

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	Executive Contact/Phone:
Law – Criminal	James Kenny/ 684-8532	

** 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 the City’s criminal code; conforming the Seattle Municipal Code with changes in state law and making technical corrections; adding a new Section 12A.06.095 to the Seattle Municipal Code; amending Sections 3.33.020, 12A.06.187, 12A.06.195, 12A.09.020, 12A.12.040, 12A.14.075, and 12A.14.170 of the Seattle Municipal Code; and repealing Sections 12A.06.045, 12A.08.120, and 12A.08.130 of the Seattle Municipal Code.

Summary and background of the Legislation: This legislation updates Seattle’s criminal code mostly to reflect changes made to corresponding state statutes by the Legislature in 2023-2025. This is done because the State requires in RCW 39.34.180 that the City be responsible for all misdemeanor and gross misdemeanor crimes occurring in the City. Pursuant to RCW 35.21.163, the penalty for City misdemeanor and gross misdemeanor crimes must generally match that of State misdemeanor and gross misdemeanor crimes.

The primary effects of this ordinance are to:

- Section 1. It has a technical correction to 3.33.020 updating a citation from a repealed ordinance, 12A.06.120, to a current ordinance, 12A.09.020.
- Section 2. It repeals Cyberstalking under SMC 12A.06.045 because in 2023 the Legislature merged the crimes of Cyberstalking and Stalking in RCW 9A.46.110 using Chapter 461, Laws of 2023, HB 1696, and repealed the former crime of Cyberstalking in RCW 9A.90.130. The City adopted by reference as amended the crime of Stalking in RCW 9A.46.110 through SMC 12A.09.020 in Ordinance 125881, so Cyberstalking under SMC 12A.06.045 is no longer needed because RCW 9A.46.110 now includes Cyberstalking.
- Section 3. It adds the crime of Hazing as a new section 12A.06.095, which is modeled after RCW 28B.10.901, which was amended by the Legislature in Chapter 196, Laws of 2023, HB 1002.
- Section 4. It has a technical correction to 12A.06.187 updating a citation from a repealed ordinance, 12A.06.120, to a current ordinance, 12A.09.020.
- Section 5. It has technical corrections to 12A.06.195 updating repealed ordinance citations to current ordinance citations.
- Section 6. It repeals 12A.08.120 Vehicle Prowling so that it can be replaced by adopting RCW 9A.52.100 so prolific vehicle prowlers who reach their third or subsequent offense can be prosecuted as a felony offense. This is done at the request of the KCPAO.

- Section 7. It repeals 12A.08.130, Criminal Impersonation, so that it can be replaced by adopting RCW 9A.60.045, Criminal Impersonation in the Second Degree, and RCW 9A.60.010, Definitions. This implements Chapter 51, Laws of 2025, SHB 1205.
- Section 8. It adopts by reference RCW 9.41.010 which the Legislature amended in 2023 to have an expansive definition of assault weapon, which is necessary to support the sale of assault weapons ban gross misdemeanor, passed by the Legislature in 2023 in Chapter 162, Laws of 2023, SHB 1240. It adopts by reference RCW 9.41.368 which is the civil infraction of failing to report a lost or stolen firearm which was passed by the Legislature in 2024 in Chapter 286, Laws of 2024, SHB 1903. It adopts by reference RCW 9.41.390 the sale of assault weapons ban which is a gross misdemeanor passed by the Legislature in 2023 in Chapter 162, Laws of 2023, SHB 1240. It adopts by reference Vehicle Prowling in the Second Degree under RCW 9A.52.100, at the request of the KCPAO. It adopts by reference RCW 9A.60.045, Criminal Impersonation in the Second Degree, and RCW 9A.60.010, Definitions, to implement Chapter 51, Laws of 2025, SHB 1205. It adopts by reference portions of RCW 9A.82.180 which make it a gross misdemeanor to possess up to six catalytic converters that do not contain the appropriate identification and passed by the Legislature in 2024 in Chapter 301, Laws of 2024, ESHB 2153. It adopts by reference a gross misdemeanor ban on certain animals used in traveling animal acts, which implements Chapter 116, Laws of 2025, ESB 5065.
- Section 9. It amends the crime of Disorderly Conduct on Buses under 12A.12.040 to apply to Washington State ferries to implement Chapter 234, Laws of 2025, SB 5716.
- Section 10. It amends the crime of Unlawful Use of Weapons to Intimidate Another under 12A.14.075 to include the penalty of losing one's permit to purchase firearms, effective May 1, 2027, which implements Chapter 370, Laws of 2025, ESSHB 1163.
- Section 11. It adds libraries, zoos, aquariums, transit stations, and transit facilities to the list of places where it is a gross misdemeanor to possess a weapon under 12A.14.170, which implements the Legislature's changes to RCW 9.41.300 in 2024 in Chapter 285, Laws of 2024, 2SSB 5444.

2. CAPITAL IMPROVEMENT PROGRAM

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

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes ___X 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. Pursuant to RCW 39.34.180, the City is responsible for all misdemeanor and gross misdemeanor crimes occurring in the City.

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?** Unknown.
- 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.