SEATTLE CITY COUNCIL

Legislative Summary

CB 118704

Record No.: CB 118704 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 **Ord. no:** Ord 125052 **In Control:** City Clerk

File Created: 05/24/2016

Final Action: 06/14/2016

Title: AN ORDINANCE relating to voyeurism in a public place; amending Section 12A.10.120 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: González

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: Katelyn.Berger@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	06/01/2016	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk **Notes:**						
1	City Clerk	06/01/2016	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office **Notes:**						
1	Council President's Office	06/02/2016	sent for review	Gender Equity, Safe Communities, and New Americans Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Gender Equity, Safe Communities, and New Americans Committee **Notes:**						

1	Full Council	06/06/2016	referred	Gender Equity, Safe Communities, and New Americans Committee	

Action Text: The Council Bill (CB) was referred. to the Gender Equity, Safe Communities, and New Americans Committee

Notes:

1	Gender Equity, Safe Communities, and New Americans Committee	06/08/2016	pass		Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).

In Favor: 5 Chair González , Vice Chair Burgess, Member Bagshaw, Alternate Juarez, O'Brien

Opposed: 0

1	Full Council	06/13/2016	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 6 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Councilmember Herbold, Councilmember Johnson, Councilmember O'Brien

Opposed: 0

1	City Clerk	06/14/2016	submitted for Mayor's signature	Mayor	

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

1	Mayor	06/14/2016	Signed		

Action Text: The Council Bill (CB) was Signed.

Notes:

1	Mayor	06/14/2016	returned	City Clerk	

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

1	City Clerk	06/14/2016	attested by City Clerk		

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 125052

COUNCIL BILL 118704

AN ORDINANCE relating to voyeurism in a public place; amending Section 12A.10.120 of the Seattle Municipal Code.

WHEREAS, Seattle Municipal Code Section 12A.10.120 is intended to protect the privacy of individuals when they are in a public place; and

WHEREAS, amendments to Section 12A.10.120 will provide clarity with regard to prohibited conduct; and

WHEREAS, the terms of Section 12A.10.120 should be similar to RCW 9A.44.115, Washington's voyeurism statute, in order to ensure consistent application of the law; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.10.120 of the Seattle Municipal Code, last amended by Ordinance 121071, is amended as follows:

12A.10.120 Voyeurism in public places ((~~.~~))

A. As used in this ((~~section~~)) Section 12A.10.120:

1. "Intimate areas" means any portion of a person's body or undergarments that are covered by clothing and intended to be protected from public view.

2. "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording or transmission of the image of a person.

((~~1.~~)) 3. "Public place" means an area generally open to the public, regardless of whether it is privately owned, and includes, but is not limited to, streets, sidewalks,

bridges, alleys, plazas, parks, driveways, parking lots, transit stations, monorail trains, buses, commuter trains, shelters, tunnels, and buildings, including stores and restaurants.

((~~2. "Record" means to videotape, film, photograph, or record electronically.~~

~~3. "Transmit" means to send an image electronically.~~

~~4. "Intimate areas that the person has covered with clothing" does not include intimate areas visible through a person's clothing.~~

~~5. "Intimate areas" means any portion of a person's undergarments, pubic area, anus, buttocks, vulva, genitals, or female breast.~~))

4. "Circumstances where the person has a reasonable expectation of privacy" includes circumstances where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.

5. "Surveillance" means secret observation of the activities of another person for the purpose of spying upon and invading the privacy of the person.

B. A person is guilty of voyeurism in a public place if he or she intentionally ((~~records or transmits an image of another person's intimate areas that the person has covered with clothing and the image is taken while that person is in a public place and without that person's consent~~)) photographs or films the intimate areas of another person without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy while that person is in a public place.

C. Voyeurism in a public place is a gross misdemeanor. In addition to any penalties the court may impose, the court may order the destruction of any recording made in violation of this ((~~section~~)) Section 12A.10.120.

Section 2. Severability of provisions. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the terms and provisions to other persons or circumstances shall not be affected.

Section 3. This ordinance shall take effect and be in force 30 days 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 Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 13th day of June, 2016, and signed by me in open session in authentication of its passage this 13th day of June, 2016.

President Pro Tem of the City Council

Approved by me this 14 day of June, 2016.

Edward B. Murray, Mayor

Filed by me this 14th day of June, 2016.

Monica Martinez Simmons, City Clerk

(Seal)