

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	Executive Contact/Phone:
Law – Criminal	Richard Greene/ 684-8538	

** 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; amending Sections 12A.06.010, 12A.06.180, 12A.06.195, 12A.10.040, 12A.14.010, 12A.14.195, and 12A.18.090 of the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Summary and background of the Legislation: This legislation changes Seattle’s criminal code mostly to reflect changes made to corresponding state statutes by the 2017 Legislature. It requires a defendant convicted of domestic violence Assault to submit a biological sample to be included in the state’s DNA database, provides that protection orders for victims of human trafficking and promoting prostitution are enforced criminally like other types of protection orders, clarifies the scope of criminal violations of a court order requiring a defendant to surrender a firearm, specifies that the crime of sexual exploitation can be committed from where an electronic communication is sent or where it is received, specifies that a firearm does not include a flare gun, clarifies that the transfer of a firearm does not include delivery of a firearm in the ordinary course of and between employees of a business, expands the relatives to whom a firearm can be transferred as a gift or loan without going through a licensed firearm’s dealer, authorizes the temporary transfer of a firearm to prevent suicide and where the firearm and the transferee both remain in the presence of the transferor, authorizes the transfer of a relic firearm to a collector, and narrows the scope of criminal mistreatment to only creating imminent risk of substantial bodily harm to a child or dependent person.

2. CAPITAL IMPROVEMENT PROGRAM

a. Does this legislation create, fund, or amend a CIP Project? ___ Yes ___**X** No

3. SUMMARY OF FINANCIAL IMPLICATIONS

a. Does this legislation amend the Adopted Budget? ___ Yes ___**X** No

b. 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, but inasmuch as the number of such violations undoubtedly will be very small, these indirect costs should be minimal. Similarly, there could be some such indirect costs involved in clarifying the

scope of a defendant's obligation to surrender a firearm, but the Council already has added personnel to the City Attorney's office to assist in enforcing this obligation.

c. Is there financial cost 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. Not implementing the DNA sample requirement likely would preclude such defendants from being included in the state DNA database. Not clarifying the scope of a defendant's obligation to surrender a firearm would likely generate or maintain uncertainty regarding the applicability of this obligation. Not implementing the firearms changes or the criminal mistreatment change would have no practical effect as state law would still apply in Seattle, but would create a potentially confusing inconsistency between state law and our criminal code. Not implementing the sexual exploitation change probably would have no effect as the same result likely would obtain under our current criminal code.

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 Municipal Court in adjudicating and sentencing the same.

b. Is a public hearing required for this legislation? No.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant? No.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation? No.

e. Does this legislation affect a piece of property? No.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? None seems apparent.

b. 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 any new initiatives or major programmatic expansions.

g. Other Issues:

List attachments/exhibits below: