

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to court orders; creating the ability to issue written orders to criminal defendants describing conditions of their pre-trial release or post-conviction conditions of sentence; creating Stay Out of Drug Area (SODA) zones and providing for both the issuance of court orders relating to those zones and administration of those zones; creating the gross misdemeanor of violating a SODA order; and adding a new Chapter 12A.21 to the Seattle Municipal Code.

..body

WHEREAS, in 2023 the City of Seattle experienced a record 763 drug overdose deaths,

amounting to almost half of the total drug overdose deaths in King County; and

WHEREAS, drug use and drug overdose deaths are highly concentrated around open-air drug

trafficking markets; and

WHEREAS, crime in Seattle is significantly concentrated around open-air drug trafficking

markets, including crimes of violence and property crimes; and

WHEREAS, open-air drug trafficking markets have historically been, and currently remain,

concentrated in certain areas in Seattle; and

WHEREAS, public safety concerns connected to open-air drug activity downtown and certain

other districts in Seattle are a reason why many employers and employees have not

returned to in-office work in those locations; and

WHEREAS, public safety concerns connected to open-air drug activity have caused many

businesses to shut down in commercial areas, have also negatively impacted important

civic, arts, and cultural institutions, and have substantially decreased the reported quality

of life of residents in those districts; and

WHEREAS, the revitalization of Seattle’s commercial districts is essential for the economic

health of the city; and

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 VIOLATION OF COURT ORDERS**

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**

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

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

3 C. In issuing a SODA order, a judge or judge pro tempore of the Seattle Municipal Court
4 shall consider where a defendant is housed, employed, or receives substantial services, based on
5 evidence provided by the defendant.

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

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

12 **12A.21.030 Violation of order**

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

16 B. A person who knowingly violates the terms of a SODA order by entering or remaining
17 within a prohibited area when the order is in effect is guilty of a gross misdemeanor.

18 C. Nothing in any provision of this Chapter 12A.21 related to SODA orders shall prohibit
19 a person from transiting through a SODA zone on public transportation as long as the person
20 does not enter or exit the public transportation in the SODA zone.

21 D. Nothing in any provision of this Chapter 12A.21 related to SODA orders shall be
22 construed as prohibiting a person subject to a SODA order from participating in a scheduled
23 court hearing or from attending a scheduled meeting with legal counsel within a prohibited area.

1 **12A.21.040 Creation, evaluation, modification, and termination of SODA zone**

2 A. SODA zones may be created, modified, or terminated by ordinance.

3 B. The geographic boundaries of SODA zones shall be narrowly tailored to encompass
4 areas of significant illegal drug activity. Unless otherwise specified, SODA zones shall include
5 both sides of the streets, including sidewalks, that demarcate the geographic perimeter of a
6 particular SODA zone.

7 C. This Chapter 12A.21 and the effect of its application shall be reviewed at least every
8 two years by the City Council. For each year, the Seattle Police Department, with input from the
9 City Attorney’s Office, shall publish a report no later than the end of the first quarter of the
10 following year that provides the following information:

- 11 1. How many SODA orders were issued for each SODA zone;
12 2. How many arrests were made for violating the orders in each SODA zone;
13 3. Demographic information on those receiving orders and/or violating orders;

14 and

- 15 4. Analysis of illegal drug trafficking and drug use in SODA zones, including
16 year-over-year statistics of drug-related crimes and whether dispersion of illegal drug trafficking
17 and public use occurred in surrounding areas.

18 This report shall be provided to the City Clerk, the City Council, and published on the
19 Seattle Police Department website.

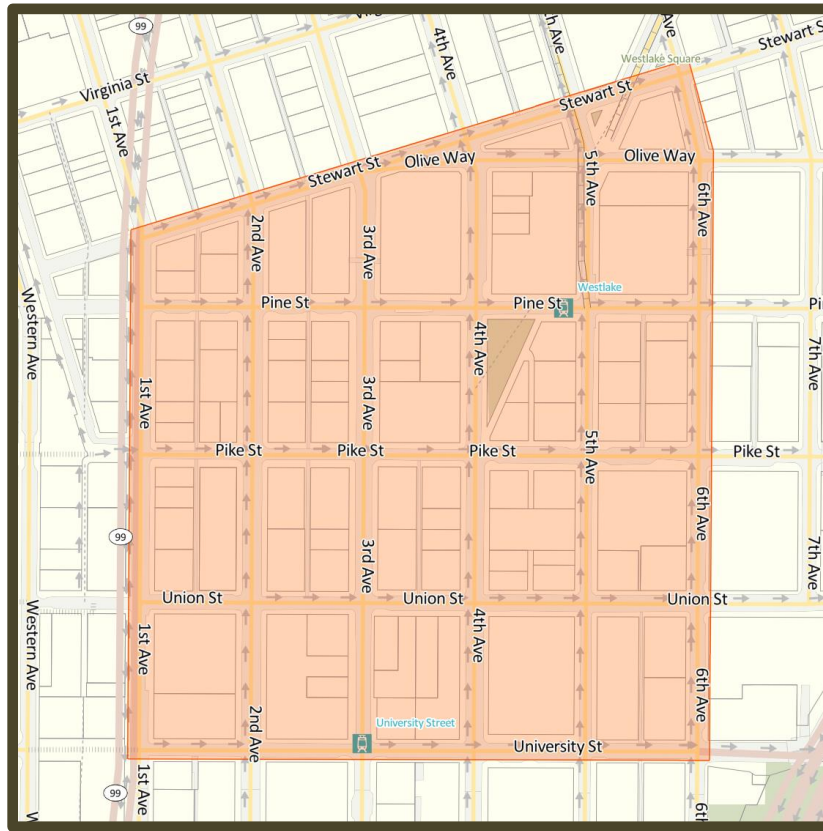
20 **D. SODA Zone 1**

21 Due to high levels of significant drug activity, SODA Zone 1 (illustrated by Map A for
22 12A.21.040) is established as the area of Downtown bordered on the North by Stewart Street, on
23 the South by University Street, on the East by 6th Avenue, and on the West by 1st Avenue.

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Map A for 12A.21.040

SODA Zone 1



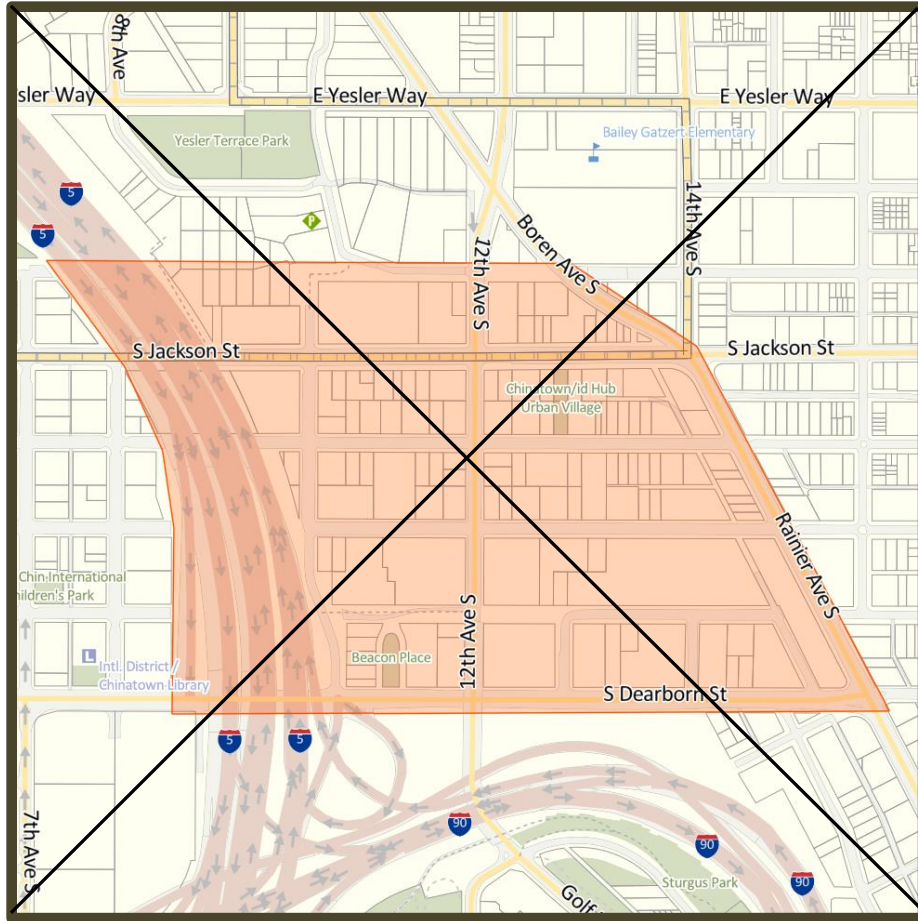
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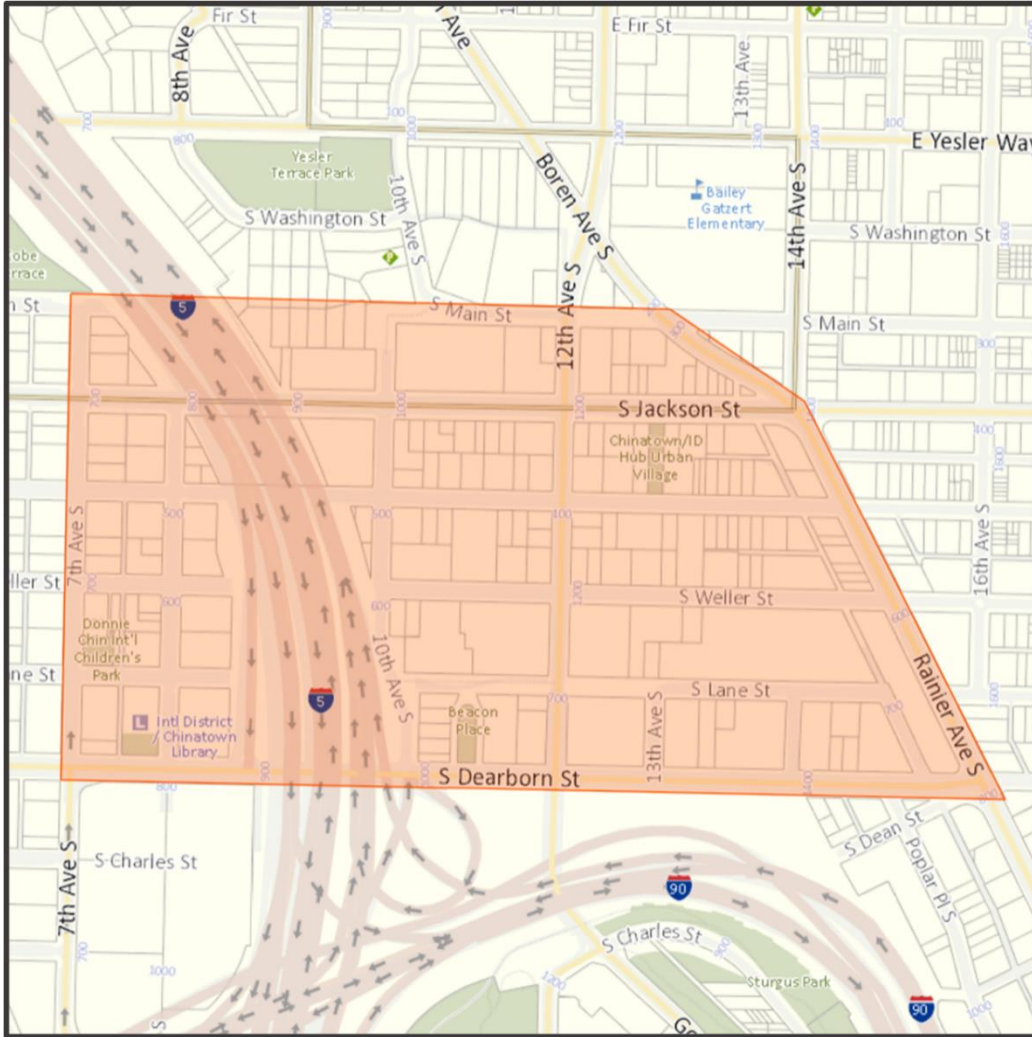
E. SODA Zone 2

Due to high levels of significant drug activity, SODA Zone 2 (illustrated by Map B for 12A.21.040) is established as the area of the International District bordered on the north ((~~North~~)) by S. ((~~South~~)) Main Street, on the south ((~~South~~)) by S. Dearborn Street, on the east ((~~East~~)) by Boren Avenue continuing to Rainier Avenue S., and on the West by 7th Avenue South ((~~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.21.040

SODA Zone 2





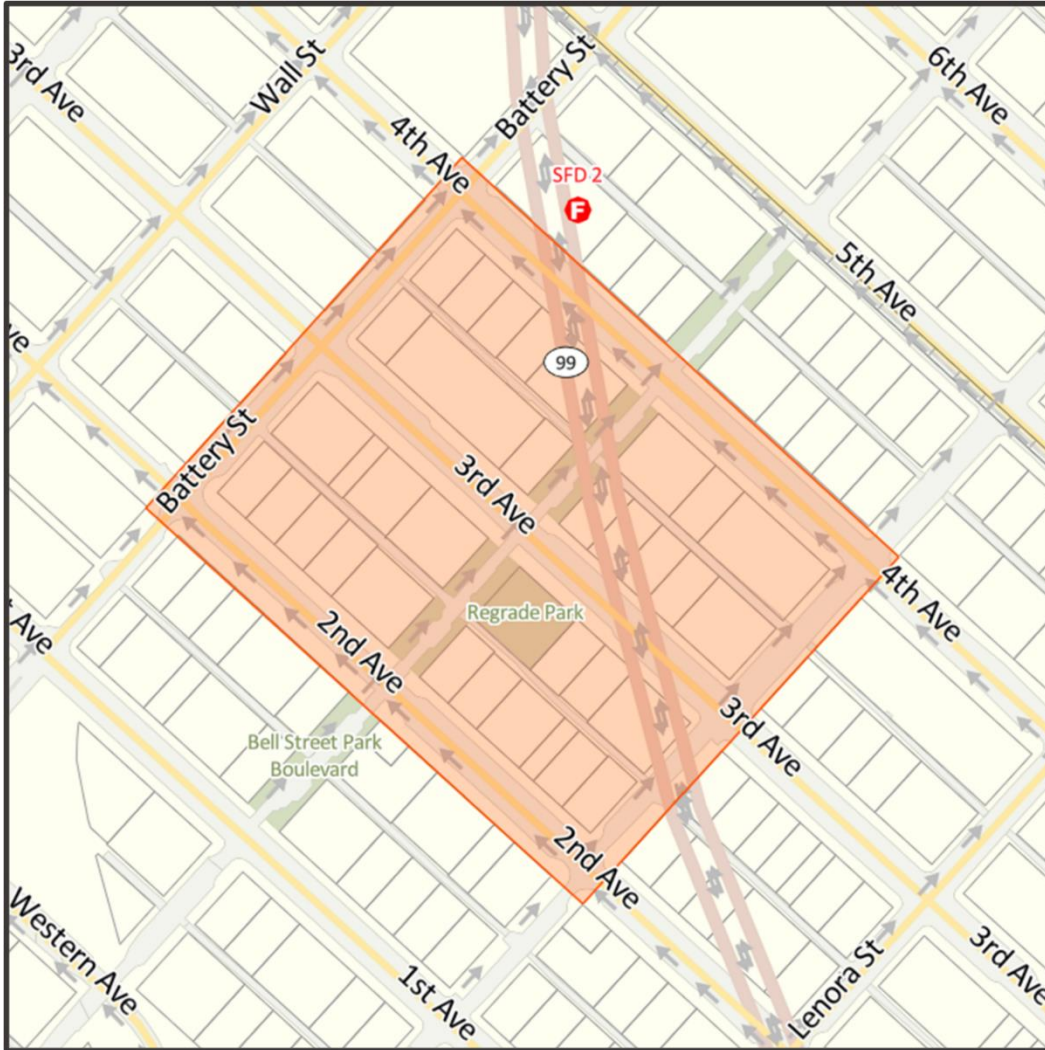
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F. SODA Zone 3

Due to high levels of significant drug activity, SODA Zone 3 (illustrated by Map C for 12A.21.050) is established as the area of the Belltown District bordered on the north by Battery Street, on the south by Blanchard Street, on the east by 4th Avenue, and on the west by 2nd Avenue.

Map C for 12A.21.050

SODA Zone 3



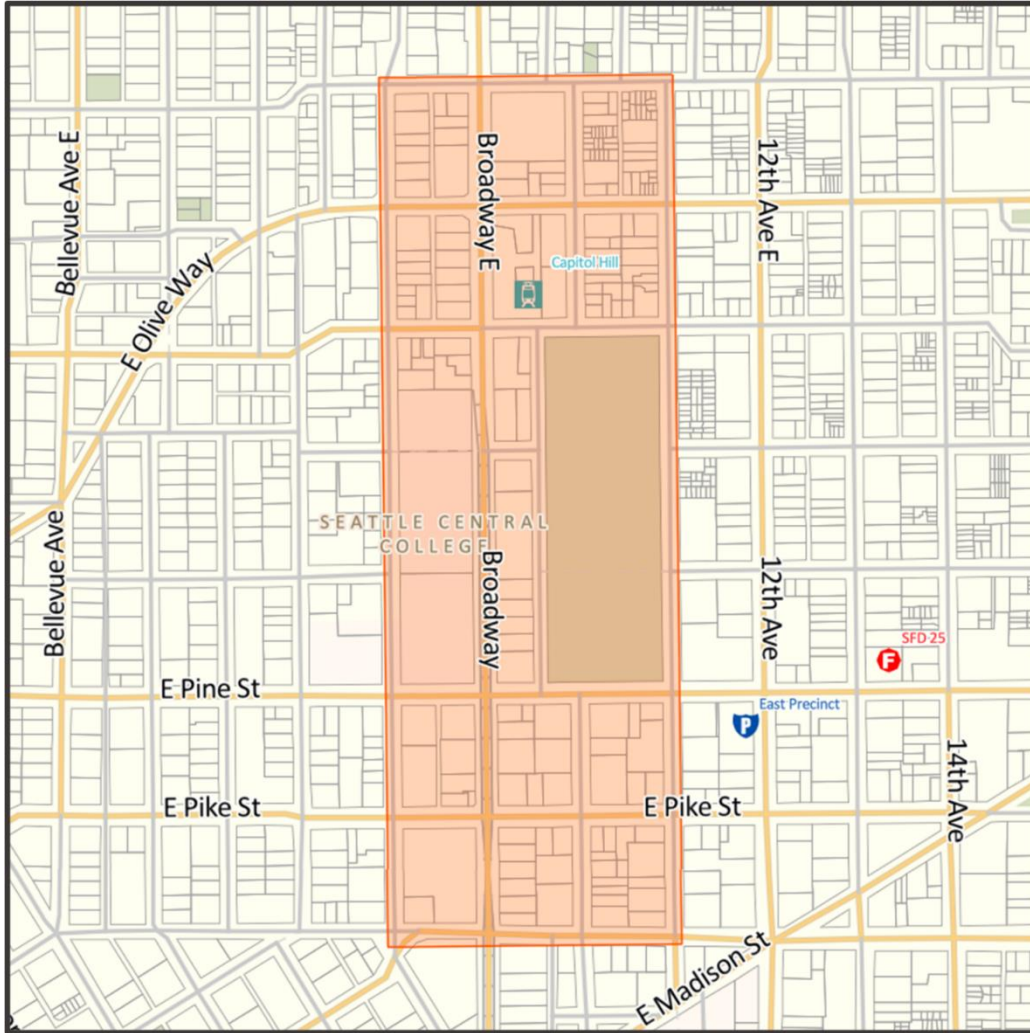
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G. SODA Zone 4

Due to high levels of significant drug activity, SODA Zone 4 (illustrated by Map D for 12A.21.050) is established as the area of the Capitol Hill neighborhood bordered on the north by East Thomas Street, on the south by East Union Street, on the east by 11th Avenue, and on the west by Harvard Avenue.

Map D for 12A.21.050

SODA Zone 4



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H. SODA Zone 5

Due to high levels of significant drug activity, SODA Zone 5 (illustrated by Map E for 12A.21.050) is established as the area of the Pioneer Square area bordered on the north by Cherry Street, on the south by Yesler Way, on the east by 3rd Avenue, and on the west by 1st Avenue.

Map E for 12A.21.050
SODA Zone 5



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I. SODA Zone 6

Due to high levels of significant drug activity, SODA Zone 6 (illustrated by Map F for 12A.21.050) is established as the area of the University District bordered on the north by Northeast 52nd Street, on the south by Northeast 43rd Street, on the east by 15th Avenue Northeast, and on the west by Brooklyn Avenue Northeast.

Map F for 12A.21.050

SODA Zone 6



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12A.21.050 Modification and termination of SODA 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.

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

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

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

16

1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2024,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2024.

7 _____
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this _____ day of _____, 2024.

10 _____
11 Bruce A. Harrell, Mayor

12 Filed by me this _____ day of _____, 2024.

13 _____
14 Scheereen Dedman, City Clerk

15 (Seal)

16 Attachments (if any):