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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

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:

### 3.33.210 Summary punishment for contempt

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

9           B. A court, after a finding of contempt of court in a proceeding under subsection 3.33.210.A  
10 may impose for each separate contempt of court a punitive sanction of a fine of not more than \$500 or  
11 imprisonment for not more than 30 days, or both, or a remedial sanction set forth in RCW 7.21.030(2).  
12 A forfeiture imposed as a remedial sanction under this subsection may not exceed more than \$500 for  
13 each day the contempt continues.  
14

15           C. As used in this Section 3.33.210:

16                   “Contempt of court” means intentional:

- 17                   1. disorderly, contemptuous, or insolent behavior toward the judge while holding  
18 the court, tending to impair its authority, or to interrupt the due course of a trial or other judicial  
19 proceedings;
- 20                   2. disobedience of any lawful judgment, decree, order, or process of the court;
- 21                   3. refusal as a witness to appear, be sworn, or, without lawful authority, to answer  
22 a question; or  
23  
24

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

1 object.

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

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

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

9 **12A.06.010 Assault((:))**

10 \* \* \*

11  
12 B. The City Attorney may file a special allegation of sexual motivation when the person  
13 intentionally assaults another person and one of the purposes for the assault was for the actor's sexual  
14 gratification. Such a special allegation must be proved beyond a reasonable doubt, with either the court  
15 making a finding of fact as to this special allegation if it finds the defendant guilty of assault or, if a jury  
16 trial is had, the jury finding a special verdict as to this special allegation if it finds the defendant guilty of  
17 assault. Every person convicted of Assault where such special allegation has been found shall have a  
18 biological sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754,  
19 and shall pay a fee of \$100, as provided in RCW 43.43.7541.

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

22 **12A.06.035 Stalking((:))**

23 G.  
24



restrained knows of the order, a violation of any of the following provisions of the order is a gross  
1 misdemeanor:

2 1. the restraint provisions prohibiting acts or threats of violence against or stalking of a  
3 protected party, restraint provisions prohibiting contact with a protected party or restraint provisions  
4 prohibiting harassing, following, keeping under physical or electronic surveillance, cyberstalking or  
5 monitoring the actions, location or communication of a protected party, a protected party's children or  
6 members of a protected party's household;

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

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

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

13 5. a provision of a foreign protection order specifically indicating that a violation will be  
14 a crime.  
15

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

21 \* \* \*

22 C. A violation of an order issued under this 12A.06, (~~chapter, the chapter created by Laws of~~  
23 ~~2013, chapter 84, section 33;~~) RCW Chapter 7.90, 7.92, 9.94A, 9A.46, 10.99, 26.09, 26.10, 26.26,  
24

1 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or of a  
2 valid foreign protection order as defined in RCW 26.52.020 shall also constitute contempt of court, and  
3 is subject to the penalties prescribed by law.

4 D. Upon the filing of an affidavit by the petitioner or any peace officer alleging that the  
5 respondent has violated an order issued under this chapter 12A.06, ~~((the chapter created by Laws of~~  
6 ~~2013, chapter 84, section 33,))~~ RCW Chapter 7.90, 7.92, 9.94A, 9A.46, 10.99, 26.09, 26.10, 26.26,  
7 26.50 or 74.34 or an equivalent ordinance by this court or any court of competent jurisdiction or a valid  
8 foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent,  
9 requiring the respondent to appear and show cause within ~~((fourteen ()))~~ 14 ~~(( ))~~ days why the respondent  
10 should not be found in contempt of court and punished accordingly.

11 \* \* \*

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

15 Section 7. Section 12A.06.195 of the Seattle Municipal Code, as last amended by Ordinance  
16 124301, is amended as follows:

17 **12A.06.195 Court order requiring surrender of firearm, dangerous weapon or concealed pistol**  
18 **license~~(( ))~~**

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

21 ~~((1-))~~ "Dangerous weapon" means a dagger, dirk, spring blade knife, knife the blade of  
22 which is automatically released by a spring mechanism or other mechanical device, knife having  
23 a blade which opens, falls or is ejected into position by the force of gravity or by an outward,  
24

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.

1 C. During any period of time a person is subject to a court order issued under Section  
2 12A.06.035, 12A.06.040, 12A.06.130, 12A.06.165 or 12A.06.170 after a hearing of which the person  
3 received actual notice and at which the person had an opportunity to participate, that restrains the person  
4 from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner  
5 or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily  
6 injury to the partner or child, that includes a finding that the person represents a credible threat to the  
7 physical safety of the intimate partner or child, and, that, by its terms, explicitly prohibits the use,  
8 attempted use, or threatened use of physical force against the intimate partner or child that would  
9 reasonably be expected to cause bodily injury, the court shall:

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

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

12 9.41.070;

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

14 and

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

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

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

21 F. ((E-)) The court may require the party to ((surrender any firearm or dangerous weapon in or  
22 subject to the party's immediate possession or control to the King County Sheriff, the Seattle Chief of  
23 Police, the party's counsel or any person designated by the court.  
24

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

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

6 **12A.08.115 Making or having burglar or auto theft tools((=))**

7 \* \* \*

8 B. The following tools are to be considered prohibited implements; slim jim, false master key,  
9 master purpose key, altered or filed key, trial ("jiggler") keys, slide hammer, lock puller, ceramic or  
10 porcelain spark plug chips or pieces, or any other implement shown by facts and circumstances is  
11 intended to be used in the commission of a burglary or vehicle involved theft.

12 \* \* \*

13 Section 9. Section 12A.10.040 of the Seattle Municipal Code, as last amended by Ordinance  
14 123944, is amended as follows:

15 **12A.10.040 Sexual Exploitation ((Patronizing a prostitute.))**

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

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

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

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

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

- 7 1. not be subsequently arrested for sexual exploitation or a similar statute or local  
8 ordinance (~~patronizing a prostitute~~) or commercial sexual abuse of a minor;
- 9 2. remain outside the geographical area, prescribed by the court, in which the person was  
10 arrested for this crime, unless this requirement would interfere with the person's legitimate employment  
11 or residence or otherwise be infeasible; and
- 12 3. fulfill the terms of a program, if a first-time offender, designated by the court, designed  
13 to educate offenders about the negative costs of prostitution.

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

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

17 Section 10. Section 12A.10.050 of the Seattle Municipal Code, as enacted by Ordinance  
18 102843, is amended as follows:

19 **12A.10.050 Prostitution and sexual exploitation (~~patronizing a prostitute~~)—No defense((~~r~~))**

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

- 23 A. Such persons were of the same sex; or
- 24

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

3 Section 11. Section 12A.10.110 of the Seattle Municipal Code, as last amended by Ordinance  
4 122939, is amended as follows:

5 **12A.10.110 Convicted persons—Mandatory counseling and costs for certain offenses((:))**

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

15 \* \* \*

16 C. All persons ordered to complete such counseling as a result of a conviction or non-conviction  
17 disposition of sexual exploitation ((patronizing a prostitute)) charge shall also be responsible for the cost  
18 of the counseling. Effective in 2009, the amount of the charge is set at \$150 ((-00)). This charge is based  
19 upon the anticipated cost of the counseling program and the number of individuals who are likely to  
20 receive and pay for the counseling in each calendar year. This base fee will increase annually beginning  
21 in 2010 consistent with the rate of increase in the Seattle-Tacoma CPI, rounded to the nearest \$.50.  
22 Every three years, the Director of the Human Services Department may recommend a further change of  
23 the fee based upon evaluation of program costs and revenues. Funds collected pursuant to this  
24

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

deferred prosecution, a deferred sentence, a statutory or non-statutory diversion agreement or RCW

1 Chapter 10.77. Any refund under this subsection shall be paid by the police department.

2 Section 13. Section 12A.10.140 of the Seattle Municipal Code, as enacted by Ordinance  
3 124301, is amended as follows:

4 **12A.10.140 Communicating with a minor for immoral purposes~~(-)~~**

5 \* \* \*

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

9 Section 14. Section 12A.14.010 of the Seattle Municipal Code, as last amended by Ordinance  
10 123395, is amended as follows:

11 **12A.14.010 Definitions.**

12 The following definitions apply in this Chapter 12A.14 ~~((chapter))~~:

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

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

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

21 ~~((D-))~~ "Fixed-blade knife" means any knife, regardless of blade length, with a blade which is  
22 permanently open and does not fold, retract or slide into the handle of the knife, and includes any  
23  
24

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

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

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

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

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

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

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

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

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

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

21 ((H:)) "Switchblade knife" means any knife having a blade that opens automatically by hand  
22 pressure applied to a button, spring mechanism, or other device, or a blade that opens, falls or is ejected  
23  
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into position by force of gravity or by an outward, downward, or centrifugal thrust or movement, and  
1 includes what is commonly known as a "butterfly knife."

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

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

6 Section 15. Subsection 12A.14.080.A of the Seattle Municipal Code, which section was last  
7 amended by Ordinance 124301, is amended as follows:

8 **12A.14.080 Unlawful use of weapons((r))**

9 It is unlawful for a person knowingly to:

10 A. Sell, manufacture, purchase, possess or carry any blackjack, sand-club, metal knuckles,  
11 switchblade knife, chako stick, slungshot or throwing star; or

12 \* \* \*

13  
14 Section 16. Section 12A.14.180 of the Seattle Municipal Code, as enacted by Ordinance  
15 124301, is amended as follows:

16 **12A.14.180 Unlawful delivery of pistol by dealer((r))**

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

18 1. The purchaser produces a valid concealed pistol license and the dealer has recorded the  
19 purchaser's name, license number, and issuing agency, such record to be made in triplicate and  
20 processed as provided in subsection D of this section. For purposes of this subsection A1, a "valid  
21 concealed pistol license" does not include a temporary emergency license, and does not include any  
22 license issued before July 1, 1996, unless the issuing agency conducted a records search for  
23 disqualifying crimes under RCW 9.41.070 at the time of issuance; or  
24

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:

**12A.14.185 Unlawful delivery of firearm by licensed dealer**

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

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

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

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

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

14 **12A.14.195 Unlawful sale or transfer of firearm**

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

16 1 The person is a licensed dealer; or

17 2 The purchaser or transferee is a licensed dealer; or

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

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

21 1. The seller or transferor shall deliver the firearm to a licensed dealer to process the sale  
22 or transfer as if it is selling or transferring the firearm from its inventory to the purchaser or transferee,  
23  
24

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

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

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

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

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

20 C. It is an affirmative defense to a charge of violating subsection 12A.14.195.A, which the  
21 defendant must prove by a preponderance of the evidence, that the sale or transfer is:  
22  
23  
24

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

4           2. The sale or transfer of an antique firearm;

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

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

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

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

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

17           6. The temporary transfer of a firearm:

18               a. between spouses or domestic partners;

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

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

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

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

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

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

19 D. Any person violating any provision of this Section 12A.14.195 is guilty of a gross  
20 misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability  
21 shall be imposed and none of the mental states described in Section 12A.04.030 need be proved. Each  
22 firearm sold or transferred without complying with the background check requirement of this Section  
23 12A.14.195 is a separate offense.  
24

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

1 **12A.16.080 Bail jumping**

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

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

10 C. Bail jumping is a misdemeanor.

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

12 **12A.16.100 Contempt of court**

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

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

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

18 3. refuses as a witness to appear, be sworn, or, without lawful authority, to answer a  
19 question; or  
20

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

22 B. If a complaint charging a person with contempt of court is filed by the city attorney at the  
23 request of a judge presiding in an action or proceeding to which a contempt relates, that judge shall be  
24

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

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

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

9 **12A.20.100 Opening or consuming marijuana products in public~~((:))~~**

10 \* \* \*

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

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

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

21 ~~((3-))~~ "Marijuana-infused products" means products that contain marijuana or marijuana  
22 extracts, ~~((and))~~ are intended for human use, and have a THC concentration greater than 0.3 percent and  
23 no greater than 60 percent, but does not include either useable marijuana or marijuana concentrates.  
24

1 ((4-)) "Marijuana concentrates" means products consisting wholly or in part of the resin  
2 extracted from any part of the plant Cannabis and having a THC concentration greater than 60 percent.

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

7 Section 22. Section 12A.24.135 of the Seattle Municipal Code, as enacted by Ordinance  
8 124301, is amended as follows:

9 **12A.24.135 Sale to or purchase or consumption by intoxicated person((-))**

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

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

15  
16 Section 23. A new Section 12A.24.145 is added to the Seattle Municipal Code as follows:

17 **12A.24.145 Standards of conduct for licensees and employees**

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

- 20 1. Be disorderly or apparently intoxicated on the licensed premises; or  
21 2. Permit any disorderly person to remain on the licensed premises; or  
22 3. Engage in or allow behavior that provokes conduct which presents a threat to public  
23 safety; or  
24

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

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

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

5 2) Drinks must be served in unlabeled containers;

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

7 4) Entertainers may not promote drink specials; and

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

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

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

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

20 6. Engage in or permit any employee or other person to engage in the consumption of  
21 any type of marijuana, usable marijuana, or marijuana-infused products in a liquor licensed business,  
22 including outdoor service areas or any part of the property owned or controlled by the licensee; or  
23  
24

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

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

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

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

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

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

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

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

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

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

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

23 **12A.24.147 Refusal to permit inspection**  
24

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((~~7~~))**

A. An offense under Section 12A.24.025 ((~~7~~)) is a class 3 civil infraction under RCW Chapter 7.80. 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.

\* \* \*

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

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

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

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

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

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

17           6. Performs the functions and duties of a private security guard and possesses or uses any  
18 vehicle or equipment displaying the word "police" or "law enforcement officer" or having any sign,  
19 shield, marking, accessory or insignia indicating that the equipment or vehicle belongs to a public law  
20 enforcement agency;  
21  
22  
23  
24

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

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

5 "Armed private security guard" means a private security guard who has a current  
6 firearms certificate issued by the criminal justice training commission established in RCW Chapter  
7 43.101 and is licensed as an armed private security guard under RCW Chapter 18.170.

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

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

12 "Private security company" means a person or entity licensed under RCW Chapter  
13 18.170 and engaged in the business of providing the services of private security guards on a contractual  
14 basis.

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

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

1 C. Except as otherwise provided in this Section 12A.28.220, absolute liability shall be imposed  
2 for violation or failure to comply with this section and none of the mental states described in Section  
3 12A.04.030 need be proved. (RCW 18.170.160)

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

6 **16.20.112 Refusal to submit to test((:))**

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

10 \* \* \*

11 Section 28. Section 16.64.050 of the Seattle Municipal Code, as last amended by Ordinance  
12 124301, is amended as follows:

13 **16.64.050 Penalties for criminal offenses((:))**

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

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

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

- 21 1. Section 16.20.110—Intoxication
  - 22 2. Section 16.20.115—Failure to stop;
  - 23 3. Section 16.24.010—Information and assistance.
- 24

1 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 ~~((2.20.010 Smoking prohibited.~~

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

6 Section 30. Section 2.20.020 of the Seattle Municipal Code, as last amended by Ordinance  
7 104196 and that currently reads as follows, is repealed:

8 ~~((2.20.020 Violation—Penalty.~~

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

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

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

3 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2015, and signed by  
4 me in open session in authentication of its passage this  
5 \_\_\_\_ day of \_\_\_\_\_, 2015.

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

8 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

9 \_\_\_\_\_  
10 Edward Murray, Mayor

11 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

12 \_\_\_\_\_  
Monica Martinez Simmons, City Clerk

13 (Seal)

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
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?**

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:**



# Seattle City Attorney

Peter S. Holmes

December 2, 2014

Honorable Tim Burgess  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> 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

December 2, 2014

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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,

A handwritten signature in cursive script, appearing to read "Peter S. Holmes".

Peter S. Holmes  
Seattle City Attorney