

Ordinance No. 123395

Council Bill No. 116931

AN ORDINANCE relating to the City's criminal code; amending and adding various sections and subsections in Title 12A of the Seattle Municipal Code to conform with changes in state law, to clarify the elements of the crimes of Prostitution and Patronizing a Prostitute and to define the types of weapons proscribed by the crimes of Unlawful Use of Weapons and Weapons in Public Places.

CF No. _____

Date Introduced:		
Date 1st Referred: <u>July 26, 2010</u>	To: (Public Safety and Education
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>9/20/10</u>	Full Council Vote: <u>8-0 (excused: Clark)</u>	
Date Presented to Mayor: <u>9/22/10</u>	Date Approved: <u>9/28/10</u>	
Date Returned to City Clerk: <u>9/29/10</u>	Date Published:	T.O. <input type="checkbox"/> 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: _____

Boyer
Councilmember

Committee Action:

9/15/10
Pass as amended @UN 3-0 TB, SB, NL

9.20.10 Full Council PASSED 8-0 (excused: Clark)

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 123395

1
2 AN ORDINANCE relating to the City's criminal code; amending and adding various sections and
3 subsections in Title 12A of the Seattle Municipal Code to conform with changes in state law, to
4 clarify the elements of the crimes of Prostitution and Patronizing a Prostitute and to define the
5 types of weapons proscribed by the crimes of Unlawful Use of Weapons and Weapons in Public
6 Places.

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

8 Section 1. Subsection E of Section 12A.06.035 of the Seattle Municipal Code is amended as
9 follows:

10 **12A.06.035 Stalking.**

11 * * *

12 E. As used in this section:

13 1. "Course of conduct" means a pattern of conduct composed of a series of acts over a
14 period of time, however short, evidencing a continuity of purpose. "Course of conduct"
15 includes, in addition to any other form of communication, contact, or conduct, the sending of an
16 electronic communication. Constitutionally protected activity is not included within the meaning
17 of "course of conduct."

18 2. "Follows" means deliberately maintaining visual or physical proximity to a specific
19 person over a period of time. A finding that the alleged stalker repeatedly and deliberately
20 appears at the person's home, school, place of employment, business, or any other location to
21 maintain visual or physical proximity to the person is sufficient to find that the alleged stalker
22 follows the person. It is not necessary to establish that the alleged stalker follows the person
23 while in transit from one (1) location to another.



1 3. ~~((2-))~~ “Harasses” means a knowing and willful course of conduct ~~((to engage in an~~
2 ~~act))~~ directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to
3 such person, and which serves no legitimate or lawful purpose. This course of conduct ~~((act))~~
4 shall be such as would cause a reasonable person to suffer substantial emotional distress, and
5 shall actually cause substantial emotional distress to the person, or, when the course of conduct
6 ~~((act is contact by a person over age eighteen (18), that))~~ would cause a reasonable parent to fear
7 for the well-being of his or her child.

8 4. ~~((3-))~~ “Repeatedly” means on two (2) or more separate occasions.

* * *

9 Section 2. Subsection B of Section 12A.06.115 of the Seattle Municipal Code is amended as
10 follows:

11 **12A.06.115 Malicious harassment.**

12 * * *

13 B. “Threat” means to communicate, directly or indirectly, the intent to:

- 14 1. Cause bodily injury immediately or in the future to another; or
- 15 2. Cause damage immediately or in the future to the property of another; or
- 16 3. Subject another person to physical confinement or restraint.

17 * * *

18 Section 3. Subsection B of Section 12A.06.155 of the Seattle Municipal code is amended as
19 follows:

20 **12A.06.155 Domestic violence prevention.**

21 * * *



1 B. 1. A person under eighteen (18) years of age who is sixteen (16) years of age or older may
2 seek relief and is not required to seek relief by a guardian or next friend. No guardian or guardian ad
3 litem need be appointed on behalf of a respondent who is under eighteen (18) years of age if such
4 respondent is sixteen (16) years of age or older. The court may, if it deems necessary, appoint a guardian
5 ad litem for a petitioner or respondent.

6 2. Any person thirteen (13) years of age or older may seek relief by filing a petition with a court
7 alleging that he or she has been the victim of violence in a dating relationship and the respondent is
8 sixteen (16) years of age or older. A person under sixteen (16) years of age who is seeking relief under
9 this subsection is required to seek relief by a parent, guardian, guardian ad litem, or next friend. For the
10 purposes of this subsection "next friend" means any competent individual, over eighteen years of age,
11 chosen by the minor and who is capable of pursuing the minor's stated interest in the action.

12 * * *

13
14 Section 4. Subsection A of Section 12A.06.165 of the Seattle Municipal Code is amended as
15 follows:

16 **12A.06.165 Protection order -- Relief.**

17 * * *

18
19 9. Restrain the respondent from harassing, following, keeping under physical or electronic
20 surveillance, cyberstalking as defined in Section 12A.06.045, and using telephonic, audiovisual, or other
21 electronic means to monitor the actions, location, or communication of a victim of domestic violence,
22 the victim's children, or members of the victim's household. For the purposes of this subsection,
23 "communication" includes both "wire communication" and "electronic communication" as defined in
24 RCW 9.73.260;



10. Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

11. ~~((10.))~~ Consider the provisions of Section 12A.06.195;

12. ~~((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

13. ~~((12.))~~ Order use of a vehicle.

* * *

Section 5. Subsection A of Section 12A.06.170 of the Seattle Municipal Code is amended as follows:

12A.06.170 Ex parte temporary protection orders.

A. Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

* * *



6. Considering the provisions of Section 12A.06.195; and

7. Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in Section 12A.06.045, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

* * *

Section 6. 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 or restraint provisions prohibiting harassing, following, keeping under physical or electronic surveillance, cyberstalking or monitoring the actions, location or communication of a protected party, a protected party's children or members of a protected party's household;



* * *

1 Section 7. Section 12A.10.020 of the Seattle Municipal Code is amended by adding subsection
2 D as follows:

3 **12A.10.020 Prostitution.**

4 * * *

5 D. As authorized by Section 12A.04.100, liability for Prostitution does not require proof of any
6 of the mental states described in Section 12A.04.030.

7 Section 8. Section 12A.10.040 of the Seattle Municipal Code is amended as follows:

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

9 A. A person is guilty of patronizing a prostitute if:

10 1. ~~((A.))~~ Pursuant to a prior understanding, he or she pays a fee to another person as
11 compensation for such person or a third person having engaged in sexual conduct with him or
12 her; or

13 2. ~~((B.))~~ He or she pays or agrees to pay a fee to another person pursuant to an
14 understanding that in return therefor such person will engage in sexual conduct with him or her;
15 or

16 3. ~~((C.))~~ He or she solicits or requests another person to engage in sexual conduct with
17 him or her in return for a fee.

18 B. ~~((D.))~~ Patronizing a prostitute is a misdemeanor. Every person convicted of patronizing a
19 prostitute shall have a biological sample collected for purposes of DNA identification analysis, as
20 provided in RCW 43.43.754. When sentencing or imposing conditions on a person convicted of or
21 given a deferred sentence or a deferred prosecution for patronizing a prostitute, the court must require
22 that the person not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a
23
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1 minor and that the person remain outside the geographical area, prescribed by the court, in which the
2 person was arrested for this crime, unless this requirement would interfere with the person's legitimate
3 employment or residence or otherwise be infeasible. This requirement is in addition to the penalties set
4 forth in Section 12A.10.070.

5 C. As authorized by Section 12A.04.100, liability for Patronizing a Prostitute does not require
6 proof of any of the mental states described in Section 12A.04.030.

7 * * *

8 Section 9. Section 12A.14.010 of the Seattle Municipal Code is amended as follows:

9 **12A.14.010 Definitions.**

10 The following definitions apply in this chapter:

11 A. "Air gun" means any air pistol or air rifle designed to propel a BB, pellet or other projectile
12 by the discharge of compressed air, carbon dioxide or other gas.

13 B. "Chako stick" means a device designed primarily as a weapon, consisting of two or more
14 lengths of wood, metal, plastic or similar substance connected by wire, rope, chain or other means so as
15 to allow free movement of a portion of the device while held in the hand and capable of being rotated in
16 such a manner as to inflict injury upon a person by striking.

17 C. "Dangerous knife" means any fixed-blade knife and any other knife having a blade more than
18 three and one-half inches (3 1/2") in length.

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



1 E. ((C-)) “Firearm” means a weapon or device from which a projectile may be fired by an
explosive such as gunpowder.

2 F. “Metal knuckles” means any device or instrument made wholly or partially of metal that is
3 worn for purposes of offense or defense in or on the hand and that either protects the wearer’s hand
4 while striking a blow or increases the force of impact from the blow or injury to the person receiving the
5 blow. The metal contained in the device may help support the hand or fist, provide a shield to protect it
6 or consist of projections or studs which would contact the person receiving a blow.

7 G. ((D-)) “Personal protection spray device” means a commercially available dispensing device
8 designed and intended for use in self-defense and containing a nonlethal sternutator or lacrimator agent,
9 including but not limited to:

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

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

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

16 I. “Throwing star” means a multi-pointed metal object designed to embed upon impact from any
17 aspect.

18 Section 10. Subsection A of Section 12A.14.080 of the Seattle Municipal Code is amended as
19 follows:

20 **12A.14.080 Unlawful use of weapons.**

21 It is unlawful for a person knowingly to:
22
23
24



1 A. Sell, manufacture, purchase, possess or carry any blackjack, sand-club, metal knuckles,
switchblade knife, chako stick ((sticks;)) or throwing star ((stars)); or

2 * * *


3 Section 11. Subsection C of Section 12A.10.070 of the Seattle Municipal Code is amended as
4 follows:

5 C. ~~The court may not suspend payment of all or part of the fees required by subsections A and B~~
6 ~~of this section unless it finds that the person does not have the ability to pay. The court may suspend~~
7 payment of all or part of the fees required by subsections A and B of this section only if the person
8 presents documentary evidence, such as a tax return, wage receipts or bank statements, showing that the
9 person's annual income before taxes is less than the most recent United States Department of Health and
10 Human Services poverty guidelines for the 48 contiguous states and the District of Columbia.

11 * * *

12 Section ~~11~~12. This ordinance shall take effect and be in force thirty (30) days from and after its
13 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
14 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

15 Passed by the City Council the 20th day of Sept., 2010, and signed by me in open
16 session in authentication of its passage this 20th day of Sept., 2010.

17 
18 _____
19 President _____ of the City Council

20 Approved by me this 28th day of Sept., 2010.

21 
22 _____
23 Mike McGinn, Mayor

24 Filed by me this 29th day of Sept., 2010.



City Clerk



FISCAL NOTE FOR NON-CAPITAL PROJECTS

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

Legislation Title: AN ORDINANCE relating to the City's criminal code; amending and adding various sections and subsections in Title 12A of the Seattle Municipal Code to conform with changes in state law, to clarify the elements of the crimes of Prostitution and Patronizing a Prostitute and to define the types of weapons proscribed by the crimes of Unlawful Use of Weapons and Weapons in Public Places.

- **Summary of the Legislation:** Amends the City's criminal code to conform with changes in the corresponding state criminal statutes made by recent sessions of the Legislature, clarifies the elements of the crimes of Prostitution and Patronizing a Prostitute and defines the types of weapons proscribed by the crimes of Unlawful Use of Weapons and Weapons in Public Places.
- **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 criminal code are identical to provisions of the state criminal statutes. When the Legislature amends those statutes, our criminal code usually should be amended to ensure uniformity. This ordinance changes provisions of our criminal code to conform with changes made to the corresponding state criminal statutes by recent sessions of the Legislature. This ordinance also clarifies that no mental state element is required for the crimes of Prostitution or Patronizing a Prostitute, which is consistent with state law. This ordinance also defines "chako stick," "metal knuckles" and "throwing star," the sale, manufacture or possession of which is prohibited by the crime of Unlawful Use of Weapons. This ordinance also defines "air gun," the possession or shooting of which is prohibited by the crime of Weapons in Public Places.
- *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.)*



ORDINANCE _____

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AN ORDINANCE relating to the City's criminal code; amending and adding various sections and subsections in Title 12A of the Seattle Municipal Code to conform with changes in state law, to clarify the elements of the crimes of Prostitution and Patronizing a Prostitute and to define the types of weapons proscribed by the crimes of Unlawful Use of Weapons and Weapons in Public Places.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection E of Section 12A.06.035 of the Seattle Municipal Code is amended as follows:

12A.06.035 Stalking.

* * *

E. As used in this section:

1. “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. “Course of conduct” includes, in addition to any other form of communication, contact, or conduct, the sending of an electronic communication. Constitutionally protected activity is not included within the meaning of “course of conduct.”

2. “Follows” means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one (1) location to another.



1 3. ~~((2-))~~ “Harasses” means a knowing and willful course of conduct ~~((to engage in an~~
2 ~~aet))~~ directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to
3 such person, and which serves no legitimate or lawful purpose. This course of conduct ~~((aet))~~
4 shall be such as would cause a reasonable person to suffer substantial emotional distress, and
5 shall actually cause substantial emotional distress to the person, or, when the course of conduct
6 ~~((act is contact by a person over age eighteen (18), that))~~ would cause a reasonable parent to fear
7 for the well-being of his or her child.

8 4. ~~((3-))~~ “Repeatedly” means on two (2) or more separate occasions.

9 * * *

10 Section 2. Subsection B of Section 12A.06.115 of the Seattle Municipal Code is amended as
11 follows:

12 **12A.06.115 Malicious harassment.**

13 * * *

14 B. “Threat” means to communicate, directly or indirectly, the intent to:

- 15 1. Cause bodily injury immediately or in the future to another; or
16 2. Cause damage immediately or in the future to the property of another; or
17 3. Subject another person to physical confinement or restraint.

18 * * *

19 Section 3. Subsection B of Section 12A.06.155 of the Seattle Municipal code is amended as
20 follows:

21 **12A.06.155 Domestic violence prevention.**

22 * * *



1 B. 1. A person under eighteen (18) years of age who is sixteen (16) years of age or older may
2 seek relief and is not required to seek relief by a guardian or next friend. No guardian or guardian ad
3 litem need be appointed on behalf of a respondent who is under eighteen (18) years of age if such
4 respondent is sixteen (16) years of age or older. The court may, if it deems necessary, appoint a guardian
5 ad litem for a petitioner or respondent.

6 2. Any person thirteen (13) years of age or older may seek relief by filing a petition with a court
7 alleging that he or she has been the victim of violence in a dating relationship and the respondent is
8 sixteen (16) years of age or older. A person under sixteen (16) years of age who is seeking relief under
9 this subsection is required to seek relief by a parent, guardian, guardian ad litem, or next friend. For the
10 purposes of this subsection "next friend" means any competent individual, over eighteen years of age,
11 chosen by the minor and who is capable of pursuing the minor's stated interest in the action.

12 * * *

13 Section 4. Subsection A of Section 12A.06.165 of the Seattle Municipal Code is amended as
14 follows:

15 **12A.06.165 Protection order -- Relief.**

16 * * *

17
18 9. Restrain the respondent from harassing, following, keeping under physical or electronic
19 surveillance, cyberstalking as defined in Section 12A.06.045, and using telephonic, audiovisual, or other
20 electronic means to monitor the actions, location, or communication of a victim of domestic violence,
21 the victim's children, or members of the victim's household. For the purposes of this subsection,
22 "communication" includes both "wire communication" and "electronic communication" as defined in
23 RCW 9.73.260;
24



10. Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

11. ~~((10-))~~ Consider the provisions of Section 12A.06.195;

12. ~~((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

13. ~~((12-))~~ Order use of a vehicle.

* * *

Section 5. Subsection A of Section 12A.06.170 of the Seattle Municipal Code is amended as follows:

12A.06.170 Ex parte temporary protection orders.

A. Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

* * *



6. Considering the provisions of Section 12A.06.195; and

1
2 7. Restraining the respondent from harassing, following, keeping under physical or electronic
3 surveillance, cyberstalking as defined in Section 12A.06.045, and using telephonic, audiovisual, or other
4 electronic means to monitor the actions, location, or communication of a victim of domestic violence,
5 the victim's children, or members of the victim's household. For the purposes of this subsection,
6 "communication" includes both "wire communication" and "electronic communication" as defined in
7 RCW 9.73.260.

8 * * *

9 Section 6. Subsection A of Section 12A.06.180 of the Seattle Municipal Code is amended as
10 follows:

11 **12A.06.180 Violation -- Penalty -- Contempt.**

12
13 A. Whenever an order is granted under this chapter, RCW Chapter 7.90, 9.94A, 10.99, 26.09,
14 26.10, 26.26, 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent
15 jurisdiction or there is a valid foreign protection order as defined in RCW 26.52.020 and the respondent
16 or person to be restrained knows of the order, a violation of any of the following provisions of the order
17 is a gross misdemeanor:

18 1. the restraint provisions prohibiting acts or threats of violence against or stalking of a protected
19 party, ~~((or))~~ restraint provisions prohibiting contact with a protected party or restraint provisions
20 prohibiting harassing, following, keeping under physical or electronic surveillance, cyberstalking or
21 monitoring the actions, location or communication of a protected party, a protected party's children or
22 members of a protected party's household;
23

24 * * *

Section 7. Section 12A.10.020 of the Seattle Municipal Code is amended by adding subsection

1 D as follows:

2 **12A.10.020 Prostitution.**

3 * * *

4 D. As authorized by Section 12A.04.100, liability for Prostitution does not require proof of any
5 of the mental states described in Section 12A.04.030.

6 Section 8. Section 12A.10.040 of the Seattle Municipal Code is amended as follows:

7 **12A.10.040 Patronizing a prostitute.**

8 A. A person is guilty of patronizing a prostitute if:

9 1. ~~((A.))~~ Pursuant to a prior understanding, he or she pays a fee to another person as
10 compensation for such person or a third person having engaged in sexual conduct with him or
11 her; or
12

13 2. ~~((B.))~~ He or she pays or agrees to pay a fee to another person pursuant to an
14 understanding that in return therefor such person will engage in sexual conduct with him or her;
15 or
16

17 3. ~~((C.))~~ He or she solicits or requests another person to engage in sexual conduct with
18 him or her in return for a fee.

19 B. ~~((D.))~~ Patronizing a prostitute is a misdemeanor. Every person convicted of patronizing a
20 prostitute shall have a biological sample collected for purposes of DNA identification analysis, as
21 provided in RCW 43.43.754. When sentencing or imposing conditions on a person convicted of or
22 given a deferred sentence or a deferred prosecution for patronizing a prostitute, the court must require
23 that the person not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a
24 minor and that the person remain outside the geographical area, prescribed by the court, in which the



1 person was arrested for this crime, unless this requirement would interfere with the person's legitimate
2 employment or residence or otherwise be infeasible. This requirement is in addition to the penalties set
3 forth in Section 12A.10.070.

4 C. As authorized by Section 12A.04.100, liability for Patronizing a Prostitute does not require
5 proof of any of the mental states described in Section 12A.04.030.

6 Section 9. Section 12A.14.010 of the Seattle Municipal Code is amended as follows:

7 **12A.14.010 Definitions.**

8 The following definitions apply in this chapter:

9 A. "Air gun" means any air pistol or air rifle designed to propel a BB, pellet or other projectile
10 by the discharge of compressed air, carbon dioxide or other gas.

11 B. "Chako stick" means a device designed primarily as a weapon, consisting of two or more
12 lengths of wood, metal, plastic or similar substance connected by wire, rope, chain or other means so as
13 to allow free movement of a portion of the device while held in the hand and capable of being rotated in
14 such a manner as to inflict injury upon a person by striking.

15 C. "Dangerous knife" means any fixed-blade knife and any other knife having a blade more than
16 three and one-half inches (3 ½") in length.

17 D. ((B-)) "Fixed-blade knife" means any knife, regardless of blade length, with a blade which is
18 permanently open and does not fold, retract or slide into the handle of the knife, and includes any dagger,
19 sword, bayonet, bolo knife, hatchet, axe, straight-edged razor, or razor blade not in a package, dispenser
20 or shaving appliance.

21 E. ((C-)) "Firearm" means a weapon or device from which a projectile may be fired by an
22 explosive such as gunpowder.



1 F. "Metal knuckles" means any device or instrument made wholly or partially of metal that is
2 worn for purposes of offense or defense in or on the hand and that either protects the wearer's hand
3 while striking a blow or increases the force of impact from the blow or injury to the person receiving the
4 blow. The metal contained in the device may help support the hand or fist, provide a shield to protect it
5 or consist of projections or studs which would contact the person receiving a blow.

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

- 9 1. Tear gas, the active ingredient of which is either chloracetophenone (CN) or O-
10 chlorobenzylidene malonitrile (CS); or
11 2. Other agent commonly known as mace, pepper mace, or pepper gas.

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

15 I. "Throwing star" means a multi-pointed metal object designed to embed upon impact from any
16 aspect.

17 Section 10. Subsection A of Section 12A.14.080 of the Seattle Municipal Code is amended as
18 follows:

19 **12A.14.080 Unlawful use of weapons.**

20 It is unlawful to a person knowingly to:

21 A. Sell, manufacture, purchase, possess or carry any blackjack, sand-club, metal knuckles,
22 switchblade knife, chako stick ((sticks,)) or throwing star ((stars)); or
23

24 * * *

1 Section 11. 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 ____ day of _____, 2010, and signed by me in open
5 session in authentication of its passage this ____ day of _____, 2010.

6 _____
7 President _____ of the City Council

8 Approved by me this ____ day of _____, 2010.

9 _____
10 Mike McGinn, Mayor

11 Filed by me this ____ day of _____, 2010.

12 _____
13 City Clerk



STATE OF WASHINGTON – KING COUNTY

--SS.

261518
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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

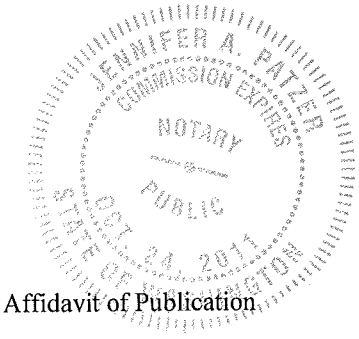
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123395 ORDINANCE

was published on

10/11/10

The amount of the fee charged for the foregoing publication is the sum of \$ 498.23, which amount has been paid in full.



[Handwritten signature]

Subscribed and sworn to before me on

10/11/10

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 123395

AN ORDINANCE relating to the City's criminal code; amending and adding various sections and subsections in Title 12A of the Seattle Municipal Code to conform with changes in state law, to clarify the elements of the crimes of Prostitution and Patronizing a Prostitute and to define the types of weapons proscribed by the crimes of Unlawful Use of Weapons and Weapons in Public Places.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection E of Section 12A.06.035 of the Seattle Municipal Code is amended as follows:

12A.06.035 Stalking.

E. As used in this section:

1. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes, in addition to any other form of communication, contact, or conduct, the sending of an electronic communication. Constitutionally protected activity is not included within the meaning of "course of conduct."

2. "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one (1) location to another.

3. ((2-)) "Harasses" means a knowing and willful course of conduct ((to engage in an act)) directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose. This course of conduct ((act)) shall be such as would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the person, or, when the course of conduct ((act is contact by a person over age eighteen ((18), that)) would cause a reasonable parent to fear for the well-being of his or her child.

4. ((3-)) "Repeatedly" means on two (2) or more separate occasions.

Section 2. Subsection B of Section 12A.06.115 of the Seattle Municipal Code is amended as follows:

12A.06.115 Malicious harassment.

B. "Threat" means to communicate, directly or indirectly, the intent to:

- 1. Cause bodily injury immediately or in the future to another; or
- 2. Cause damage immediately or in the future to the property of another; or
- 3. Subject another person to physical confinement or restraint.

Section 3. Subsection B of Section 12A.06.155 of the Seattle Municipal code is amended as follows:

12A.06.155 Domestic violence prevention.

B. 1. A person under eighteen (18) years of age who is sixteen (16) years of age or older may seek relief and is not required to seek relief by a guardian or next friend. No guardian or guardian ad litem need be appointed on behalf of a respondent who is under eighteen (18) years of age if such respondent is sixteen (16) years of age or older. The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent.

2. Any person thirteen (13) years of age or older may seek relief by filing a petition with a court alleging that he or she has been the victim of violence in a dating relationship and the respondent is sixteen (16) years of age or older. A person under sixteen (16) years of age who is seeking relief under this subsection is required to seek relief by a parent, guardian, guardian ad litem, or next friend. For the purposes of this subsection "next friend" means any competent individual over sixteen years of age, chosen by the minor and who is capable of pursuing the minor's state interest in the action.

Section 4. Subsection A of Section 12A.06.165 of the Seattle Municipal Code is amended as follows:

12A.06.165 Protection order Relief.

9. Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in Section 12A.06.045, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

10. Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

11. ((19-)) Consider the provisions of Section 12A.06.195;

12. ((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 effort to remove the pet. The court may also prohibit the respondent from knowingly coming within or knowingly remaining within specified distance of specified locations where the pet is regularly found; and

13. ((12-)) Order use of a vehicle.

Section 5. Subsection A of Section 12A.06.170 of the Seattle Municipal Code is amended as follows:

12A.06.170 Ex parte temporary protection orders.

A. Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

6. Considering the provisions of Section 12A.06.195; and

7. Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in Section 12A.06.045, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

Section 6. 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 or restraint provisions prohibiting harassing, following, keeping under physical or electronic surveillance, cyberstalking or monitoring the actions, location or communication of a protected party, a protected party's children or members of a protected party's household;

Section 7. Section 12A.10.020 of the Seattle Municipal Code is amended by adding subsection D as follows:

12A.10.020 Prostitution.

D. As authorized by Section 12A.04.100, liability for Prostitution does not require proof of any of the mental states described in Section 12A.04.030.

Section 8. Section 12A.10.040 of the Seattle Municipal Code is amended as follows:

12A.10.040 Patronizing a prostitute.

A. A person is guilty of patronizing a prostitute if:

1. ((A-)) Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or

2. ((B-)) He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him or her; or

3. ((C-)) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

B. ((B-)) 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.

C. As authorized by Section 12A.04.100, liability for Patronizing a Prostitute does not require proof of any of the mental states described in Section 12A.04.030.

Section 9. Section 12A.14.010 of the Seattle Municipal Code is amended as follows:

12A.14.010 Definitions.

The following definitions apply in this chapter:

A. "Air gun" means any air pistol or air rifle designed to propel a BB, pellet or other projectile by the discharge of compressed air, carbon dioxide or other gas.

B. "Chako stick" means a device designed primarily as a weapon, consisting of two or more lengths of wood, metal, plastic or similar substance connected by wire, rope, chain or other means so as to allow free movement of a portion of the device while held in the hand and capable of being rotated in such a manner as to inflict injury upon a person by striking.

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

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

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

F. "Metal knuckles" means any device or instrument made wholly or partially of metal that is worn for purposes of offense or defense in or on the hand and that either protects the wearer's hand while striking a blow or increases the force of impact from the blow or injury to the person receiving the blow. The metal contained in the device may help support the hand or fist, provide a shield to protect it or consist of projections or studs which would contact the person receiving a blow.

G. ((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 malonitrile (CS); or
- 2. Other agent commonly known as mace, pepper mace, or pepper gas.

H. ((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 gravity or by an outward, downward, or centrifugal thrust or movement.

I. "Throwing star" means a multi-pointed metal object designed to embed upon impact from any aspect.

Section 10. Subsection A of Section 12A.14.080 of the Seattle Municipal Code is amended as follows:

12A.14.080 Unlawful use of weapons.

It is unlawful for a person knowingly to:

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

Section 11. Subsection C of Section 12A.10.070 of the Seattle Municipal Code is amended as follows:

C. The court may not suspend payment of all or part of the fees required by subsections A and B of this section unless it finds that the person does not have the ability to pay. The court may suspend payment of all or part of the fees required by subsections A and B of this section only if the person presents documentary evidence, such as a tax return, wage receipts or bank statements, showing that the person's annual income before taxes is less than the most recent United States Department of Health and Human Services poverty guidelines for the 48 contiguous states and the District of Columbia.

Section 11.2. 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 20th day of September, 2010, and signed by me in open session in authentication of its passage this 20th day of September, 2010.

Richard Conlin
President of the City Council

Approved by me this 28th day of September, 2010.

Mike McGinn, Mayor

Filed by me this 29th day of September, 2010.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, October 11, 2010.

10/11(261518)