Ordinance No. 124684

Council Bill No. 118295

AN ORDINANCE relating to the City's criminal code; amending and adding to various sections and subsections in Chapters 3.33, 12A.06, 12A.08, 12A.10, 12A.14, 12A.16, 12A.20, 12A.24, 12A.28, 16.20 and 16.64 and repealing sections 2.20.010 and 2.20.020 of the Seattle Municipal Code.

CF No.

Date Introduced: 1/5/15	
Date 1st Referred:	To: (committee) Public Safety, Civil Rights, + Technology
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: 1/12/15	Full Council Vote: 9-0
Date Presented to Mayor: 1/13/15	Date Approved: 1/16/15
Date Returned to City Clerk: 1/16/15	Date Published: T.O. X F.T.
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: [signature]
Councilmember

Committee Action:

1/7/~~2014~~ 2015	Pass	BH, SB

Full Council Action

1/12/15	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

CITY OF SEATTLE

ORDINANCE 124684

COUNCIL BILL 118295

AN ORDINANCE relating to the City's criminal code; amending and adding to various sections and subsections in Chapters 3.33, 12A.06, 12A.08, 12A.10, 12A.14, 12A.16, 12A.20, 12A.24, 12A.28, 16.20 and 16.64 and repealing sections 2.20.010 and 2.20.020 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.33.150 of the Seattle Municipal Code, as last amended by Ordinance 119338, is amended as follows:

3.33.150 Judicial officers((.))

The judges of the Municipal Court may employ judicial officers to assist in the administration of justice and the accomplishment of the work of the Court as said work may be assigned to it by statute or ordinance. The duties and responsibilities of such officers shall be judicial in nature and shall be fixed by Court rule as adopted by the Municipal Court judges or fixed by ordinance. The judicial officers may be authorized to hear and determine cases involving the commission of traffic infractions and violations as provided in RCW Chapter 46.63 and ((~~SMC~~)) Title 11 and other applicable portions of the Seattle Municipal Code, and cases involving the commission of civil infractions and violations as provided for in RCW Chapter 7.80. The Presiding Municipal Court Judge ((~~Mayor~~)) may appoint the judicial officers as judges pro tempore pursuant to RCW 35.20.200 and ((~~SMC~~)) Section 3.33.130; provided that, the judicial officer need not be a resident of the City.

Section 2. A new Section 3.33.210 is added to the Seattle Municipal Code as follows:

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3.33.210 Summary punishment for contempt

A. The judge presiding in an action or proceeding may summarily impose either a remedial or punitive sanction authorized by RCW Chapter 7.21 upon a person who commits a contempt of court within the courtroom if the judge certifies that he or she saw or heard the contempt. The judge shall impose the sanctions immediately after the contempt of court or at the end of the proceeding and only for the purpose of preserving order in the court and protecting the authority and dignity of the court. The person committing the contempt of court shall be given an opportunity to speak in mitigation of the contempt unless compelling circumstances demand otherwise. The order of contempt shall recite the facts, state the sanctions imposed, and be signed by the judge and entered on the record.

B. A court, after a finding of contempt of court in a proceeding under subsection 3.33.210.A may impose for each separate contempt of court a punitive sanction of a fine of not more than $500 or imprisonment for not more than 30 days, or both, or a remedial sanction set forth in RCW 7.21.030(2). A forfeiture imposed as a remedial sanction under this subsection may not exceed more than $500 for each day the contempt continues.

C. As used in this Section 3.33.210:

"Contempt of court" means intentional:

1. disorderly, contemptuous, or insolent behavior toward the judge while holding the court, tending to impair its authority, or to interrupt the due course of a trial or other judicial proceedings;

2. disobedience of any lawful judgment, decree, order, or process of the court;

3. refusal as a witness to appear, be sworn, or, without lawful authority, to answer a question; or

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4. refusal, without lawful authority, to produce a record, document, or other object.

"Punitive sanction" means a sanction imposed to punish a past contempt of court for the purpose of upholding the authority of the court.

"Remedial sanction" means a sanction imposed for the purpose of coercing performance when the contempt consists of the omission or refusal to perform an act that is yet in the person's power to perform. (RCW 7.21.010; 7.21.050)

Section 3. Subsection 12A.06.010.B of the Seattle Municipal Code, which section was last amended by Ordinance 124301, is amended as follows:

12A.06.010 Assault((.))

* * *

B. The City Attorney may file a special allegation of sexual motivation when the person intentionally assaults another person and one of the purposes for the assault was for the actor's sexual gratification. Such a special allegation must be proved beyond a reasonable doubt, with either the court making a finding of fact as to this special allegation if it finds the defendant guilty of assault or, if a jury trial is had, the jury finding a special verdict as to this special allegation if it finds the defendant guilty of assault. Every person convicted of Assault where such special allegation has been found shall have a biological sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754, and shall pay a fee of $100, as provided in RCW 43.43.7541.

Section 4. Subsection 12A.06.035.G.6 of the Seattle Municipal Code, which section was last amended by Ordinance 124301, is amended as follows:

12A.06.035 Stalking((.))

G.

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* * *

6. A knowing violation of a no-contact order issued under this subsection 12A.06.035.G, RCW 7.92.160 ((~~, Laws of 2013, chapter 84, section 16~~)) or an equivalent ordinance is punishable under Section 12A.06.180.

* * *

Section 5. Subsection 12A.06.040.D of the Seattle Municipal Code, which section was last amended by Ordinance 119010, is amended as follows:

12A.06.040 Harassment((~~.~~))

* * *

D. For the purposes of subsections 12A.06.040.B and 12A.06.040.C ((~~B and C of this section~~)), "a crime of harassment" includes any crime defined in Chapter 12A.06, property destruction as defined in Section 12A.08.020, ((~~and~~)) criminal trespass as defined in Section 12A.08.040, indecent exposure as defined in Section 12A.10.130 and unlawful use of weapons to intimidate another as defined in Section 12A.14.075.

* * *

Section 6. Section 12A.06.180 of the Seattle Municipal Code, as last amended by Ordinance 124301, is amended as follows:

12A.06.180 Violation—Penalty—Contempt((~~.~~))

A. Whenever an order is granted under this Chapter 12A.06, ((~~chapter , the chapter created by Laws of 2013, chapter 84, section 33,~~)) RCW Chapter 7.90, 7.92, 9.94A, 9A.46, 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

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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, 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;

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;

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.

Upon conviction, and in addition to any other penalties provided by law, the court may require that the convicted person submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring shall be performed. The court may require that the convicted person pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

* * *

C. A violation of an order issued under this 12A.06, ((~~chapter, the chapter created by Laws of 2013, chapter 84, section 33,~~)) RCW Chapter 7.90, 7.92, 9.94A, 9A.46, 10.99, 26.09, 26.10, 26.26,

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26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or of a valid foreign protection order as defined in RCW 26.52.020 shall also constitute contempt of court, and is subject to the penalties prescribed by law.

D. Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order issued under this chapter 12A.06, ((~~the chapter created by Laws of 2013, chapter 84, section 33,~~)) RCW Chapter 7.90, 7.92, 9.94A, 9A.46, 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 a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within ((~~fourteen (~~)) 14 ((~~)~~)) days why the respondent should not be found in contempt of court and punished accordingly.

* * *

H. Every person convicted of violating a sexual assault protection order issued under RCW Chapter 7.90 shall have a biological sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754, and shall pay a fee of $100, as provided in RCW 43.43.7541.

Section 7. Section 12A.06.195 of the Seattle Municipal Code, as last amended by Ordinance 124301, is amended as follows:

12A.06.195 Court order requiring surrender of firearm, dangerous weapon or concealed pistol license((~~,~~))

A. In this Section 12A.06.195 ((~~section~~)), the following definitions apply unless a different meaning plainly is required:

((~~1.~~)) "Dangerous weapon" means a dagger, dirk, spring blade knife, knife the blade of which is automatically released by a spring mechanism or other mechanical device, knife having a blade which opens, falls or is ejected into position by the force of gravity or by an outward,

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downward or centrifugal thrust or movement and any instrument or weapon of the kind usually known as a slungshot, sand club or metal knuckles.

((~~2.~~)) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

((~~3.~~)) "Firearm" means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

"Intimate partner" includes a spouse, a domestic partner, a former spouse, a former domestic partner, a person with whom the restrained person has a child in common, or a person with whom the restrained person has cohabitated or is cohabitating as part of a dating relationship.

B. When entering an order authorized under Section 12A.06.035, 12A.06.040, 12A.06.130, 12A.06.165 or 12A.06.170 and upon a showing by either clear and convincing evidence or a preponderance of the evidence, but not by clear and convincing evidence, that a party has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, that a party has previously committed any offense making the party ineligible to possess a firearm under the provisions of RCW 9.41.040 or that a party's possession of a firearm or other dangerous weapon presents a serious and imminent threat to public health or safety or to the health or safety of any person, the court shall:

1. Require the party to surrender any firearm or other dangerous weapon;

2. Require the party to surrender any concealed pistol license issued under RCW 9.41.070;

3. Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;

4. Prohibit the party from obtaining or possessing a concealed pistol license.

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C. During any period of time a person is subject to a court order issued under Section 12A.06.035, 12A.06.040, 12A.06.130, 12A.06.165 or 12A.06.170 after a hearing of which the person received actual notice and at which the person had an opportunity to participate, that restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, that includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child, and, that, by its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury, the court shall:

1. Require the party to surrender any firearm or other dangerous weapon;

2. Require the party to surrender any concealed pistol license issued under RCW 9.41.070;

3. Prohibit the party from obtaining or possessing a firearm or other dangerous weapon; and

4. Prohibit the party from obtaining or possessing a concealed pistol license.

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

E. ((~~D.~~)) The requirements and prohibitions of subsections 12A.06.195.B and 12A.06.195.D ((~~C of this section~~)) may be for a period of time less than the duration of the order.

F. ((~~E.~~)) The court may require the party to surrender any firearm or dangerous weapon in or subject to the party's immediate possession or control to the King County Sheriff, the Seattle Chief of Police, the party's counsel or any person designated by the court.

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G. A party ordered to surrender firearms, dangerous weapons, and his or her concealed pistol license must file with the clerk of the court a proof of surrender and receipt form or a declaration of nonsurrender form within five judicial days of the entry of the order.

Section 8. Subsection 12A.08.115.B of the Seattle Municipal Code, which section was enacted by Ordinance 122004, is amended as follows:

12A.08.115 Making or having burglar 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, ceramic or porcelain spark plug chips or pieces, or any other implement shown by facts and circumstances is intended to be used in the commission of a burglary or vehicle involved theft.

* * *

Section 9. Section 12A.10.040 of the Seattle Municipal Code, as last amended by Ordinance 123944, is amended as follows:

12A.10.040 Sexual Exploitation ((~~Patronizing a prostitute.~~))

A. A person is guilty of sexual exploitation ((~~patronizing a prostitute~~)) if:

1. 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. 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. He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

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B. Sexual exploitation ((~~Patronizing a prostitute~~)) is a misdemeanor. Every person convicted of sexual exploitation ((~~patronizing a prostitute~~)) shall have a biological sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754, and shall pay a fee of $100 ((~~One Hundred Dollars ($100.00)~~)), as provided in RCW 43.43.7541. When sentencing or imposing conditions on a person convicted of or given a deferred sentence or a deferred prosecution for sexual exploitation ((~~patronizing a prostitute~~)), the court must require that the person:

1. not be subsequently arrested for sexual exploitation or a similar statute or local ordinance ((~~patronizing a prostitute~~)) or commercial sexual abuse of a minor;

2. 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; and

3. fulfill the terms of a program, if a first-time offender, designated by the court, designed to educate offenders about the negative costs of prostitution.

These requirements are in addition to the penalties set forth in Section 12A.10.070.

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

Section 10. Section 12A.10.050 of the Seattle Municipal Code, as enacted by Ordinance 102843, is amended as follows:

12A.10.050 Prostitution and sexual exploitation ((~~patronizing a prostitute~~))—No defense((.))

In any prosecution for prostitution or sexual exploitation ((~~patronizing a prostitute~~)), the sex of the two (((~~2~~))) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

A. Such persons were of the same sex; or

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B. The person who received, agreed to receive or solicited a fee was male and the person who paid or agreed or offered to pay such fee was female.

Section 11. Section 12A.10.110 of the Seattle Municipal Code, as last amended by Ordinance 122939, is amended as follows:

12A.10.110 Convicted persons—Mandatory counseling and costs for certain offenses((.))

A. The Human Services Department shall cause to be conducted counseling for all persons convicted of, or entering a non-conviction disposition for, prostitution or sexual exploitation ((~~patronizing a prostitute~~)) under this chapter. Such counseling shall be based on best practices for peer counseling for individuals charged with prostitution and prostitution awareness for those charged with sexual exploitation ((~~patronizing a prostitute~~)). Counseling will at a minimum provide education about the risks from prostitution of sexually transmitted diseases, including HIV, the risks of victimization amongst prostitutes, and the consequences of drug injection. The term non-conviction disposition is a pretrial diversion or any agreement to continue the case for dismissal or amendment of the charge upon successful completion of certain conditions.

* * *

C. All persons ordered to complete such counseling as a result of a conviction or non-conviction disposition of sexual exploitation ((~~patronizing a prostitute~~)) charge shall also be responsible for the cost of the counseling. Effective in 2009, the amount of the charge is set at $150 ((~~.00~~)). This charge is based upon the anticipated cost of the counseling program and the number of individuals who are likely to receive and pay for the counseling in each calendar year. This base fee will increase annually beginning in 2010 consistent with the rate of increase in the Seattle-Tacoma CPI, rounded to the nearest $.50. Every three years, the Director of the Human Services Department may recommend a further change of the fee based upon evaluation of program costs and revenues. Funds collected pursuant to this

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subsection shall be collected by the Seattle Municipal Court and deposited in the General Subfund (00100); and an allocation equal to the program costs as projected in the current year adopted budget shall be made annually to the Human Services Operating Fund (16200) for the purpose of funding the counseling program.

* * *

Section 12. Section 12A.10.115 of the Seattle Municipal Code, as last amended by Ordinance 124301, is amended as follows:

12A.10.115 Impoundment of vehicle used in sexual exploitation ((~~patronizing a prostitute.~~))

A. An officer arresting a person for sexual exploitation ((~~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.

* * *

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 12A.10.115.C for which he or she provides proof of payment. A person whose vehicle was impounded under subsection 12A.10.115.A is entitled to a full refund of any impoundment, towing and storage charges and the fees under subsection 12A.10.115.C for which he or she provides proof of payment if either a charge of sexual exploitation ((~~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 sexual exploitation ((~~patronizing a prostitute~~)) based on the arrest that resulted in the impoundment is dismissed, other than based on a

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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 13. Section 12A.10.140 of the Seattle Municipal Code, as enacted by Ordinance 124301, is amended as follows:

12A.10.140 Communicating with a minor for immoral purposes((~~.~~))

* * *

D. Every person convicted of communicating with a minor for immoral purposes shall have a biological sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754, and shall pay a fee of $100, as provided in RCW 43.43.7541.

Section 14. Section 12A.14.010 of the Seattle Municipal Code, as last amended by Ordinance 123395, is amended as follows:

12A.14.010 Definitions.

The following definitions apply in this Chapter 12A.14 ((~~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 ½ inches ((~~"~~))) in length.

((~~D.~~)) "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

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dagger, sword, bayonet, bolo knife, hatchet, axe, straight-edged razor, or razor blade not in a package, dispenser or shaving appliance.

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

"Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

((~~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.

"Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

((~~G.~~)) "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:

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

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

"Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

"Slungshot" means a weight affixed or attached to a cord, chain or cloth.

((~~H.~~)) "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

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into position by force of gravity or by an outward, downward, or centrifugal thrust or movement, and includes what is commonly known as a "butterfly knife."

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

"Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans.

Section 15. Subsection 12A.14.080.A of the Seattle Municipal Code, which section was last amended by Ordinance 124301, 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, slungshot or throwing star; or

* * *

Section 16. Section 12A.14.180 of the Seattle Municipal Code, as enacted by Ordinance 124301, is amended as follows:

12A.14.180 Unlawful delivery of pistol by dealer((.))

A. No dealer may deliver a pistol to the purchaser thereof until:

1. The purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection D of this section. For purposes of this subsection A1, a "valid concealed pistol license" does not include a temporary emergency license, and does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance; or

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2. The dealer is notified in writing by the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under RCW 9.41.070 and that the application to purchase is approved by the chief of police or sheriff; or

3. The results of all required background checks are known and the purchaser or transferee is not prohibited from owning or possessing a firearm under federal or state law; or

4. Ten business days have elapsed from the date the licensed dealer requested the background check. However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive 90 days, then the time period in this subsection 12A.14.180.A.4 shall be extended from ten business days to 60 days. ((~~Five (5) business days, meaning days on which state offices are open, have elapsed from the time of receipt of the application for the purchase thereof as provided herein by the chief of police or sheriff designated in subsection D of this section, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (1)(c) shall be up to sixty days.~~))

* * *

C. In any case under ((~~subsection A3 of~~)) this section 12A.14.180 where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance.

* * *

Section 17. A new Section 12A.14.185 is added to the Seattle Municipal Code as follows:

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12A.14.185 Unlawful delivery of firearm by licensed dealer

A. Except as otherwise provided in this Chapter 12A.14, a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of:

1. The results of all required background checks are known and the purchaser or transferee is not prohibited from owning or possessing a firearm under federal or state law; or

2. Ten business days have elapsed from the date the licensed dealer requested the background check. However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive 90 days, then the time period in this subsection shall be extended from ten business days to 60 days.

B. Any person violating any provision of this Section 12A.14.185 is guilty of a misdemeanor, subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed and none of the mental states described in Section 12A.04.030 need be proved.

Section 18. A new Section 12A.14.195 is added to the Seattle Municipal Code as follows:

12A.14.195 Unlawful sale or transfer of firearm

A. No person shall sell or transfer a firearm unless:

1 The person is a licensed dealer; or

2 The purchaser or transferee is a licensed dealer; or

3. The requirements of subsection 12A.14.195.B are met.

B. Where neither party to a prospective firearms transaction is a licensed dealer, the parties to the transaction shall complete the sale or transfer through a licensed dealer as follows:

1. The seller or transferor shall deliver the firearm to a licensed dealer to process the sale or transfer as if it is selling or transferring the firearm from its inventory to the purchaser or transferee,

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except that the unlicensed seller or transferor may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller or transferor removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser or transferee and the seller or transferor shall return to the business premises of the licensed dealer and the seller or transferor shall again deliver the firearm to the licensed dealer prior to completing the sale or transfer.

2. Except as provided in subsection 12A.14.195.B.1, the licensed dealer shall comply with all requirements of federal and state law that would apply if the licensed dealer were selling or transferring the firearm from its inventory to the purchaser or transferee, including but not limited to conducting a background check on the prospective purchaser or transferee in accordance with federal and state law requirements and fulfilling all federal and state recordkeeping requirements.

3. The purchaser or transferee must complete, sign, and submit all federal, state, and local forms necessary to process the required background check to the licensed dealer conducting the background check.

4. If the results of the background check indicate that the purchaser or transferee is ineligible to possess a firearm, then the licensed dealer shall return the firearm to the seller or transferor.

5. The licensed dealer may charge a fee that reflects the fair market value of the administrative costs and efforts incurred by the licensed dealer for facilitating the sale or transfer of the firearm.

C. It is an affirmative defense to a charge of violating subsection 12A.14.195.A, which the defendant must prove by a preponderance of the evidence, that the sale or transfer is:

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1. A transfer that is a bona fide gift between immediate family members, which for this subsection 12A.14.195.C.1 shall be limited to spouses, domestic partners, parents, children, siblings, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles;

2. The sale or transfer of an antique firearm;

3. A temporary transfer of possession of a firearm if such transfer is necessary to prevent imminent death or great bodily harm to the person to whom the firearm is transferred if:

a. The temporary transfer only lasts as long as immediately necessary to prevent such imminent death or great bodily harm; and

b. The person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

4. Any law enforcement or corrections agency and, to the extent the person is acting within the course and scope of his or her employment or official duties, any law enforcement or corrections officer, United States marshal, member of the armed forces of the United States or the national guard, or federal official;

5. A federally licensed gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the federally licensed gunsmith;

6. The temporary transfer of a firearm:

a. between spouses or domestic partners;

b. if the temporary transfer occurs, and the firearm is kept at all times, at an established shooting range authorized by the governing body of the jurisdiction in which such range is located;

CITY CLERK

c. if the temporary transfer occurs and the transferee's possession of the firearm is exclusively at a lawful organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses firearms as a part of the performance;

d. to a person who is under 18 years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms; or

e. while hunting if the hunting is legal in all places where the person to whom the firearm is transferred possesses the firearm and the person to whom the firearm is transferred has completed all training and holds all licenses or permits required for such hunting;

A temporary transfer allowed by this subsection 12A.14.195.C.6 is permitted only if the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law; or

7. A person who either acquired a firearm other than a pistol by operation of law upon the death of the former owner of the firearm or acquired a pistol by operation of law upon the death of the former owner of the pistol within the preceding 60 days. At the end of the 60-day period, the person must either have lawfully transferred the pistol or must have contacted the Washington State Department of Licensing to notify the Department that he or she has possession of the pistol and intends to retain possession of the pistol, in compliance with all federal and state laws.

D. Any person violating any provision of this Section 12A.14.195 is guilty of a gross misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed and none of the mental states described in Section 12A.04.030 need be proved. Each firearm sold or transferred without complying with the background check requirement of this Section 12A.14.195 is a separate offense.

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Section 19. A new Section 12A.16.080 is added to the Seattle Municipal Code as follows:

12A.16.080 Bail jumping

A. Any person having been released by court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before the court or of the requirement to report to a correctional facility for service of sentence and who fails to appear or who fails to surrender for service of sentence as required is guilty of bail jumping.

B. It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

C. Bail jumping is a misdemeanor.

Section 20. A new Section 12A.16.100 is added to the Seattle Municipal Code as follows:

12A.16.100 Contempt of court

A. A person is guilty of contempt of court when he or she intentionally:

1. engages in disorderly, contemptuous, or insolent behavior toward the judge while holding the court, tending to impair its authority, or to interrupt the due course of a trial or other judicial proceedings;

2. disobeys a lawful judgment, decree, order, or process of the court;

3. refuses as a witness to appear, be sworn, or, without lawful authority, to answer a question; or

4. refuses, without lawful authority, to produce a record, document, or other object.

B. If a complaint charging a person with contempt of court is filed by the city attorney at the request of a judge presiding in an action or proceeding to which a contempt relates, that judge shall be

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disqualified from presiding at the trial. If the alleged contempt involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial unless the person charged consents to the judge presiding at the trial.

C. A person found guilty of contempt of court under this section may be punished for each separate contempt of court by a fine of not more than $5,000 or imprisonment for up to 364 days, or both. (RCW 7.21.010; 7.21.040)

Section 21. Subsection 12A.20.100.B of the Seattle Municipal Code, which section was enacted by Ordinance 124393, is amended as follows:

12A.20.100 Opening or consuming marijuana products in public((~~.~~))

* * *

B. For purposes of this Section 12A.20.100 ((~~section~~)):

((~~1.~~)) "Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

((~~2.~~)) "Useable marijuana" means dried marijuana flowers, but does not include either marijuana-infused products or marijuana concentrates.

((~~3.~~)) "Marijuana-infused products" means products that contain marijuana or marijuana extracts, ((~~and~~)) are intended for human use, and have a THC concentration greater than 0.3 percent and no greater than 60 percent, but does not include either useable marijuana or marijuana concentrates.

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((4.)) "Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant Cannabis and having a THC concentration greater than 60 percent.

"THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant Cannabis , or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant Cannabis regardless of moisture content. (RCW 69.50.101)

Section 22. Section 12A.24.135 of the Seattle Municipal Code, as enacted by Ordinance 124301, is amended as follows:

12A.24.135 Sale to or purchase or consumption by intoxicated person((.))

A. No person shall knowingly sell any liquor to any person apparently under the influence of liquor.

B. No person apparently under the influence of liquor may purchase or consume liquor on any premises licensed by the Washington State Liquor Control Board. A defendant's intoxication may not be used as a defense in an action under this subsection.

Section 23. A new Section 12A.24.145 is added to the Seattle Municipal Code as follows:

12A.24.145 Standards of conduct for licensees and employees

A. Except as otherwise provided by law, neither a person licensed by the Washington State Liquor Control Board nor an employee of such person may:

1. Be disorderly or apparently intoxicated on the licensed premises; or

2. Permit any disorderly person to remain on the licensed premises; or

3. Engage in or allow behavior that provokes conduct which presents a threat to public safety; or

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4. Consume liquor of any kind while working on the licensed premises; except that:

a. Entertainers per WAC 314-02-010 may drink while performing under the following conditions:

1) Alcohol service must be monitored by a server holding a mandatory alcohol training permit;

2) Drinks must be served in unlabeled containers;

3) Entertainers may not advertise any alcohol brands or products;

4) Entertainers may not promote drink specials; and

5) If any member of the entertainment group is under 21 years of age, alcohol may not be consumed by any member of the group while performing.

b. Licensed beer manufacturers and their employees may sample beer of their own manufacture for manufacturing, evaluating or pricing product in areas where the public is not served, so long as the licensee or employee does not become apparently intoxicated;

c. Licensed wine manufacturers and their employees may sample wine for manufacturing, evaluating, or pricing product or sample wine of their own manufacture for quality control or consumer education purposes so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public; or

5. Engage in, or permit any employee or other person to engage in, conduct on the licensed premises which is prohibited by RCW Titles 9, 9A, or 69; or

6. Engage in or permit any employee or other person to engage in the consumption of any type of marijuana, usable marijuana, or marijuana-infused products in a liquor licensed business, including outdoor service areas or any part of the property owned or controlled by the licensee; or

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7. Permit any person consuming, or who has consumed within the licensed premises, any type of marijuana, usable marijuana, or marijuana-infused products to remain on any part of the licensed premises; or

8. Sell or serve liquor by means of "drive-in" or by "curb service"; or

9. Solicit any patron to purchase any beverage for the licensee or employee, or allow a person to remain on the premises for such purpose; or

10. Spend time or dance with, or permit any person to spend time or dance with, any patron for direct or indirect compensation by a patron.

B. A person licensed by the Washington State Liquor Control Board may not allow, permit or encourage an employee or any person in or on the licensed premises to engage in conduct prohibited by Section 6.270.100.

C. During the period of liquor license suspension, the person licensed by the Washington State Liquor Control Board and any employee of such person:

1. Must maintain compliance with all applicable liquor laws and rules;

2. May not remove, alter, or cover a posted suspension notice, and may not permit another person to do so;

3. May not place or permit the placement of any statement on the licensed premises indicating that the premises have been closed for any reason other than as stated in the suspension notice; and

4. May not advertise by any means that the licensed premises is closed for any reason other than as stated in the liquor control board's suspension notice.

Section 24. A new Section 12A.24.147 is added to the Seattle Municipal Code as follows:

12A.24.147 Refusal to permit inspection

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No person, being on a premises licensed by the Washington State Liquor Control Board and having charge thereof, shall:

A. Refuse or fail to admit a liquor enforcement officer, inspector or peace officer demanding to enter therein in pursuance of RCW Title 66 in the execution of his or her duty;

B. Obstruct or attempt to obstruct the entry of such liquor enforcement officer, inspector or officer of the peace;

C. Refuse to allow a liquor enforcement officer, and/or an inspector to examine the books of the licensee; or

D. Refuse or neglect to make any return required by RCW Title 66 or the regulations enacted pursuant to that title by the Washington State Liquor Control Board.

Section 25. Subsection 12A.24.150.A of the Seattle Municipal Code, which section was last amended by Ordinance 122789, is amended as follows:

12A.24.150 Classification and penalty((.))

A. An offense under Section 12A.24.025 ((.)) is a class 3 civil infraction under RCW Chapter 7.80. <u>An offense under subsection 12A.24.135.B or Section 12A.24.145 is an infraction punishable by a fine of not more than $500.</u>

* * *

Section 26. A new Section 12A.28.220 is added to Seattle Municipal Code as follows:

12A.28.220 Unlawful acts relating to private security guards

A. A person is guilty of unlawful acts relating to private security guards when he or she:

1. Performs the functions and duties of a private security guard without being licensed in accordance with RCW Chapter 18.170, presents or attempts to use as his or her own the license of

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another, falsely impersonates any other licensee, attempts to use an expired or revoked license, or violates any of the provisions of RCW Chapter 18.170;

2. Owns or operates a private security company without first obtaining a private security company license;

3. Is the owner or qualifying agent of a private security company and employs an unlicensed person to perform the duties of a private security guard without issuing the employee a valid temporary registration card if the employee does not have in his or her possession a permanent private security guard license issued by the Washington Department of Licensing; provided, however, this subsection does not preclude a private security company from requiring applicants to attend preassignment training classes or from paying wages for attending the required preassignment training classes;

4. Performs the functions and duties of an armed private security guard without holding a valid armed private security guard license issued by the Washington Department of Licensing;

5. Owns or operates a private security company and hires, contracts with or otherwise engages the services of an unlicensed armed private security guard knowing that he or she does not have a valid armed private security guard license issued by the Director of the Washington Department of Licensing;

6. Performs the functions and duties of a private security guard and possesses or uses any vehicle or equipment displaying the word "police" or "law enforcement officer" or having any sign, shield, marking, accessory or insignia indicating that the equipment or vehicle belongs to a public law enforcement agency;

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7. Performs the functions and duties of a private security guard and uses any name that includes the word "police" or "law enforcement" or that portrays the individual or a business as a public law enforcement agency.

B. As used in this Section 12A.28.220:

"Armed private security guard" means a private security guard who has a current firearms certificate issued by the criminal justice training commission established in RCW Chapter 43.101 and is licensed as an armed private security guard under RCW Chapter 18.170.

"Licensee" means a person granted a license required by RCW Chapter 18.170.

"Person" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

"Private security company" means a person or entity licensed under RCW Chapter 18.170 and engaged in the business of providing the services of private security guards on a contractual basis.

"Private security guard" means an individual who is licensed under RCW Chapter 18.170 and principally employed as or typically referred to as a security officer or guard, patrol or merchant patrol service officer or guard, armed escort or bodyguard, armored vehicle guard, burglar alarm response runner or crowd control officer or guard.

"Qualifying agent" means an officer or manager of a corporation who meets the requirements set forth in RCW Chapter 18.170 for obtaining a license to own or operate a private security company.

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C. Except as otherwise provided in this Section 12A.28.220, absolute liability shall be imposed for violation or failure to comply with this section and none of the mental states described in Section 12A.04.030 need be proved. (RCW 18.170.160)

Section 27. Subsection 16.20.112.A of the Seattle Municipal Code, which section was enacted by Ordinance 124301, is amended as follows:

16.20.112 Refusal to submit to test((.))

A. A person's refusal to submit to a test or tests pursuant to RCW 79A.60.040(4)(a) is a class 1 civil infraction under RCW 7.80.120, for which the maximum penalty and default amount is $1,000 ((~~One Thousand Dollars ($1,000.00)~~)).

* * *

Section 28. Section 16.64.050 of the Seattle Municipal Code, as last amended by Ordinance 124301, is amended as follows:

16.64.050 Penalties for criminal offenses((.))

A. The following offenses are misdemeanors and any person convicted of any of the following offenses may be punished as described in Section 12A.02.070 of the Seattle Municipal Code:

1. Section 16.20.100—Reckless operation;
2. Section 16.20.140—Failure to obey regarding overloading; and
3. Section 16.20.150—Failure to obey regarding excessive power.

B. The following offenses are gross misdemeanors and any person convicted of any of the following offenses may be punished as described in Section 12A.02.070 of the Seattle Municipal Code:

1. Section 16.20.110—Intoxication
2. Section 16.20.115—Failure to stop;
3. Section 16.24.010—Information and assistance.

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Section 29. Section 2.20.010 of the Seattle Municipal Code, as enacted by Ordinance 25757 and that currently reads as follows, is repealed:

((~~**2.20.010 Smoking prohibited.**~~

~~It shall be unlawful for any person to smoke any cigar, cigarette or pipe, or use tobacco in any form by smoking, in any polling place in the City at any election held within the City during the hours such polling place is open for the casting of ballots.~~))

Section 30. Section 2.20.020 of the Seattle Municipal Code, as last amended by Ordinance 104196 and that currently reads as follows, is repealed:

((~~**2.20.020 Violation—Penalty.**~~

~~A. Every offense defined by this chapter or conduct made unlawful thereby shall constitute a violation. A violation may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars ($500), but a conviction of a violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense.~~

~~B. Notwithstanding the civil nature of the penalty provided in this section for violations, nothing in this section shall deny any constitutional rights which a defendant would have were the penalty deemed criminal.~~))

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Section 31. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Section 1.04.020.

Passed by the City Council the 12th day of January, 2015, and signed by me in open session in authentication of its passage this 12th day of January, 2015.

President _____ of the City Council

Approved by me this 16 day of January, 2015.

Edward Murray, Mayor

Filed by me this 16th day of January, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

SEAL CITY CLERK

Form revised: February 26, 2014

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Law	Richard Greene 684-8538	

Legislation Title:

An ordinance relating to the City's criminal code; amending and adding to various sections and subsections in Chapters 3.33, 12A.06, 12A.08, 12A.10, 12A.14, 12A.16, 12A.20, 12A.24, 12A.28, 16.20 and 16.64 and repealing sections 2.20.010 and 2.20.020 of the Seattle Municipal Code.

Summary of the Legislation:

This legislation changes our criminal code mostly to reflect changes made to corresponding state statutes by the 2014 Legislature. It also incorporates into our criminal code the state statutes concerning contempt of court, bail jumping, purchase or consumption of alcohol by an intoxicated person, and standards of conduct of alcohol servers, private security guards and the provisions of Initiative 594 concerning background checks for firearms sales. It expands the prohibition on possessing or using auto theft tools to include what is commonly known as "ninja rocks" and changes the prohibition on possessing a weapon to define "slung shot" and expressly include a butterfly knife. It changes the name of the crime of Patronizing a Prostitute to Sexual Exploitation. It also repeals the municipal code sections concerning smoking at polling places.

Background:

This ordinance is designed to make changes to Seattle's criminal code to reflect changes made to identical or similar state statutes by the 2014 Legislature and to add to the criminal code crimes defined by state law that are or might be charged by the City Attorney in Municipal Court. It also reflects our experience with a somewhat new type of tool used to break car windows and new types of weapons. It also seeks to more accurately label the crime currently named Patronizing a Prostitute. The current provisions concerning smoking at polling places appear to be inconsistent with the smoking in public ordinances that were revised in 2013.

__X__ This legislation does not have any financial implications.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?** No.

b) **What is the financial cost of not implementing the legislation?** None seems apparent.

c) **Does this legislation affect any departments besides the originating department?**

Ens CITY CLERK

Some of the provisions would affect the Seattle Police Department as they would be responsible for enforcement.

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** None seems apparent.

e) **Is a public hearing required for this legislation?** No.

f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.

g) **Does this legislation affect a piece of property?** No.

h) **Other Issues:**

2015 CITY CLERK

Seattle City Attorney
Peter S. Holmes

December 2, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

Enclosed for the City Council's consideration is an ordinance making several changes to Seattle's criminal code to reflect changes made to the corresponding state statutes by the 2014 Legislature, to add to the code crimes and non-criminal violations that currently are defined in state law.

Section 1 changes the appointing authority for a judge *pro tem* from the Mayor to the Municipal Court presiding judge to correspond with state law. Section 2 authorizes a Municipal Court judge to hold a person in contempt of court. Sections 3, 4, 6 and 9 require that a defendant convicted of Assault with sexual motivation, Stalking, Violation of a sexual assault Protection Order or Communicating with a minor for Immoral Purposes to submit a DNA sample and pay a DNA sample fee. Section 7 authorizes Municipal Court to prohibit a defendant charged with violating a no-contact order from possessing a firearm. Section 19 creates the crime of Bail Jumping. Section 20 creates the crime of Contempt. Section 22 prohibits an intoxicated person from purchasing or consuming alcohol at a bar. Sections 23-25 create non-criminal standards of conduct for alcohol servers. Section 26 creates criminal standards of conduct for private security guards. All of these changes are designed to make our criminal code correspond with state statutes.

Section 6 updates the statutory reference to a 2013 session law. Sections 9-12 change the name of Patronizing a Prostitute to Sexual Exploitation to more accurately label this crime. Section 27 clarifies the statutory reference for the non-criminal violation of a vessel operator refusing to submit to an alcohol test. Section 28 clarifies the description of watercraft crimes. Sections 29 and 30 repeal the ordinances prohibiting smoking at polling places, which seem to be inconsistent with the changes made to the smoking in public ordinance last year.

Section 5 authorizes Municipal Court to issue a written no-contact order in cases of Indecent Exposure and Unlawful Use of Weapons to Intimidate. Section 8 adds to the list of prohibited burglar or auto theft tools an object commonly known as a "ninja rock," which is used to break a vehicle window. Sections 14 and 15 add to the list of prohibited weapons a "slung shot" and a butterfly knife. These changes are designed to address

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an equal employment opportunity employer

CITY CLERK

what we consider to be gaps in existing laws. Sections 16-18 incorporate the background check provisions of Initiative 594.

Thank you for your consideration of this legislation. Should you have questions, please contact Richard Greene at 684-8538.

Sincerely,

Peter S. Holmes
Seattle City Attorney

CITY CLERK

STATE OF WASHINGTON -- KING COUNTY

--ss.

320094 No.

CITY OF SEATTLE,CLERKS OFFICE

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:124684-688 TITLE ONLY

was published on

02/04/15

The amount of the fee charged for the foregoing publication is the sum of $108.50 which amount has been paid in full.

JENNIFER A. BORRETT
COMMISSION EXPIRES
NOTARY
STATE OF

Subscribed and sworn to before me on

02/04/2015

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on January 12, 2015, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124684

AN ORDINANCE relating to the City's criminal code; amending and adding to various sections and subsections in Chapters 3.33, 12A.06, 12A.08, 12A.10, 12A.14, 12A.16, 12A.20, 12A.24, 12A.28, 16.20 and 16.64 and repealing sections 2.20.010 and 2.20.020 of the Seattle Municipal Code.

ORDINANCE NO. 124685

AN ORDINANCE relating to the implementation and operation of a new regional 800 MHz emergency public safety radio communication system; authorizing the Chief Technology Officer of the Department of Information Technology to execute for and on behalf of the City of Seattle an interlocal agreement between the City of Seattle, King County and the Cities of Auburn, Bellevue, Federal Way, Issaquah, Kent, Kirkland, Mercer Island, Redmond, Renton and Tukwila for the purpose of planning, financing, procuring and implementing a new 800 MHz emergency radio communication system to be funded through a separate King County property tax ballot measure; and ratifying and confirming prior acts.

ORDINANCE NO. 124686

AN ORDINANCE relating to the City's traffic code; amending various sections and subsections in and adding sections to Chapters 11.22, 11.31, 11.34, 11.56, 11.57, 11.64, 11.66 and 11.82 and repealing sections 11.66.060, 11.66.080 and 11.66.100 of the Seattle Municipal Code to conform with changes in state law.

ORDINANCE NO. 124687

AN ORDINANCE relating to the future operation of a new regional 800 MHz emergency public safety radio communication system; authorizing the Chief Technology Officer of the Department of Information Technology to execute for and on behalf of the City of Seattle a memorandum of agreement between the City of Seattle, King County and the Cities of Auburn, Bellevue, Federal Way, Issaquah, Kent, Kirkland, Mercer Island, Redmond, Renton and Tukwila for the purpose of establishing key terms for a future interlocal agreement to create a non profit corporation, as provided under RCW 39.34.030, to manage, operate, and maintain a future regional emergency radio communication system.

ORDINANCE NO. 124688

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

Date of publication in the Seattle Daily Journal of Commerce, February 4, 2015.

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