

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 crimes and punishment; conforming the Seattle Municipal Code with changes in state law and making technical corrections; amending Sections 9.25.030, 9.25.100, 12A.02.050, 12A.02.150, 12A.06.045, 12A.09.020, 12A.10.150, 12A.12.010, 12A.14.010, 12A.14.160, 12A.14.170, 12A.16.040, and 12A.16.080 of the Seattle Municipal Code; adding new Sections 12A.04.215, 12A.06.047, 12A.14.175, 12A.14.177, 12A.14.230, 12A.14.240, and 12A.14.260 to the Seattle Municipal Code; and repealing Sections 12A.06.120, 12A.06.130, 12A.06.150, 12A.06.155, 12A.06.160, 12A.06.165, 12A.06.170, 12A.06.175, 12A.06.185, and 12A.06.190 of 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 2022 Legislature.

The primary effects of this ordinance are to:

- Increase penalty options regarding cruelty to animals (Sections 1 and 2);
- Set the City’s jurisdiction when electronic communication is part of an offense (Section 3);
- Add definitions of “electronic communication” and “electronic tracking device” and update the definition of “property” (Section 4);
- Prohibit use of force against someone due to their actual or perceived gender, gender identity, gender expression, or sexual orientation (Section 5);
- Update provisions regarding cyberstalking and adds provisions regarding cyber harassment (Sections 6 and 7);
- Adopt RCW provisions related to the rest of this ordinance (Section 18) and repeal Seattle Municipal Code provisions related to the RCW domestic violence provisions adopted by Ordinance 125881 (Sections 8-17);
- Add a type of disorderly conduct involving “creating a substantial risk of assault” via repeated use of “fighting words or obscene language” “with the intent to annoy or alarm” (Section 19);
- Update and adds several firearm and weapon provisions (Sections 20-27);
- Add a type of false reporting when the reporting is likely “to cause an emergency response” (Section 28); and
- Update standards surrounding bail jumping (Section 29).

Because Seattle may not charge crimes at a higher level than the state allows, Section 21 amends Seattle Municipal Code subsection 12A.14.160.B to be in line with recent state law

changes. Notably, these code changes reduce first violations of carrying a dangerous weapon on school facilities, grounds, and buses from gross misdemeanors to misdemeanors. The City Attorney's Office does not support this change and believes that it puts students, teachers, and other school officials at increased risk. In the interest of protecting schoolchildren, City Attorney Davison is working with the Office of Intergovernmental Relations to have the Washington State Legislature reverse this amendment at its next session.

2. CAPITAL IMPROVEMENT PROGRAM

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

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes ___ 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.

Are there financial costs or other impacts of *not* implementing the legislation?

These new 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.

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 Seattle Municipal Court in adjudicating and sentencing the same.
- b. **Is a public hearing required for this legislation?** No.
- c. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.
- d. **Does this legislation affect a piece of property?** No.
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged**

communities? None seems apparent.

f. Climate Change Implications

1. **Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?** No.
2. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.** No.

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 a new initiative or major programmatic expansion.

Summary Attachments: None.