

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO 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 crimes and offenses; conforming the Seattle Municipal Code with changes in state law; amending Sections 12A.04.110, 12A.06.120, 12A.06.195, 12A.10.020, 12A.14.010, 12A.14.140, 12A.14.150, 12A.14.180, and 12A.14.185 of the Seattle Municipal Code; and adding new Sections 12A.14.230 and 12A.14.240 to the Seattle Municipal Code.

Summary and background of the Legislation: This legislation changes Seattle's criminal code mostly to reflect changes made to corresponding state statutes by the 2019 Legislature. It expands the scope of criminal liability of a business entity and increase the maximum penalty that can be imposed on a business entity convicted of a crime. It distinguishes intimate partner domestic violence from domestic violence involving person who are not intimate partners. A domestic violence defendant who is ordered to surrender any firearms and concealed pistol license as a condition of pretrial release is required to surrender those firearms and license immediately to the police department. A person may not be charged with Prostitution if the evidence for this charge results from the person seeking emergency assistance as a result of being the victim of a violent offense, felony Assault or Rape. Certain terms used in Seattle's firearms ordinances are defined consistently with state law. Correctional employees carrying pistols need to have their eligibility to do so verified by not necessarily by the national instant criminal background check system. Carrying a loaded rifle in a motor vehicle is made a strict liability crime. A dealer selling a semiautomatic assault rifle must verify that the buyer is eligible to possess a firearm and has completed a firearms safety course and must warn the buyer of the danger of having a firearm in the home and give the buyer a Department of Wildlife pamphlet about the limits of firearms use and firearms safety. A firearms dealer may not deliver a firearm to a buyer until verifying that the buyer has not filed a voluntary surrender of firearms rights form. This legislation creates two new gross misdemeanor crimes – possessing a firearm after being prohibited from doing so by an extreme risk protection order and aiding or assisting in the manufacture of an untraceable firearm.

2. CAPITAL IMPROVEMENT PROGRAM

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

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? 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?

There could be some indirect cost to the Police Department, the City Attorney's office and Municipal Court in adjudicating and sentencing the new crimes, expanded crimes or increased punishments, but inasmuch as the number of such violations undoubtedly will be very small, these indirect costs should be minimal.

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

These new crimes and expanded crimes are crimes under state law, which would be enforced in Seattle by the Police Department regardless of the legislation so the cost to that Department would not be affected by not implementing the legislation. The costs to the City Attorney's office and Municipal Court would be avoided by not implementing the legislation. Not clarifying the scope of a defendant's obligation to surrender a firearm would likely generate or maintain uncertainty regarding the applicability of this obligation. Not implementing the firearms changes would have no practical effect as state law would still apply in Seattle, but would create a potentially confusing inconsistency between state law and our criminal code. Not implementing the Prostitution change should have no effect as we don't prosecute such crimes currently.

4. OTHER IMPLICATIONS

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

This legislation would affect the Police Department, as officers would be enforcing these new crimes, the City Attorney's office in prosecuting the same and Municipal Court in adjudicating and sentencing the same.

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? No RSJI impact seems apparent.

- 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).** This legislation does not include any new initiatives or major programmatic expansions.

List attachments/exhibits below: