



Legislation Text

File #: CB 119288, Version: 1

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

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.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 12A.06.115 of the Seattle Municipal Code, last amended by Ordinance 123395, is amended as follows:

**12A.06.115 ((Malicious harassment.)) Hate crime motivation**

~~((A. A person is guilty of malicious harassment if he or she))~~ In a prosecution for assault under Section 12A.06.010, harassment under Section 12A.06.040, or property destruction under Section 12A.08.020, the City Attorney may file a special allegation of hate crime motivation when the defendant ((maliciously and)) intentionally commits ((one (1) of the following acts)) the act because of ((his or her)) the defendant's perception of another person'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. Such a special allegation must be proved beyond a reasonable doubt, with either the court making a finding of fact as to this special allegation if it finds the defendant guilty of the crime or, if a jury trial is had, the jury finding a special verdict as to this special allegation if it finds the defendant guilty of the crime. ((:

~~1. Causes physical injury to another person; or~~

~~2. By threat places another person in reasonable fear of harm to his or her person or property or harm to the person or property of a third person; provided however, that it shall not constitute malicious harassment for a person to speak or act in a critical, insulting, or deprecatory way so long as his or her words or~~

~~conduct do not constitute a threat of harm to the person or property of another person; or~~

~~3. Causes physical damage to or the destruction of the property of another person.~~

~~B. "Threat" means to communicate, directly or indirectly, the intent to:~~

~~1. Cause bodily injury immediately or in the future to another; or~~

~~2. Cause damage immediately or in the future to the property of another; or~~

~~3. Subject another person to physical confinement or restraint.~~

C.)) For purposes of this ((section: "Homelessness")) Section 12A.06.115, "homelessness" means the status or condition of being without a home, including, but not limited to, the state of living in the streets.

~~((D. Every person who, in the commission of malicious harassment, shall commit any other crime, may be punished therefor as well as for the malicious harassment, and may be prosecuted for each crime separately.~~  
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Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Monica Martinez Simmons, City Clerk

(Seal)