

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Law	Ann Davison	

** 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 controlled substances; adding the crimes of possession of a controlled substance and use of a controlled substance in a public place; and amending Section 12A.09.020 of the Seattle Municipal Code.

Summary and Background of the Legislation:

The possession of dangerous drugs and the use of dangerous drugs in public places such as sidewalks, parks, and bus stops are major public safety and public health hazards for Seattle. Drug overdoses have risen exponentially for the past several years, driven principally by addiction to fentanyl and methamphetamine. The State Legislature passed a bill, 2E2SSB 5536, which creates a gross misdemeanor crime to possess controlled substances or use controlled substances in public places. 2E2SSB 5536 is effective July 1, 2023. Pursuant to RCW 39.34.180, the City is responsible for handling all gross misdemeanor crimes occurring in the City. Pursuant to RCW 69.50.608 and RCW 35.22.280(35), the penalty and disposition provisions of the City's criminal ordinances must be the same as provided for in state law. The proposed ordinance would make possession of controlled substances and use of controlled substances in a public place a gross misdemeanor, consistent with 2E2SSB 5536.

2. CAPITAL IMPROVEMENT PROGRAM

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

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill.
Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:	Total Project Cost Through 2028:

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

If there are no changes to appropriations, revenues, or positions, please delete the table below.

Appropriation change (\$):	General Fund \$		Other \$	
	2023	2024	2023	2024

Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2023	2024	2023	2024
Positions affected:	No. of Positions		Total FTE Change	
	2023	2024	2023	2024

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?

Yes. The legislation will increase the number of crimes filed in Municipal Court. At a certain point, the City Attorney's Office, the Municipal Court, and the contract Public Defenders (King County Office of Public Defense) may need additional resources to process the increased number of cases.

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

Maybe. If King County prosecutes these gross misdemeanor criminal cases that occur in the City, then the City is financially responsible for the costs pursuant to RCW 39.34.180.

If there are no changes to appropriations, revenues, or positions, please delete sections 3.a., 3.b., and 3.c. and answer the questions in Section 4.

4. OTHER IMPLICATIONS

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

Yes. It affects the Municipal Court and the contracted Public Defenders.

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

Yes. This legislation may have implications for the Race and Social Justice Initiative.

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)?**

No.

Summary Attachments (if any):