

**SUMMARY and FISCAL NOTE\***

| <b>Department:</b> | <b>Contact Person/Phone:</b> | <b>Executive Contact/Phone:</b> |
|--------------------|------------------------------|---------------------------------|
| Law - Criminal     | Richard Greene 684-8538      |                                 |

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to the City's criminal code; amending Sections 3.33.030, 12A.08.140, 12A.08.170, 12A.10.150, 12A.14.010, 12A.14.160, and 12A.16.040 of the Seattle Municipal Code; adding Sections 12A.08.165, 12A.08.180, 12A.08.190, and 12A.10.160 to the Seattle Municipal Code; and repealing Sections 6.36.010, 6.36.020, 6.36.030, 6.36.040, 6.36.050, 6.36.060, 6.36.070, and 6.36.080 of the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Summary and background of the Legislation: This legislation changes Seattle's criminal code mostly to reflect changes made to corresponding state statutes by the 2016 Legislature. It specifies that the prosecution has a right to a jury trial in Municipal Court, provides definitions of terms used in the crimes of possession of another's identification, unlawful carrying of a pistol, unlawful delivery of a pistol by a dealer and unlawful possession of a loaded rifle in a motor vehicle, clarifies the definition of a term used in the crime of disclosing intimate images, creates the crimes of spoofing and electronic data tampering, prohibits carrying an air gun onto school premises and prohibits giving false identification to a police officer issuing a parks exclusion notice. The legislation also moves the crime of permitting the unlicensed practice of massage or reflexology from Chapter 6.36 to Chapter 12A.10 and repeals the remainder of Chapter 6.36 as the City cannot enforce its own licensing regulations where the state licenses massage practitioners and reflexologists.

**2. CAPITAL IMPROVEMENT PROGRAM**

**\_\_\_\_\_ This legislation creates, funds, or amends a CIP Project.**

(If box is checked, please attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page.)

| <b>Project Name:</b> | <b>Project I.D.:</b> | <b>Project Location:</b> | <b>Start Date:</b> | <b>End Date:</b> | <b>Total Cost:</b> |
|----------------------|----------------------|--------------------------|--------------------|------------------|--------------------|
|                      |                      |                          |                    |                  |                    |

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

Please check one:

**\_\_\_\_\_ This legislation has direct financial implications.** (If the legislation has direct fiscal impacts (appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" section.)

**X** **This legislation does not have direct financial implications.**  
(Please skip to "Other Implications" section at the end of the document and answer questions a-i.)

|   |                                |             |                               |             |
|---|--------------------------------|-------------|-------------------------------|-------------|
| <b>Budget program(s) affected:</b>        |                                |             |                               |             |
| <b>Estimated \$ Appropriation change:</b> | <b>General Fund \$</b>         |             | <b>Other \$</b>               |             |
|   | <b>2016</b>                    | <b>2017</b> | <b>2016</b>                   | <b>2017</b> |
| <b>Estimated \$ Revenue change:</b>       | <b>Revenue to General Fund</b> |             | <b>Revenue to Other Funds</b> |             |
|   | <b>2016</b>                    | <b>2017</b> | <b>2016</b>                   | <b>2017</b> |
| <b>Positions affected:</b>                | <b>No. of Positions</b>        |             | <b>Total FTE Change</b>       |             |
|   | <b>2016</b>                    | <b>2017</b> | <b>2016</b>                   | <b>2017</b> |
| <b>Other departments affected:</b>        |                                |             |                               |             |

### 3.a. Appropriations

       **This legislation adds, changes, or deletes appropriations.**  
(If this box is checked, please complete this section. If this box is not checked, please proceed to Revenues/Reimbursements.)

| <b>Fund Name and number</b> | <b>Dept</b> | <b>Budget Control Level Name/##</b> | <b>2016 Appropriation Change</b> | <b>2017 Estimated Appropriation Change</b> |
|-----------------------------|-------------|-------------------------------------|----------------------------------|--|
|                             |             |                                     |                                  |  |
| <b>TOTAL</b>                |             |                                     |                                  |  |

*\*See budget book to obtain the appropriate Budget Control Level for your department.*

(This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation please provide details in the Appropriation Notes section below. If the appropriation is not completely supported by revenue/reimbursements listed below, please identify the funding source (e.g. available fund balance) to cover this appropriation in the notes section. Also indicate if the legislation changes appropriations one-time, ongoing, or both.)

### Appropriations Notes:

### 3.b. Revenues/Reimbursements

       **This legislation adds, changes, or deletes revenues or reimbursements.**  
(If this box is checked, please complete this section. If this box is not checked, please proceed to Positions.)

### **Anticipated Revenue/Reimbursement Resulting from this Legislation:**

| <b>Fund Name and Number</b> | <b>Dept</b> | <b>Revenue Source</b> | <b>2016 Revenue</b> | <b>2017 Estimated Revenue</b> |
|-----------------------------|-------------|-----------------------|---------------------|-------------------------------|
|                             |             |                       |                     |                               |
| <b>TOTAL</b>                |             |                       |                     |                               |

(This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with

this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below. Do the revenue sources have match requirements? If so, what are they?)

Revenue/Reimbursement Notes:

**3.c. Positions**

☐ **This legislation adds, changes, or deletes positions.**  
(If this box is checked, please complete this section. If this box is not checked, please proceed to Other Implications.)

**Total Regular Positions Created, Modified, or Abrogated through this Legislation,  
Including FTE Impact:**

| Position # for Existing Positions | Position Title & Department* | Fund Name & # | Program & BCL | PT/FT | 2016 Positions | 2016 FTE | Does it sunset? (If yes, explain below in Position Notes) |
|-----------------------------------|------------------------------|---------------|---------------|-------|----------------|----------|---|
|                                   |                              |               |               |       |                |          |   |
|                                   |                              |               |               |       |                |          |   |
|                                   |                              |               |               |       |                |          |   |
| <b>TOTAL</b>                      |                              |               |               |       |                |          |   |

\* List each position separately

(This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below.)

Position Notes:

**4. OTHER IMPLICATIONS**

- a) **Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?** There would be some indirect cost to the Police Department in enforcing these new crimes and expanded crimes, the City Attorney's office in prosecuting the same and Municipal Court in adjudicating and sentencing the same. Inasmuch as the number of such violations undoubtedly will be very small, these indirect costs should be minimal.
- b) **Is there financial cost or other impacts of not implementing the legislation?** These new crimes are crimes under state law, which would be enforced in Seattle by the Police Department regardless of the legislation so the cost to that Department would not be affected by not implementing the legislation. The costs to the City Attorney's office and Municipal Court would be avoided by not implementing the legislation.

- c) **Does this legislation affect any departments besides the originating department?**  
This legislation would affect the Police Department, as officers would be enforcing these new crimes and expanded crimes, the City Attorney's office in prosecuting the same and Municipal Court in adjudicating and sentencing the same.
- d) **Is a public hearing required for this legislation?** No.
- e) **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?** 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) **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?** None seems apparent.
- i) **If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.** This legislation does not include any new initiatives or major programmatic expansions.
- j) **Other Issues:**

**List attachments/exhibits below:**