. For purposes of this section, "deliver" means the actual, constructive or attempted transferring from one person to another.

B. It is unlawful for a person under eighteen (18) years old, unless the person is at least fourteen (14) years old and has the permission of a parent or guardian to do so, to purchase or possess a personal protection spray device.

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C. It is unlawful for a person to deliver a personal protection spray device to a person not authorized by this section to purchase or possess such a device.

D. It is unlawful for a person under eighteen (18) years of age to deliver a personal protection spray device.

E. Unlawful possession of a personal protection spray device is a misdemeanor. Unlawful delivery of a personal protection spray device is a misdemeanor.

Section 7. Section 12A.14.020 of the Seattle Municipal Code (Ordinance 102843 § 12A.17.020, as last amended by Ordinance 116872 § 12), Section 12A.14.035 of the Seattle Municipal Code (Ordinance 112103 § 4, as last amended by Ordinance 116872 § 13), Section 12A.14.040 of the Seattle Municipal Code (Ordinance 102843 § 12A.17.060, as last amended by Ordinance 112103 § 5), Section 12A.14.055 of the Seattle Municipal Code (Ordinance 112103 § 7, as last amended by Ordinance 112705 § 2), Section 12A.14.060 of the Seattle Municipal Code (Ordinance 102843 § 12A.17.100, as last amended by Ordinance 112705 § 3), Section 12A.14.070 of the Seattle Municipal Code (Ordinance 102843 § 12A.17.120, as last amended by Ordinance 103472 § 4), Section 12A.14.085 of the Seattle Municipal Code (Ordinance 112103 § 8, as last amended by Ordinance 112705 § 4), Section 12A.14.090 of the Seattle Municipal Code (Ordinance 102843 § 12A.17.160(1), as last amended by Ordinance 110462 § 3), Section 12A.14.110 of the Seattle Municipal Code (Ordinance 102843 § 12A.17.160(3), as last amended by Ordinance 109674 § 13 (part)), Section 12A.14.125 of the Seattle Municipal Code (Ordinance 112203 § 1), Section 12A.14.130 of the Seattle Municipal Code (Ordinance 112203 § 2), Section 12A.14.135 of the Seattle Municipal Code (Ordinance 112203 § 3), Section 12A.14.155 of the Seattle Municipal Code (Ordinance 112705 § 5), Section 12A.14.165 of the Seattle Municipal Code (Ordinance 113549 § 1), Section 12A.18.040 of the Seattle Municipal Code (Ordinance 102843 § 12A.24.040, as last amended by Ordinance 103993 § 2 (part)),

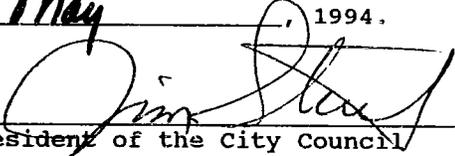
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Section 12A.18.050 of the Seattle Municipal Code (Ordinance 102843 § 12A.24.050, as last amended by Ordinance 103993 § 2 (part)), Section 12A.18.060 of the Seattle Municipal Code (Ordinance 102843 § 12A.24.060, as last amended by Ordinance 103993 § 2 (part)) and Section 12A.28.050 of the Seattle Municipal Code (Ordinance 102843 § 12A.46.100, as last amended by Ordinance 105574 § 18) are each repealed.

Section 8. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 9. 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 31 day of May, 1994, and signed by me in open session in authentication of its passage this 31 day of May, 1994.



President of the City Council

Approved by me this 31 day of May, 1994.



Norman B. Rice, Mayor

Filed by me this 31 day of May, 1994.



Deputy Clerk

(SEAL)
Published _____

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STATE OF WASHINGTON - KING COUNTY

44017
City of Seattle, City Clerk

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No. ORD IN FULL

Affidavit of Publication

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

ORD: 117157

was published on

06/06/94

The amount of the fee charged for the foregoing publication is the sum of \$ _____ which amount has been paid in full.

[Signature]

Subscribed and sworn to before me on

06/06/94

[Signature]

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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Ordinance 116872 § 11) is further amended as follows:
 12A.14.010 Definitions.
 The following definitions apply in this chapter:
 A. ("Aerosol-tear-gas-personal-protection-device"
 commercially-manufactured-hand-held-container-for-dispensing-tear-gas-by-aerosol-spray-the-active-ingredient-of-which-is-either-chloroacetophenone-(CN) or chlorobenzylidene-malonitrile-(CB)-within-the-range-of-temperature-between-32-degrees-Fahrenheit-and-100-degrees-Fahrenheit)

Section 3. Section 11.56.020 of the Seattle Municipal Code (Ordinance 108200 § 2(11.56.020), as last amended by Ordinance 116880 § 1) is further amended as follows:
 11.56.020 Persons under the influence of intoxicating liquor or any drug-- Chemical analysis-- Tests, evidence and penalties.
 A. Driving while intoxicated.
 1. A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within the city:
 a. and the person has, within two (2) hours after driving, an alcohol concentration of 0.08 or higher (0.08 grams or more of alcohol per two hundred ten (210) liters of breath within two (2) hours after driving)), as shown by analysis of the person's breath or blood made under the provisions of this section; or
 b. ((and the person has 0.08 percent or more by weight of alcohol in the person's blood within two (2) hours after driving, as shown by analysis of the person's blood made under the provisions of this section); or
 c.) while the person is under the influence of or affected by intoxicating liquor or any drug; or
 d.) while the person is under the combined

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 b. ((and the person has 0.08 percent or more by weight of alcohol in the person's blood within two (2) hours after driving, as shown by analysis of the person's blood made under the provisions of this section); or
 c.) while the person is under the influence of or affected by intoxicating liquor or any drug; or
 d.) while the person is under the combined

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