

Ordinance No. 122004

Council Bill No. 115454

AN ORDINANCE relating to the criminal code; amending Seattle Municipal Code (SMC) adding a new section to chapter 12A.08 by making unlawful the making or possessing auto theft burglary tools.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: *Nick Lesch*
Councilmember

Committee Action:

pass 2-0 12/6/05 NL, PS (A)

12-12-05 Passed 8-0 (Absent: Rasmussen)

CF No. _____

Date Introduced: <u>11/28/05</u>		
Date 1st Referred: <u>11/28/05</u>	To: (committee) <u>Public Safety</u> <u>Civil Rights & Arts</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>12-12-05</u>	Full Council Vote: <u>8-0</u>	
Date Presented to Mayor: <u>12-13-05</u>	Date Approved: <u>12/15/05</u>	
Date Returned to City Clerk: <u>12/15/05</u>	Date Published: <u>3pp.</u>	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Dept. Review

OMP Review

(S)
City Clerk Review

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Indexed

ORDINANCE 122004

AN ORDINANCE relating to the criminal code; amending Seattle Municipal Code (SMC) adding a new section to chapter 12A.08 by making unlawful the making or possessing auto theft burglary tools.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Title 12a.08 of the Seattle Municipal Code is hereby amended by adding a new section as follows:

12A.08.115 Making or having burglar or auto theft tools.

(1) A. Every person who shall make or mend, or cause to be made or mended, or have in his or her possession, any engine, machine, tool, false key, pick lock, bit, nippers, or implement or any other implement listed in subsection B, that is adapted, designed, or commonly used for the commission of burglary or vehicle related theft, under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or vehicle related theft, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools or auto theft tools.

B. The following tools are to be considered prohibited implements; slim jim, false master key, master purpose key, altered or filed key, trial ("jiggler") keys, slide hammer, lock puller, or any other implement shown by facts and circumstances is intended to be used in the commission of a burglary or vehicle involved theft.

C. For the purposes hereof, the following definitions shall apply:



1 1. False Master or Master key means: Any key or other device made
2 or altered to fit locks or ignitions of multiple vehicles, or vehicles other than that for which the
3 key was originally manufactured.

4 2. Altered key: Any key so altered, by cutting, filing, or other means,
5 to fit multiple vehicles, or vehicles other than the vehicle for which the key was originally
6 manufactured.

7 3. Trial ("Jiggler") keys: Keys or sets designed or altered to
8 manipulate a vehicle locking mechanism other than the lock for which the key was originally
9 manufactured.

10 D. It shall be prima facie evidence of "circumstances evincing an intent to
11 use for commission of burglary or vehicle related theft" for a person to be in possession of
12 multiple vehicle keys, or altered vehicle keys unless such person is a bona fide locksmith or an
13 employee of a licensed auto dealer or other position for which the possession of such keys is in
14 the performance of their duties.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

November 22, 2005

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

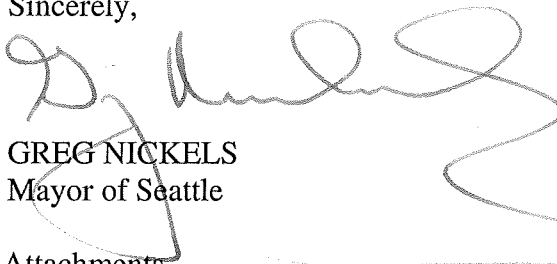
Dear Council President Drago:

We are pleased to transmit the attached proposed joint Council Bill on behalf of the Executive and City Attorney's Office, making it a gross misdemeanor to make or possess tools that are typically used for burglary or vehicle related theft.

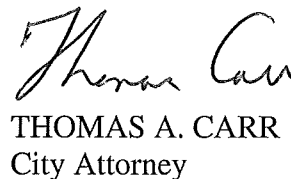
Too many of Seattle's residents have been burglarized, or have had their cars broken into or stolen. The attached Bill amends the Seattle Municipal Code, making it unlawful to manufacture or possess tools such as slim jims, false master keys, filed keys, or any other implement intended to be used in the commission of a burglary or vehicle-related theft. Often auto thieves work in groups and when pulled over for driving a stolen car, only the driver can be arrested. This ordinance allows for passengers carrying auto theft tools to also be arrested.

Passage of this legislation will provide our Police Officers and the City Attorney's Office with the tools it needs to help crack down on these types of crimes, which continue to affect so many of our citizens. If you have questions, please call Regina LaBelle at 684-8882 or Thomas Carr at 684-8284.

Sincerely,



GREG NICKELS
Mayor of Seattle



THOMAS A. CARR
City Attorney

Attachments

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@seattle.gov

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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Law / Executive	Thom Carr 684-8288	Amanda Allen 684-8894

Legislation Title:

AN ORDINANCE relating to the criminal code; amending Seattle Municipal Code (SMC) adding a new section to chapter 12A.08 by making unlawful the making or possessing auto theft burglary tools.

• **Summary of the Legislation:**

This legislation amends Chapter 12 of the Seattle Municipal Code to make it unlawful to make or possess tools that are typically used for the purposes of burglary or vehicle related theft. The legislation designates it as a gross misdemeanor to make or possess these types of tools.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

In the state of Washington tools used for burglaries of residences or businesses are defined and made unlawful to possess. Similarly, this ordinance defines and makes tools used for the burglary of an automobile unlawful to possess. Auto thieves often work in groups. Currently, when an officer catches an auto thief driving a car and there are passengers in the car, the Officer can only arrest the driver of the car. This ordinance would allow an Officer to arrest the passengers in the car if they are carrying any of the tools outlined in the ordinance. As such, the City will be more likely to arrest auto thieves.

X This legislation has no financial implications. *(Please complete all relevant sections that follow.)*

Passage of this legislation may result in prosecuting approximately 150 additional cases by the Law Department. The expected number of cases added to the caseload for the Law Department, public defense agencies and the Seattle Municipal Court are minor and will be absorbed within existing budgets. Additionally, the jail budget will not be impacted by this legislation due to the jail population cap in the King County Jail.



122004

STATE OF WASHINGTON - KING COUNTY

--SS.

192971
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

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.

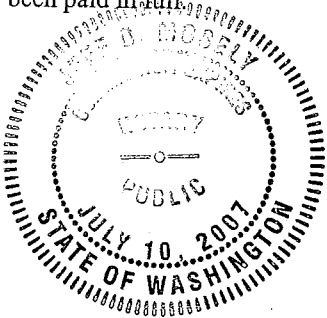
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121999-122011

was published on

12/21/05

The amount of the fee charged for the foregoing publication is the sum of \$ 139.13, which amount has been paid in full.



[Handwritten signature]

Subscribed and sworn to before me on

12/21/05

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on December 12, 2005, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 122011

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 122010

AN ORDINANCE relating to the Fire Department's deployment of search and rescue team members to assist in the hurricane Katrina response; increasing an appropriation in the 2005 budget of the Fire Department; and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 122009

AN ORDINANCE relating to the City Light Palm Substation and abutting property located on California Avenue SW, Seattle; declaring the Palm Substation to be surplus to the City's needs; authorizing its sale and the acceptance of an easement on the abutting property; authorizing the Superintendent of City Light Department to execute a purchase and sale agreement and other documents in connection therewith; and authorizing the deposit of sales proceeds into the City Light Fund.

ORDINANCE NO. 122008

AN ORDINANCE related to Seattle City Light's Capital Improvement Program; amending the total dollar amounts allocated in 2005 for certain projects or programs in City Light's 2005-2010 Adopted Capital Improvement Program.

ORDINANCE NO. 122006

AN ORDINANCE relating to City employment, to be known as the Third Quarter 2005 Salary Ordinance, establishing two new titles and salaries; all by majority vote of the City Council.

ORDINANCE NO. 122005

AN ORDINANCE relating to City employment, to be known as the 2006 Pay Zone Ordinance, which adjusts the pay zone structures for the City's discretionary pay programs for the year 2006.

ORDINANCE NO. 122004

AN ORDINANCE relating to the criminal code; amending Seattle Municipal Code (SMC) adding a new section to chapter 12A.08 by making unlawful the making or possessing auto theft burglary tools.

ORDINANCE NO. 122002

AN ORDINANCE relating to a service center for homeless persons at the Morrison Hotel, located at 501 3rd Avenue; authorizing the Director of the Human Services Department to enter into a sublease to the City of space in the Morrison Hotel with the Downtown Emergency Service Center; providing for the use of the facility for a service center for homeless people therein for a term of 15 years; authorizing the further subleasing of that space to the Downtown Emergency Service Center for operation of the center; authorizing related documents and actions; and ratifying and confirming prior acts.

ORDINANCE NO. 122001

AN ORDINANCE relating to transferable development rights ("TDR"); authorizing the purchase by the City of TDR from a low-income housing project at 1921 3rd Avenue in Seattle; authorizing related agreements and acceptance of a deed; and ratifying and confirming prior acts.

ORDINANCE NO. 122000

AN ORDINANCE relating to the Pioneer Square Parking and Business Improvement Area; increasing the maximum total annual assessment; and amending Ordinance 111244, as previously amended by Ordinances 114396 and 115838.

ORDINANCE NO. 121999

AN ORDINANCE directing the Department of Neighborhoods and the Chief of Police to request that the Washington State Liquor Control Board recognize and impose restrictions on sales of alcohol in the Central Core and North Alcohol Impact Areas.

Publication ordered by JUDITH PIPPIN,
City Clerk

Date of publication in the Seattle Daily
Journal of Commerce, December 21, 2005.
12/21(192971)