

Ordinance No. 123191

Council Bill No. 116730

AN ORDINANCE relating to the City's criminal code; amending and adding various sections and subsections in chapters 12A.06, 12A.08, 12A.10, 12A.12 and 12A.14 of the Seattle Municipal Code to conform with changes in state law, authorize impoundment of a vehicle used in committing Patronizing a Prostitute, expand the scope of Disorderly Conduct on Buses and clarify the scope of Weapons in Public Places.

CF No. \_\_\_\_\_

Date Introduced:	<u>11.16.09</u>	
Date 1st Referred:	To: (committee) <u>Public Safety, Human Services</u>	
Date Re - Referred:	To: (committee) → <u>Education</u>	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>12-7-09</u> <u>9-0</u>	
Date Presented to Mayor:	Date Approved: <u>12-8-09</u> <u>12-11-09</u>	
Date Returned to City Clerk:	Date Published:	T.O. _____ F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_  
Councilmember

## Committee Action:

12/1/09 MSP      2-0-0 TB, NL

12-7-09 Passed 9-0

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

*Law Department*

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed
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ORDINANCE 123191

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AN ORDINANCE relating to the City's criminal code; amending and adding various sections and subsections in chapters 12A.06, 12A.08, 12A.10, 12A.12 and 12A.14 of the Seattle Municipal Code to conform with changes in state law, authorize impoundment of a vehicle used in committing Patronizing a Prostitute, expand the scope of Disorderly Conduct on Buses and clarify the scope of Weapons in Public Places.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.06.115 of the Seattle Municipal Code is amended as follows:

**12A.06.115 Malicious harassment.**

A . A person is guilty of malicious harassment if he or she maliciously and intentionally commits one (1) of the following acts because of his or her perception of another person's ((gender identity,)) homelessness, marital status, political ideology, age, or parental status:

\* \* \*

C. For purposes of this section:

~~((1. "Gender identity" means a person's identity, expression, or physical characteristics, whether or not traditionally associated with one's biological sex or one's sex at birth, including transsexual, transvestite, and transgendered, and including a person's attitudes, preferences, beliefs, and practices pertaining thereto.~~

2.) "Homelessness" means the status or condition of being without a home, including, but not limited to, the state of living in the streets.

\* \* \*

Section 2. Subsection A of Section 12A.06.165 of the Seattle Municipal Code is amended as follows:

**12A.06.165 Protection order -- Relief.**



A. Upon notice and after hearing, the court may provide relief as follows:

\* \* \*

11. Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept or held by the petitioner, respondent or a minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within or knowingly remaining within a specified distance of specified locations where the pet is regularly found; and

\* \* \*

Section 3. Subsection A of Section 12A.06.180 of the Seattle Municipal Code is amended as follows:

**12A.06.180 Violation -- Penalty -- Contempt.**

A. Whenever an order is granted under this chapter, RCW Chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or there is a valid foreign protection order as defined in RCW 26.52.020 and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor:

1. the restraint provisions prohibiting acts or threats of violence against or stalking of a protected party or restraint provisions prohibiting contact with a protected party;

2. a provision excluding the person from a residence, workplace, school, or day care;



1 3. a provision prohibiting the person from knowingly coming within, or knowingly remaining  
within, a specified distance of a location; ((or))

2 4. a provision prohibiting interfering with the protected party's efforts to remove a pet owned,  
3 possessed, leased, kept or held by the petitioner, respondent or a minor child residing with either the  
4 petitioner or respondent; or

5 5. a provision of a foreign protection order specifically indicating that a violation will be a  
6 crime.

7 \* \* \*

8  
9 Section 4. Subsection C of Section 12A.08.020 of the Seattle Municipal Code is amended as  
10 follows:

11 **12A.08.020 Property destruction.**

12 \* \* \*

13 C. ~~((1.))~~ Property destruction ~~((under subsection A1))~~ is a gross misdemeanor ~~((if the damage to~~  
14 ~~the property is in an amount exceeding Fifty Dollars (\$50); otherwise, it is a misdemeanor.~~

15 ~~2. Property destruction under subsection A2 is a gross misdemeanor)).~~

16 Section 5. Chapter 12A.10 of the Seattle Municipal Code is amended to add the following  
17 section:

18 **12A.10.115 Impoundment of vehicle used in patronizing a prostitute.**

19 A. An officer arresting a person for patronizing a prostitute may impound the arrested person's  
20 motor vehicle if:

- 21 1. The motor vehicle was used in the commission of the crime; and  
22 2. The arrested person is a registered owner of the motor vehicle or it is a rental vehicle  
23 as defined in RCW 46.04.465.  
24



1 B. An impoundment under this section shall be in accordance with Chapter 11.30 and RCW  
2 Chapter 46.55. The written form of authorization to impound must specify this section as the police  
3 department's authorization to impound. The written form of authorization must also include information  
4 relevant to the impoundment, such as the date, time and place of the incident, the name and serial  
5 number of the officers involved, the name, address and description of the arrested person, the description  
6 and vehicle information of the motor vehicle used in the commission of the crime and the particulars of  
7 the incident, any of which information may be satisfied by reference to a police incident report. The  
8 impoundment order must clearly state "prostitution hold."

9 C. In order to redeem an impounded vehicle, the owner must pay, in addition to all applicable  
10 impoundment, towing and storage fees to the towing company, a fee of Five Hundred dollars (\$500.00)  
11 to the police department, which shall deposit this fee in the prostitution prevention and intervention  
12 account established under RCW 43.63A.740 and issue to the owner of the vehicle a written receipt, and  
13 a fee of Five Hundred dollars (\$500.00) to the police department, which shall deposit this fee in the Sex  
14 Industry Victims' Fund and issue to the owner a written receipt. The towing company shall release the  
15 impounded vehicle to the owner upon presentation of these receipts and payment of all applicable  
16 impoundment, towing and storage charges. A towing company that releases an impounded vehicle in  
17 reliance on a forged receipt or receipts is not liable to the police department for any corresponding  
18 unpaid fee under this subsection.

19 D. A claimant who substantially prevails in a proceeding under Chapter 11.30 or RCW Chapter  
20 46.55 to contest the validity of an impoundment under this section is entitled to a full refund of any  
21 impoundment, towing and storage charges and the fees under subsection C for which he or she provides  
22 proof of payment. A person whose vehicle was impounded under subsection A is entitled to a full  
23 refund of any impoundment, towing and storage charges and the fees under subsection C for which he or  
24



1 she provides proof of payment if either a charge of patronizing a prostitute based on the arrest that  
2 resulted in the impoundment is not filed within sixty (60) days of the impoundment or the charge of  
3 patronizing a prostitute based on the arrest that resulted in the impoundment is dismissed, other than  
4 based on a deferred prosecution, a deferred sentence, a statutory or non-statutory diversion agreement or  
5 RCW Chapter 10.77. Any refund under this subsection shall be paid by the police department.

6 Section 6. Subsection D of Section 12A.10.040 of the Seattle Municipal Code is amended as  
7 follows:

8 **12A.10.040 Patronizing a prostitute.**

9 \* \* \*

10 D. Patronizing a prostitute is a misdemeanor. Every person convicted of patronizing a prostitute  
11 shall have a biological sample collected for purposes of DNA identification analysis, as provided in  
12 RCW 43.43.754. When sentencing or imposing conditions on a person convicted of or given a deferred  
13 sentence or a deferred prosecution for patronizing a prostitute, the court must require that the person not  
14 be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor and that the  
15 person remain outside the geographical area, prescribed by the court, in which the person was arrested  
16 for this crime, unless this requirement would interfere with the person's legitimate employment or  
17 residence or otherwise be infeasible. This requirement is in addition to the penalties set forth in Section  
18 12A.10.070.

19 Section 7. Section 12A.10.070 of the Seattle Municipal Code and the title to that section are  
20 amended as follows:

21 **12A.10.070 Mandatory fee for defendant convicted of or entering into a ((pretrial))**  
22 **diversion agreement or deferred prosecution for a prostitution-related**  
23 **offense; forfeiture of funds used as part of prostitution-related offenses.**



1 A. 1. In addition to penalties set forth in Section 12A.10.020 and Section 12A.10.060, a person  
2 who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a  
3 statutory or nonstatutory diversion agreement as a result of an arrest for violating Section 12A.10.020 or  
4 Section 12A.10.060 shall be assessed a fee of Fifty Dollars (\$50.00).

5 2. In addition to penalties set forth in Section 12A.10.040, a person who is either convicted  
6 or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory  
7 diversion agreement as a result of an arrest for violating Section 12A.10.040 shall be assessed a fee of  
8 One Hundred Fifty Dollars (\$150.00).

9 B. A person who is charged with a violation of Section 12A.10.040 or 12A.10.060 and who  
10 enters into a statutory or nonstatutory ((pretrial)) diversion agreement shall be assessed, as a part that  
11 agreement, a fee of One Thousand Dollars (\$1,000).

12 \* \* \*

13 D. Any defendant who is convicted of, or enters into a statutory or nonstatutory ((pretrial))  
14 diversion agreement for, a prostitution-related offense shall forfeit any monies tendered as part of the  
15 offense.

16 \* \* \*

17 F. For the purposes of this section and Section 12A.10.115:

18 1. “Statutory or nonstatutory diversion agreement” means any written agreement between a  
19 person accused of an offense listed in subsection A of this section and a court, or city prosecutor, or  
20 designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

21 2. “Deferred sentence” means a sentence that will not be carried out if the defendant meets  
22 certain requirements, such as complying with the conditions of probation.

23 Section 8. Section 12A.12.040 of the Seattle Municipal Code is amended as follows:  
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**12A.12.040 Disorderly conduct on buses.**

1 A. A person is guilty of disorderly bus conduct if while on or in a ~~((municipal))~~ transit vehicle (~~(~~  
2 ~~as defined in RCW 46.04.355,)~~ or in or at a ~~((municipal))~~ transit station, ~~((and with knowledge that such~~  
3 ~~conduct is prohibited,))~~ he or she knowingly:

4 1. Except while in or at an above-ground ~~((municipal))~~ transit station and more than twenty-five  
5 feet (25') away from any sign at that station designating the bus routes stopping at that station or while in  
6 or at an area designated and authorized for smoking by the transit authority, smokes or carries a lighted  
7 or smoldering pipe, cigar, or cigarette; or

8 2. Discards litter other than in designated receptacles; or

9 3. Plays any radio, recorder, or other sound producing or reproducing equipment, except that  
10 nothing herein shall prohibit the use of such equipment when connected to earphones or an ear receiver  
11 that limits ((limit)) the sound to an individual listener ((listeners or the use of a communication device  
12 by an employee of the owner or operator of the municipal transit vehicle or)). The use of public address  
13 systems or music systems that are authorized by a transit agency is permitted. The use of  
14 communications devices by transit employees and designated contractors or public safety officers in the  
15 line of duty is permitted, as is the use of private communication devices used to summon, ((or)) notify or  
16 communicate with other individuals, such as pagers and cellular phones ((("beepers"))); or

17 4. Spits, ~~((or))~~ expectorates, urinates or defecates, except in appropriate plumbing fixtures in  
18 restroom facilities; or

19 5. Carries, dumps or discards any flammable or combustible liquid, explosive, acid, or other  
20 hazardous article, substance or material in a manner that is likely to cause harm to others, except that  
21 nothing herein shall prevent a person from carrying a cigarette lighter, cigar lighter, or pipe lighter, or  
22 carrying a firearm or ammunition in a way that is not otherwise prohibited by law; or  
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6. Unreasonably disturbs others by engaging in loud, ((ø€)) raucous or harassing behavior;

7. Consumes liquor, as defined in Section 12A.24.010, or possesses an open bottle, can or other receptacle containing liquor, unless authorized by the transit authority and required permits have been obtained;

8. Obstructs or impedes the flow of transit vehicles or passenger traffic, hinders or prevents access to transit vehicles or stations or otherwise unlawfully interferes with the provision or use of public transportation services;

9. Destroys, defaces or otherwise damages property in a transit vehicle or at a transit facility;

10. Throws an object in a transit vehicle, at a transit facility or at any person at a transit facility with intent to do harm;

11. Falsely claims to be a transit operator or other transit employee or through words, actions or the use of clothes, insignia or equipment resembling department-issued uniforms and equipment creates a false impression that he or she is a transit operator or other transit employee;

12. Engages in gambling or any game of chance for the winning of money or anything of value;

13. Except while in or at an above-ground municipal transit station, skates on roller skates or in-line skates or rides in or upon or by any means a coaster, skateboard, toy vehicle or any similar device. However, a person may walk while wearing skates or carry a skateboard while on or in a transit vehicle or in or at a transit station if that conduct is not otherwise prohibited by law;

14. Engages in other conduct that is inconsistent with the intended use and purpose of the transit facility, transit station or transit vehicle and refuses to obey the lawful commands of an agent of the transit authority or a peace officer to cease such conduct.

B. As used in this section:



1. “Transit (~~“municipal transit~~) station” or “transit facility” means all passenger facilities, structures, stops, shelters, bus zones, properties (~~(lands, interest in lands, air rights over lands,)~~) and rights-of-way of all kinds that are owned, leased, held, or used by a transit authority (~~(public agency)~~) for the purpose of providing public transportation services.

2. “Transit vehicle” means any motor vehicle, street car, train, trolley vehicle, ferry boat or any other device, vessel or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers on a regular schedule.

3. “Transit authority” means a city transit system under RCW 35.58.2721 or RCW chapter 35.95A, a county transportation authority under RCW chapter 36.57, a metropolitan municipal corporation transit system under RCW chapter 36.56, a public transportation benefit area under RCW chapter 36.57A, an unincorporated transportation benefit area under RCW 36.57.100, a regional transportation authority under RCW chapter 81.112 or any special purpose district formed to operate a public transportation system.

\* \* \*

Section 9. Section 12A.14.083 of the Seattle Municipal Code is amended as follows:

**12A.14.083 Weapons in public places.**

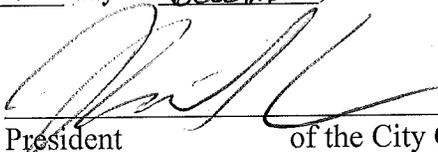
A. It is unlawful to knowingly carry or shoot any spring gun, air gun, sling or slingshot((s)) in, upon or onto any public place.

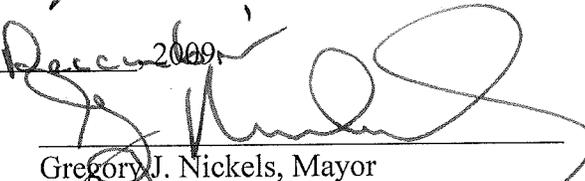
B. For purposes of this section, “public place” means an area generally open to the public, regardless of whether it is privately owned, and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, parking lots, transit stations, transit vehicles and buildings.

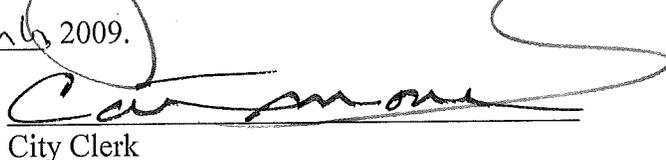


1 Section 10. This ordinance shall take effect and be in force thirty (30) days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 7<sup>th</sup> day of December, 2009, and signed by me in open  
5 session in authentication of its passage this 7<sup>th</sup> day of December, 2009.

6  
7   
8 President \_\_\_\_\_ of the City Council

9 Approved by me this 11<sup>th</sup> day of December, 2009.  
10   
11 Gregory J. Nickels, Mayor

12 Filed by me this 15<sup>th</sup> day of December, 2009.  
13   
14 City Clerk



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Law – Public & Community Safety	Richard Greene 684-8538	

**Legislation Title:** AN ORDINANCE relating to the City’s traffic code; amending, adding and repealing various sections and subsections in chapters 11.14, 11.20, 11.30, 11.46, 11.55, 11.57, 11.58 and 11.84 of the Seattle Municipal Code to conform with changes in state law, clarify the definition of “angle parking” and authorize impoundment of a vehicle used in committing Patronizing a Prostitute.

- **Summary of the Legislation:** Amends the City’s traffic code to conform with changes in the corresponding state traffic statutes made by recent sessions of the Legislature, clarifies the definition of “angle parking” in the traffic code and authorizes impoundment of a vehicle used in committing the crime of Patronizing a Prostitute.
  
- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):* Many provisions of Seattle’s traffic code must be and are identical to provisions of the state traffic statutes. When the Legislature amends those statutes, our traffic code likewise must be amended to ensure uniformity. This ordinance changes provisions of our traffic code to conform with changes made to the corresponding state traffic statutes by recent sessions of the Legislature. Some provisions of our traffic code, however, do not have a corresponding state traffic statute. One such provision defines “angle parking.” That definition is not as clear as it could be and this ordinance seeks to clarify it. Another proposed ordinance adds a provision to Seattle’s criminal code to authorize impoundment of a vehicle used in committing the crime of Patronizing a Prostitute. This ordinance amends provisions of the traffic code to refer to those changes in the criminal code.
  
- *Please check one of the following:*

**This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*



STATE OF WASHINGTON - KING COUNTY  
--SS.

248446  
CITY OF SEATTLE, CLERKS OFFICE

No.

**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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

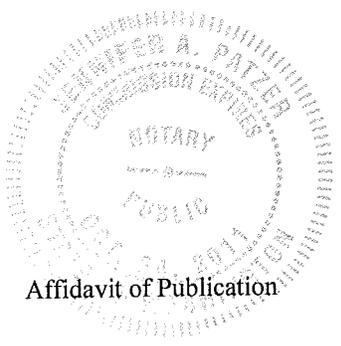
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123191 ORDINANCE

was published on

12/17/09

The amount of the fee charged for the foregoing publication is the sum of \$ 580.15, which amount has been paid in full.



\_\_\_\_\_  
Subscribed and sworn to before me on  
12/17/09  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 123191

AN ORDINANCE relating to the City's criminal code; amending and adding various sections and subsections in chapters 12A.06, 12A.08, 12A.10, 12A.12 and 12A.14 of the Seattle Municipal Code to conform with changes in state law, authorize impoundment of a vehicle used in committing Patronizing a Prostitute, expand the scope of Disorderly Conduct on Buses and clarify the scope of Weapons in Public Places.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.06.115 of the Seattle Municipal Code is amended as follows:

### 12A.06.115 Malicious harassment.

A. A person is guilty of malicious harassment if he or she maliciously and intentionally commits one (1) of the following acts because of his or her perception of another person's ((gender identity)) homelessness, marital status, political ideology, age, or parental status:

\*\*\*

C. For purposes of this section:

(1) "Gender identity" means a person's identity, expression, or physical characteristics, whether or not traditionally associated with one's biological sex or one's sex at birth, including transsexual, transvestite, and transgendered, and including a person's attitudes, preferences, beliefs, and practices pertaining thereto;

2) "Homelessness" means the status or condition of being without a home, including, but not limited to, the state of living in the streets.

\*\*\*

Section 2. Subsection A of Section 12A.06.165 of the Seattle Municipal Code is amended as follows:

### 12A.06.165 Protection order -- Relief.

A. Upon notice and after hearing, the court may provide relief as follows:

\*\*\*

11. Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept or held by the petitioner, respondent or a minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within or knowingly remaining within a specified distance of specified locations where the pet is regularly found; and

\*\*\*

Section 3. Subsection A of Section 12A.06.180 of the Seattle Municipal Code is amended as follows:

### 12A.06.180 Violation -- Penalty -- Contempt.

A. Whenever an order is granted under this chapter, RCW Chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or there is a valid foreign protection order as defined in RCW 26.62.020 and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor:

1. the restraint provisions prohibiting acts or threats of violence against or stalking of a protected party or restraint provisions prohibiting contact with a protected party;

2. a provision excluding the person from a residence, workplace, school, or day care;

3. a provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location; ((or))

4. a provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept or held by the petitioner, respondent or a minor child residing with either the petitioner or respondent; or

5. a provision of a foreign protection order specifically indicating that a violation will be a crime.

# State of Washington

Section 4. Subsection C of Section 12A.08.020 of the Seattle Municipal Code is amended as follows:

### 12A.08.020 Property destruction.

\*\*\*

C. ((1-)) Property destruction ((under subsection A1)) is a gross misdemeanor ((if the damage to the property is in an amount exceeding Fifty Dollars (\$50); otherwise, it is a misdemeanor.

2. Property destruction under subsection A2 is a gross misdemeanor).

Section 5. Chapter 12A.10 of the Seattle Municipal Code is amended to add the following section:

### 12A.10.115 Impoundment of vehicle used in patronizing a prostitute.

A. An officer arresting a person for patronizing a prostitute may impound the arrested person's motor vehicle if:

1. The motor vehicle was used in the commission of the crime; and

2. The arrested person is a registered owner of the motor vehicle or it is a rental vehicle as defined in RCW 46.04.465.

B. An impoundment under this section shall be in accordance with Chapter 11.30 and RCW Chapter 46.55. The written form of authorization to impound must specify this section as the police department's authorization to impound. The written form of authorization must also include information relevant to the impoundment, such as the date, time and place of the incident, the name and serial number of the officers involved, the name, address and description of the arrested person, the description and vehicle information of the motor vehicle used in the commission of the crime and the particulars of the incident, any of which information may be satisfied by reference to a police incident report. The impoundment order must clearly state "prostitution hold."

C. In order to redeem an impounded vehicle, the owner must pay, in addition to all applicable impoundment, towing and storage fees to the towing company, a fee of Five Hundred dollars (\$500.00) to the police department, which shall deposit this fee in the prostitution prevention and intervention account established under RCW 43.63A.740 and issue to the owner of the vehicle a written receipt, and a fee of Five Hundred dollars (\$500.00) to the police department, which shall deposit this fee in the Sex Industry Victims' Fund and issue to the owner a written receipt. The towing company shall release the impounded vehicle to the owner upon presentation of these receipts and payment of all applicable impoundment, towing and storage charges. A towing company that releases an impounded vehicle in reliance on a forged receipt or receipts is not liable to the police department for any corresponding unpaid fee under this subsection.

D. A claimant who substantially prevails in a proceeding under Chapter 11.30 or RCW Chapter 46.55 to contest the validity of an impoundment under this section is entitled to a full refund of any impoundment, towing and storage charges and the fees under subsection C for which he or she provides proof of payment. A person whose vehicle was impounded under subsection A is entitled to a full refund of any impoundment, towing and storage charges and the fees under subsection C for which he or she provides proof of payment if either a charge of patronizing a prostitute based on the arrest that resulted in the impoundment is not filed within sixty (60) days of the impoundment or the charge of patronizing a prostitute based on the arrest that resulted in the impoundment is dismissed, other than based on a deferred prosecution, a deferred sentence, a statutory or non-statutory diversion agreement or RCW Chapter 10.77. Any refund under this subsection shall be paid by the police department.

Section 6. Subsection D of Section 12A.10.040 of the Seattle Municipal Code is amended as follows:

### 12A.10.040 Patronizing a prostitute.

\*\*\*

D. Patronizing a prostitute is a misdemeanor. Every person convicted of patronizing a prostitute shall have a biological sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754. When sentencing or imposing conditions on a person convicted of or given a deferred sentence or a deferred prosecution for patronizing a prostitute, the court must require that the person not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor and that the person remain outside the geographical area, prescribed by the court, in which the person was arrested for this crime, unless this requirement would interfere with the person's legitimate employment or residence or otherwise be infeasible. This requirement is in addition to the penalties set forth in Section 12A.10.070.

Section 7. Section 12A.10.070 of the Seattle Municipal Code and the title to that section are amended as follows:

12A.10.070 Mandatory fee for defendant convicted of or entering into a ((pretrial)) diversion agreement or deferred prosecution for a prostitution-related offense; forfeiture of funds used as part of prostitution-related offenses.

A. 1. In addition to penalties set forth in Section 12A.10.020 and Section 12A.10.060, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or non-statutory diversion agreement as a result of an arrest for violating Section 12A.10.020 or Section 12A.10.060 shall be assessed a fee of Fifty Dollars (\$50.00).

2. In addition to penalties set forth in Section 12A.10.040, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or non-statutory diversion agreement as a result of an arrest for violating Section 12A.10.040 shall be assessed a fee of One Hundred Fifty Dollars (\$150.00).

B. A person who is charged with a violation of Section 12A.10.040 or 12A.10.060 and who enters into a statutory or non-statutory ((pretrial)) diversion agreement shall be assessed, as a part that agreement, a fee of One Thousand Dollars (\$1,000).

\*\*\*

D. Any defendant who is convicted of, or enters into a statutory or non-statutory ((pretrial)) diversion agreement for, a prostitution-related offense shall forfeit any monies tendered as part of the offense.

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F. For the purposes of this section and Section 12A.10.115:

1. "Statutory or non-statutory diversion agreement" means any written agreement between a person accused of an offense listed in subsection A of this section and a court, or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

2. "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

Section 8. Section 12A.12.040 of the Seattle Municipal Code is amended as follows:

### 12A.12.040 Disorderly conduct on buses.

A. A person is guilty of disorderly bus conduct if while on or in a ((municipal)) transit vehicle ((as defined in RCW 46.04.065)) or in or at a ((municipal)) transit station, ((and with knowledge that such conduct is prohibited)) he or she knowingly:

1. Except while in or at an above-ground ((municipal)) transit station and more than twenty-five feet (25') away from any sign at that station designating the bus routes stopping at that station or while in or at an area designated and authorized for smoking by the transit authority, smokes or carries a lighted or smoldering pipe, cigar, or cigarette; or

2. Discards litter other than in designated receptacles; or

3. Plays any radio, recorder, or other sound producing or reproducing equipment, except that nothing herein shall prohibit the use of such equipment when connected to earphones or an ear receiver that limits ((limit)) the sound to an individual listener ((listeners or the use of a communication device by an employee of the owner or operator of the municipal transit vehicle or)). The use of public address systems or music systems that are authorized by a transit agency is permitted. The use of communications devices by transit employees and designated contractors or public safety officers in the line of duty is permitted, as is the use of private communication devices used to summon, ((or)) notify or communicate with other individuals, such as pagers and cellular phones (("beepers")); or

- 4. Spits, (or) expectorates, urinates or defecates, except in appropriate plumbing fixtures in restroom facilities; or
- 5. Carries, dumps or discards any flammable or combustible liquid, explosive, acid, or other hazardous article, substance or material in a manner that is likely to cause harm to others, except that nothing herein shall prevent a person from carrying a cigarette lighter, cigar lighter, or pipe lighter, or carrying a firearm or ammunition in a way that is not otherwise prohibited by law; or
- 6. Unreasonably disturbs others by engaging in loud, ((or)) raucous or harassing behavior;
- 7. Consumes liquor, as defined in Section 12A.24.010, or possesses an open bottle, can or other receptacle containing liquor, unless authorized by the transit authority and required permits have been obtained;
- 8. Obstructs or impedes the flow of transit vehicles or passenger traffic, hinders or prevents access to transit vehicles or stations or otherwise unlawfully interferes with the provision or use of public transportation services;
- 9. Destroys, defaces or otherwise damages property in a transit vehicle or at a transit facility;
- 10. Throws an object in a transit vehicle, at a transit facility or at any person at a transit facility with intent to do harm;
- 11. Falsely claims to be a transit operator or other transit employee or through words, actions or the use of clothes, insignia or equipment resembling department-issued uniforms and equipment creates a false impression that he or she is a transit operator or other transit employee;
- 12. Engages in gambling or any game of chance for the winning of money or anything of value;
- 13. Except while in or at an above-ground municipal transit station, skates on roller skates or in-line skates or rides in or upon or by any means a coaster, skateboard, toy vehicle or any similar device. However, a person may walk while wearing skates or carry a skateboard while on or in a transit vehicle or in or at a transit station if that conduct is not otherwise prohibited by law;
- 14. Engages in other conduct that is inconsistent with the intended use and purpose of the transit facility, transit station or transit vehicle and refuses to obey the lawful commands of an agent of the transit authority or a peace officer to cease such conduct.

B. As used in this section:

- 1. "Transit ((("municipal transit)) station" or "transit facility" means all passenger facilities, structures, stops, shelters, bus zones, properties ((lands, interest in lands, air rights over lands,)) and rights-of-way of all kinds that are owned, leased, held, or used by a transit authority ((public agency)) for the purpose of providing public transportation services.
- 2. "Transit vehicle" means any motor vehicle, street car, train, trolley vehicle, ferry boat or any other device, vessel or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers on a regular schedule.
- 3. "Transit authority" means a city transit system under RCW 35.58.2721 or RCW chapter 35.95A, a county transportation authority under RCW chapter 36.57, a metropolitan municipal corporation transit system under RCW chapter 36.56, a public transportation benefit area under RCW chapter 36.57A, an unincorporated transportation benefit area under RCW 36.57.100, a regional transportation authority under RCW chapter 81.112 or any special purpose district formed to operate a public transportation system.

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Section 9. Section 12A.14.083 of the Seattle Municipal Code is amended as follows:

12A.14.083 Weapons in public places.

A. It is unlawful to knowingly carry or shoot any spring gun, air gun, sling or sling-shot (:) in, upon or onto any public place.

B. For purposes of this section, "public place" means an area generally open to the public, regardless of whether it is privately owned, and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, parking lots, transit stations, transit vehicles and buildings.

Section 10. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 7th day of December, 2009, and signed by me in open session in authentication of its passage this 7th day of December, 2009.

Richard Conlin  
President of the City Council

Approved by me this 11th day of December, 2009.

Gregory J. Nickels, Mayor

Filed by me this 15th day of December, 2009.

Publication ordered by the City Clerk  
Date of publication in the Seattle Daily Journal of Commerce, December 17, 2009.

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