

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to Stay Out of Drug Area (SODA) zones; creating the ability to issue written orders to criminal defendants describing conditions of their pre-trial release or post-conviction conditions of sentence; creating 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 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

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

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

9 **12A.21.030 Violation of order**

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

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

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

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

21 **12A.21.040 Modification and termination of order**

22 A. Upon request for modification or termination of any order issued under this Chapter
23 12A.21, the court shall consider the requested modification or termination by allowing for a

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

3 B. Unless otherwise ordered by the court, a SODA order issued under this Chapter
4 12A.21 as a condition of sentence shall terminate two years from the date of issuance. SODA
5 orders issued as pretrial conditions of release shall terminate upon dismissal of the criminal
6 charge.

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

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

17 **12A.21.050 Creation, evaluation, modification, and termination of SODA zone**

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

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

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.

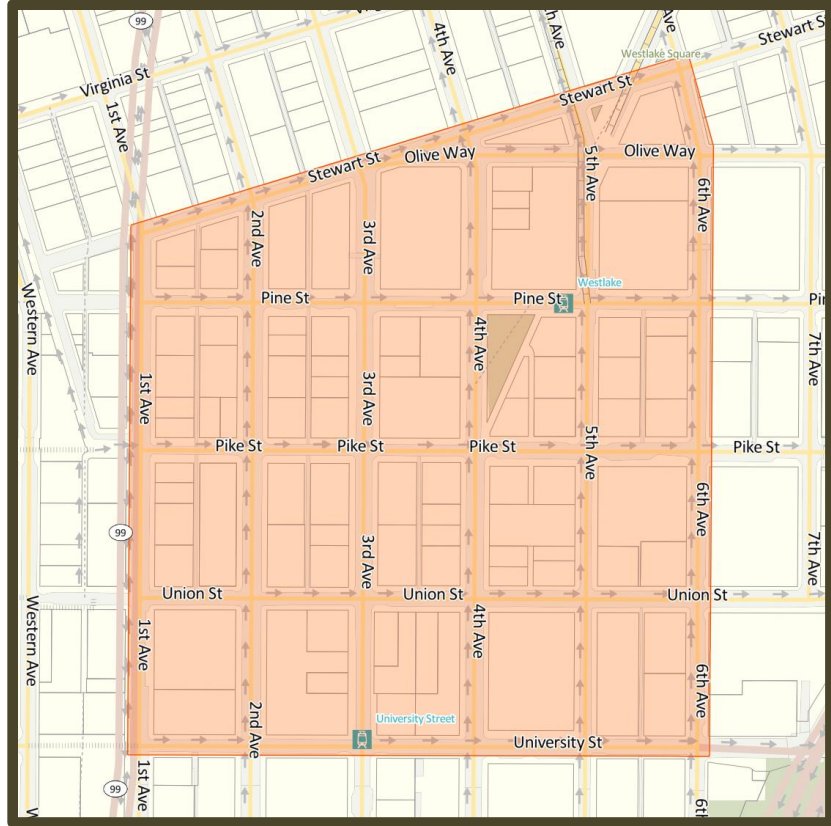
12 This report shall be provided to the City Clerk and the City Council and published on the
13 Seattle Police Department and City Attorney’s Office’s websites.

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**



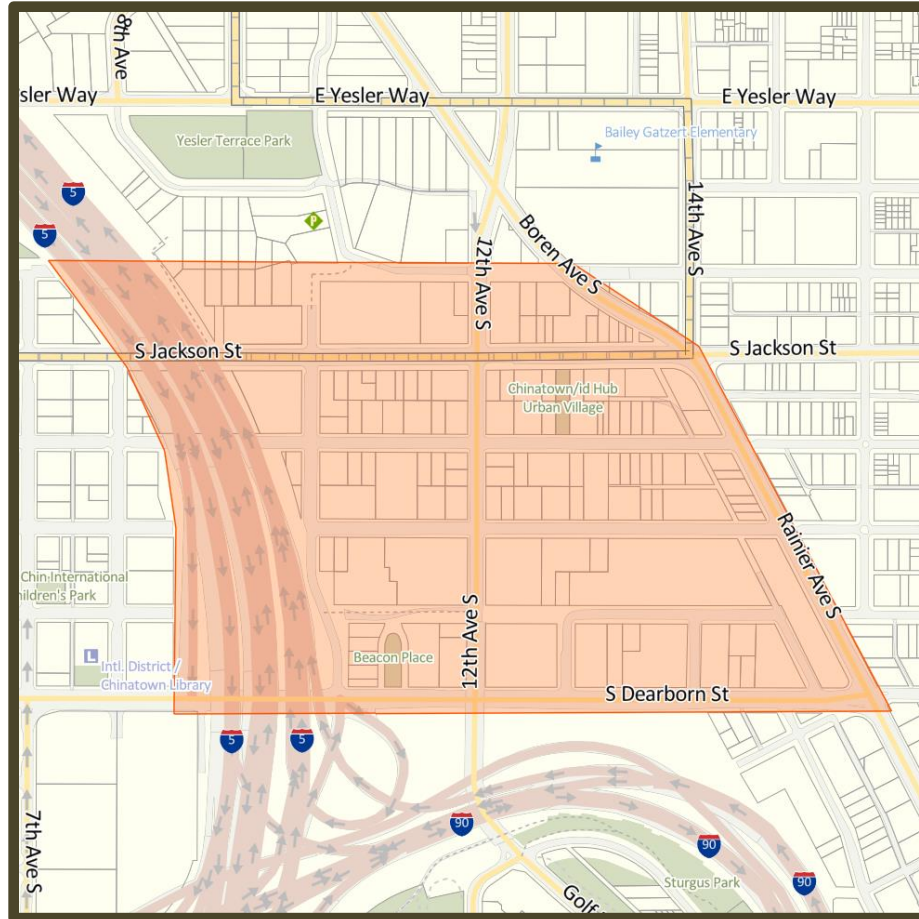
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E. SODA Zone 2

Due to high levels of significant drug activity, SODA Zone 2 (illustrated by Map B for 12A.21.050) 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.

1 Section 3. This ordinance shall take effect as provided by Seattle Municipal Code
2 Sections 1.04.020 and 1.04.070.

3 Passed by the City Council the _____ day of _____, 2024,
4 and signed by me in open session in authentication 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)