

**SUMMARY and FISCAL NOTE\***

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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 the City’s criminal code; conforming the Seattle Municipal Code to state law for crimes that require the submission of biological samples to the State of Washington; making technical corrections; adding a new Chapter 12A.09 to the Seattle Municipal Code; amending Sections 3.33.020, 12A.04.100, 12A.06.030, 12A.06.130, 12A.06.155, 12A.06.195, and 12A.10.070 of the Seattle Municipal Code; and repealing Sections 12A.06.010, 12A.06.035, 12A.06.040, 12A.06.180, 12A.10.040, 12A.10.130, and 12A.10.140 of the Seattle Municipal Code.

**Summary and background of the Legislation:** Council Bill (CB) 000000 would conform the Seattle Municipal Code (SMC) to state law for eleven serious or sex-related crimes that require the submission of biological samples (DNA) to the Washington State Patrol (WSP) Crime Lab.

Until 2014, the Washington State Patrol (WSP) Crime Lab had been processing and entering into the federal CODIS (Combined DNA Index System) database DNA from offenders convicted of misdemeanor crimes defined in the SMC. WSP officials discontinued this practice in 2014 because they believe that it is not legal for the state to process DNA from offenders that are convicted of local crimes under local statutes. A recent Attorney General’s (AG) opinion noted that the WSP crime lab would be bound to process Seattle DNA if the SMC definitions are conformed to the RCW definitions.

The City Attorney’s Office transmitted to the Council CB 000000 to comply with the AG opinion. The CAO has indicated that the proposed legislation does not substantively change the elements for any of the eleven crimes.

**2. CAPITAL IMPROVEMENT PROGRAM**

Does this legislation create, fund, or amend a CIP Project? \_\_\_ Yes X No

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

Does this legislation amend the Adopted Budget? \_\_\_ Yes X No

**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?**

Staff from the Seattle Police Department have indicated that a recent change in state law shifts from Seattle Assistant City Prosecutors to the Seattle Police Department the burden of collecting DNA from out-of-custody offenders. SPD is still investigating the increased costs associated with DNA collection. The cost to SPD will likely be absorbed within existing budget.

**Is there financial cost or other impacts of *not* implementing the legislation?**

Implementing the legislation will allow SPD and other law enforcement agencies to use DNA evidence to solve crimes, catch perpetrators and bring justice to victims and their families.

**3.a. Appropriations**

\_\_\_ This legislation adds, changes, or deletes appropriations.

**3.b. Revenues/Reimbursements**

\_\_\_ This legislation adds, changes, or deletes revenues or reimbursements.

**3.c. Positions**

\_\_\_ This legislation adds, changes, or deletes positions.

**4. OTHER IMPLICATIONS**

**a. Does this legislation affect any departments besides the originating department?**

Yes, the legislation will have fiscal and operational impacts on the Seattle Police Department. See narrative above.

**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? What is the Language Access plan for any communications to the public?**

Staff from the Law Department have indicated that the legislation will not lead to any new processes as the City currently collects DNA from offenders for the SMC crimes being synched with the RCW.

Staff from the ACLU of Washington have indicated that the collection and storing of DNA represents an intrusion on privacy, and also presents risks of misuse, which will necessarily be experienced disproportionately by people of color who are disproportionately represented in the criminal justice system.

- 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).**