

September 26, 2022

MEMORANDUM

To: Public Safety and Human Services Committee
From: Asha Venkataraman, Analyst
Subject: Council Bill 120422: Annual criminal code update

On September 27, 2022, the Public Safety and Human Services Committee will discuss and likely vote on [Council Bill \(CB\) 120422](#), which would align the Seattle Municipal Code with changes made in the state law and make various technical corrections. This memorandum provides a description of the changes proposed in CB 120422.

Background

During its legislative session, the Washington State legislature makes various changes to the Revised Code of Washington (RCW) relating to criminal laws. Seattle's criminal code ([Title 12A](#)) must align with state law to ensure consistency and prevent conflicting provisions. In addition, Seattle is not permitted to charge crimes at a higher level than allowed by the State. This update to the code usually occurs annually.

CB 120422

This legislation would make the following primary changes:

- Match the sentencing and penalty options for cruelty to animals to the State's (Sections 1 and 2);
- Clarify when the City has jurisdiction when electronic communication is part of an offense, adding definitions for "electronic communication" and "electronic tracking device," and updating the definition of "property" (Sections 3 and 4);
- Add a new subsection that clarifies that use of force against another person is not justified on the basis of another person's actual or perceived gender, gender identity, gender expression, or sexual orientation (Section 5);
- Update the crime of cyberstalking and add provisions regarding cyber harassment (Sections 6 and 7);
- Repeal domestic violence provisions (Sections 8 - 17) and replaces applicable sections by adopting RCW sections relating to domestic violence and protection orders;
- Add to the offense of "disorderly conduct" "creating a substantial risk of assault" via repeated use of "fighting words or obscene language" "with the intent to annoy or alarm" (Section 19);

- Update and add weapons and firearm provisions:
 - Add definitions (Section 20);
 - Match penalties with the State regarding possession of dangerous weapons on school facilities (Section 21)¹ and weapons in prohibited places (Section 22); and
 - Add offenses regarding:
 - Weapons prohibited at permitted demonstrations (Section 23);
 - Weapons at voting facilities (Section 24);
 - Large capacity magazines (Section 25);
 - Untraceable firearms (Section 26); and
 - Unfinished firearms (Section 27);
- Add to the offense of false reporting when reporting is likely to cause an emergency response and defines the term emergency response (Section 28); and
- Change the element of bail jumping from having knowledge of the requirement to appear to when written notice of a requirement to appear is provided and a defense to the offense by not negligently disregarding of the requirement to appear (rather than reckless disregard) (Section 29).

The summary and fiscal note indicates that there may be costs to the Seattle Police Department, the City Attorney’s Office and Seattle Municipal Court in adjudicating and sentencing the new crimes. It is unclear what the scope of those costs are at this time.

Next Steps

If the Public Safety and Human Services Committee votes in favor of approving CB 120422, it will be at City Council for a vote on October 11.

cc: Esther Handy, Director
Aly Pennucci, Deputy Director

¹ As mentioned in the summary and fiscal note, because Seattle is not legally allowed to charge crimes at a higher level than the State allows, this change is reflected in the SMC. But these changes would reduce first violations of carrying a dangerous weapon on school facilities, grounds, and buses from gross misdemeanors to misdemeanors. The City Attorney’s Office does not support this change and is working with the Office of Intergovernmental Relations to have the Washington State Legislature reverse this amendment at its next session.