

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
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** 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

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: