Scott Lindsay LAW SODA Zones ORD 1 CITY OF SEATTLE 2 ORDINANCE \_\_\_\_\_ 3 COUNCIL BILL 4 ..title 5 AN ORDINANCE relating to Stay Out of Drug Area (SODA) zones; creating the ability to issue 6 written orders to criminal defendants describing conditions of their pre-trial release or 7 post-conviction conditions of sentence; creating SODA zones and providing for both the 8 issuance of court orders relating to those zones and administration of those zones; 9 creating the gross misdemeanor of violating a SODA order; and adding a new Chapter 10 12A.21 to the Seattle Municipal Code. 11 ..body 12 WHEREAS, in 2023 the City of Seattle experienced a record 763 drug overdose deaths, 13 amounting to almost half of the total drug overdose deaths in King County; and 14 WHEREAS, drug use and drug overdose deaths are highly concentrated around open-air drug 15 trafficking markets; and WHEREAS, crime in Seattle is significantly concentrated around open-air drug trafficking 16 17 markets, including crimes of violence and property crimes; and WHEREAS, open-air drug trafficking markets have historically been, and currently remain, 18 19 concentrated in certain areas in Seattle; and 20 WHEREAS, public safety concerns connected to open-air drug activity downtown and certain 21 other districts in Seattle are a reason why many employers and employees have not 22 returned to in-office work in those locations; and 23 WHEREAS, public safety concerns connected to open-air drug activity have caused many 24 businesses to shut down in commercial areas, have also negatively impacted important 25 civic, arts, and cultural institutions, and have substantially decreased the reported quality 26 of life of residents in those districts; and WHEREAS, the revitalization of Seattle's commercial districts is essential for the economic 27 28 health of the city; and

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1	WHEREAS, reducing overdose deaths and improving public safety is a top priority of City
2	leaders; NOW, THEREFORE,
3	BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:
4	Section 1. A new Chapter 12A.21 is added to the Seattle Municipal Code as follows:
5	Chapter 12A.21 STAY OUT OF DRUG AREA ZONES
6	12A.21.010 Definitions
7	As used in this Chapter 12A.21:
8	"Prohibited area" means, for a court order issued under this Chapter 12A.21, an area in
9	which a defendant has been directed to not enter.
10	"SODA" means Stay Out of Drug Area.
11	"SODA order" means a court order issued under this Chapter 12A.21 that specifically
12	orders, as a condition of pretrial release and/or condition of sentence, that the defendant stay out
13	of one or more SODA zones.
14	"SODA zone" means a zone established under this Chapter 12A.21 due to a high level of
15	illegal drug trafficking in that area.
16	12A.21.020 Issuance of order
17	A. A judge or judge pro tempore of the Seattle Municipal Court may issue a SODA order
18	to anyone charged with, or convicted of, any criminal violation of the Controlled Substances Act
19	under chapter 69.50 RCW as adopted by Section 12A.09.020 occurring in a designated SODA
20	zone, either as a condition of pretrial release pursuant to CrRLJ 3.2 or as a condition of sentence.
21	B. A judge or judge pro tempore of the Seattle Municipal Court may also issue a SODA
22	order to anyone charged with, or convicted of, assault, harassment, theft, criminal trespass,
23	property destruction, or unlawful use or possession of weapons occurring in a designated SODA

zone in which the court finds a nexus between the offense and illegal drug activity, either as a condition of pretrial release pursuant to CrRLJ 3.2 or as a condition of sentence.

C. Any SODA order shall describe the prohibited SODA zone determined by the court and shall conspicuously state: "WARNING: Violation of this order is a gross misdemeanor subject to a maximum penalty of 364 days in jail and/or a \$5,000 fine. A person found in violation of this order is subject to arrest under Seattle Municipal Code Chapter 12A.21."

D. Nothing in this Section 12A.21.020 shall be construed as precluding the court from issuing an order pursuant to this Chapter 12A.21 that is not specifically a SODA order.

## 12A.21.030 Violation of order

A. If a police officer has probable cause to believe that a person is subject to an order issued under this Chapter 12A.21, and that a willful violation of that order is occurring in the officer's presence, the officer may arrest that person without a warrant or other process.

- B. A person who knowingly violates the terms of a SODA order by entering or remaining within a prohibited area when the order is in effect is guilty of a gross misdemeanor.
- C. Nothing in any provision of this Chapter 12A.21 related to SODA orders shall prohibit a person from transiting through a SODA zone on public transportation as long as the person does not enter or exit the public transportation in the SODA zone.
- D. Nothing in any provision of this Chapter 12A.21 related to SODA orders shall be construed as prohibiting a person subject to a SODA order from participating in a scheduled court hearing or from attending a scheduled meeting with legal counsel within a prohibited area.

## 12A.21.040 Modification and termination of order

A. Upon request for modification or termination of any order issued under this Chapter 12A.21, the court shall consider the requested modification or termination by allowing for a

process by which the person subject to the order can provide relevant testimony or other evidence in support of the request.

B. Unless otherwise ordered by the court, a SODA order issued under this Chapter 12A.21 as a condition of sentence shall terminate two years from the date of issuance. SODA orders issued as pretrial conditions of release shall terminate upon dismissal of the criminal charge.

C. Upon request for termination of any order issued under this Chapter 12A.21, the court may consider the requested termination by allowing for a process by which the order's subject can provide relevant testimony or other evidence in support of the request.

D. Whenever an order is issued, modified, or terminated under this Chapter 12A.21, the clerk of the court shall forward a copy of the order on or before the next judicial day to the Seattle Police Department. Upon receipt of the copy of the order, the Seattle Police Department shall enter the order until the expiration date specified on the order into any computer-based criminal intelligence information system(s) available to Seattle police officers. Upon receipt of notice that an order has been terminated, the Seattle Police Department shall remove the order from the computer-based criminal intelligence information system(s).

## 12A.21.050 Creation, evaluation, modification, and termination of SODA zone

- A. SODA zones may be created, modified, or terminated by ordinance.
- B. The geographic boundaries of SODA zones shall be narrowly tailored to encompass areas of significant illegal drug activity. Unless otherwise specified, SODA zones shall include both sides of the streets, including sidewalks, that demarcate the geographic perimeter of a particular SODA zone.

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1	C. This Chapter 12A.21 and the effect of its application shall be reviewed at least every			
2	two years by the City Council. For each year, the Seattle Police Department, with input from the			
3	City Attorney's Office, shall publish a report no later than the end of the first quarter of the			
4	following year that provides the following information:			
5	1. How many SODA orders were issued for each SODA zone;			
6	2. How many arrests were made for violating the orders in each SODA zone;			
7	3. Demographic information on those receiving orders and/or violating orders;			
8	and			
9	4. Analysis of illegal drug trafficking and drug use in SODA zones, including			
10	year-over-year statistics of drug-related crimes and whether dispersion of illegal drug trafficking			
11	and public use occurred in surrounding areas.			
12	This report shall be provided to the City Clerk and the City Council and published on the			
13	Seattle Police Department and City Attorney's Office's websites.			
14	D. SODA Zone 1			
15	Due to high levels of significant drug activity, SODA Zone 1 (illustrated by Map A for			
16	12A.21.050) is established as the area of Downtown bordered on the north by Stewart Street, on			
17	the south by University Street, on the east by 6th Avenue, and on the west by 1st Avenue.			
18	Map A for 12A.21.050			
19	SODA Zone 1			



E. SODA Zone 2

Due to high levels of significant drug activity, SODA Zone 2 (illustrated by Map B for 12A.21.050) is established as the area of the International District bordered on the north by S. Main Street, on the south by S. Dearborn Street, on the east by Boren Avenue continuing to Rainier Avenue S., and on the west by the westernmost edge of Interstate 5, including all off-ramps and areas underneath Interstate 5 and sidewalks immediately adjacent to Interstate 5.

Map B for 12A.21.050

**SODA Zone 2** 

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Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

	LAW SODA Zones ORD D1			
1	Section 3. This ordinance shall take	e effect as provided by Seat	ttle Municipal Code	
2	Sections 1.04.020 and 1.04.070.			
3	Passed by the City Council the	day of	,,2	2024,
4	and signed by me in open session in auther	ntication of its passage this	day of	
5	, 2024.			
6				_
7		President	of the City Council	[
	Approved / returned unsigned /	vetoed this day of _		, 2024.
8				_
9		Bruce A. Harrell, Mayor	•	
		•		
10	Filed by me this day of _		, 2024.	
11				_
12		Scheereen Dedman, City	Clerk	
13	(Seal)			