

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 prosecuting violations of domestic violence and other protection orders to make the Seattle Municipal Code consistent with state law; amending Section 12A.09.020 of the Seattle Municipal Code.

Summary and Background of the Legislation: In 2019, Ordinance 125881 was enacted to adopt by reference certain state criminal statutes and repealed the identical Municipal Code criminal sections. Effective July 1, 2022, one of those state statutes (RCW 26.50) that had been adopted by reference was repealed and its provisions transferred to another state statute (RCW 7.105). The substance of the state statute remained primarily the same and the RCW code numbering was changed. This ordinance would reflect those numbering changes.

Additionally, this ordinance would adopt by reference RCW 7.105.460, a provision reflecting enforcement and penalties for specific types of extreme risk protection order violations, which the City Attorney's Office could newly prosecute. Lastly, it would adopt by reference RCW 7.105.455, which details how the City Attorney's Office could prosecute specific violations of anti-harassment protection orders already within its authority to prosecute under SMC 12A.06.190. In order to assure that violations of domestic violence and other court orders can be prosecuted by the City Attorney in Municipal Court, our code needs to be amended to reflect this RCW change.

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? No

Are there financial costs or other impacts of *not* implementing the legislation? If this change is not made, the City Attorney's Office cannot prosecute misdemeanor violations of domestic violence and other orders. While these misdemeanors could be referred to the King

County Prosecutor, because of their enormous backlog of cases and the emphasis of the King County Prosecutor on filing felony cases, the City Attorney's Office's domestic violence personnel feel that these misdemeanor charges would not be filed. The City Attorney could, and currently is, asking the King County Prosecutor to appoint Assistant City Prosecutors as Special Deputy King County Prosecutors to allow the City Attorney's Office to file the misdemeanors in Municipal Court as violations of the new state statute, but the King County Prosecutor has refused to do this in the past and it seems unlikely they will do so in this case.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?** It affects Municipal Court but does not increase or decrease the number of case filed in Municipal Court or otherwise change any policy or process of Municipal Court.
- 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?** No

What is the Language Access plan for any communications to the public? No plan is contemplated

- 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? No**
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.
- 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:

