

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Law – Criminal Division	Richard Greene	

** 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; removing the separate crime of malicious harassment and creating a special allegation of hate crime motivation; and amending Section 12A.06.115 of the Seattle Municipal Code.

Summary and background of the Legislation: This ordinance authorizes the City Attorney to allege that a criminal incident of assault, harassment or property destruction was motivated by the defendant’s perception of the victim’s race, color, religion, ancestry, national origin, gender, sexual orientation, mental handicap, physical handicap, sensory handicap, homelessness, marital status, political ideology, age, or parental status. This special allegation would need to be proved beyond a reasonable doubt to either a jury or a judge.

2. CAPITAL IMPROVEMENT PROGRAM

- a. Does this legislation create, fund, or amend a CIP Project?** No

3. SUMMARY OF FINANCIAL IMPLICATIONS

- a. Does this legislation amend the Adopted Budget?** No
- b. Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**
No. As this ordinance does not create any new crime, but simply allows adding a special allegation to a criminal charge that is already going to be filed, it should not have any fiscal impact on the City Attorney’s office or Municipal Court.
- c. Is there financial cost or other impacts of *not* implementing the legislation?** No.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?**
Seattle Police Department would need to ensure that an incident report involving a possible hate crime includes all relevant information regarding the victim’s status and the suspect’s motivations. In the event a particular defendant is convicted of assault, harassment or property destruction and the special allegation is proved, the Municipal Court judge might impose a sentence different from that which would have been imposed absent this special allegation.
- b. Is a public hearing required for this legislation?** No.

- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?** No.
- d. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.
- e. **Does this legislation affect a piece of property?** No.
- f. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?** This ordinance should enhance the protection, or at least the perception of protection, of vulnerable or historically disadvantaged communities. It also serves to communicate to the public that the City is dedicated to the maximum protection permitted by law of such communities and respects such communities.
- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).** The number of cases that include such a special allegation can be tracked, as well as the number of such cases in which the special allegation is proven.

List attachments/exhibits below: