



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

Ver- sion:	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 06/08/2016 pass Pass
Communities, and New
Americans Committee
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
Mayor's signature
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.

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.

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

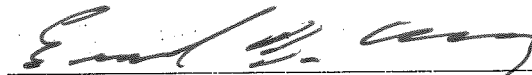
Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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.



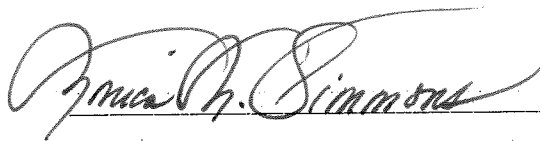
President Pro Tem of the City Council

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)

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
SPD	Gary Smith 733-9318	Rebecca Boatright 233-5023

** 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 voyeurism in a public place; amending Section 12A.10.120 of the Seattle Municipal Code.

Summary and background of the Legislation: This legislation approves amendment to Seattle Municipal Code Section 12A.10.120, Voyeurism in Public Places. In September 19, 2002, the Washington State Supreme Court issued its decision in State v. Glas, in which the court determined that RCW 9A.44.115, the state voyeurism statute, does not apply to acts of voyeurism committed in public places. Subsequent to that decision, the City Council enacted SMC 12A.10.120 to make it clear that an individual has a reasonable expectation of privacy in intimate areas of their bodies covered with clothing, even if the individual is in a public place. After SMC 12A.10.120 was enacted, the state voyeurism statute was amended to address the State v. Glas decision. The current version of the state statute withstood legal challenges that its terms were too vague to provide adequate notice to an individual regarding what conduct was prohibited.

The primary reasons for the proposed changes to SMC 12A.10.120 with this ordinance are (1) to provide clarity to individuals regarding prohibited conduct by including language from the state statute that was upheld by the courts; and (2) ensure consistent application of the state and local laws prohibiting voyeurism.

2. CAPITAL IMPROVEMENT PROGRAM

 This legislation creates, funds, or amends a CIP Project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

 X This legislation does not have direct financial implications.

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?
No.
- b) Is there financial cost or other impacts of not implementing the legislation?
No.

- c) **Does this legislation affect any departments besides the originating department?**
No.
- 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?**
N/A.
- 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?**
No.
- 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.**
N/A
- j) **Other Issues:**

List attachments/exhibits below:

STATE OF WASHINGTON -- KING COUNTY

--SS.

339011

No. TITLE ONLY

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:125052-53,125062

was published on

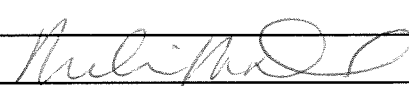
06/28/16

The amount of the fee charged for the foregoing publication is the sum of \$46.26 which amount has been paid in full.

MELISSA M. DOWD
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
11-21-19


Subscribed and sworn to before me on

06/28/2016


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 June 13, 2016, 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 125052

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

Ordinance 125053

AN ORDINANCE relating to land use and zoning; amending Section 23.40.060 of the Seattle Municipal Code to extend the enrollment period for the Living Building Pilot Program.

Ordinance 125062

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

Date of publication in the Seattle Daily Journal of Commerce, June 28, 2016.

6/28(339011)