



Legislation Text

File #: CB 120422, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to crimes and punishment; conforming the Seattle Municipal Code with changes in state law and making technical corrections; amending Sections 9.25.030, 9.25.100, 12A.02.050, 12A.02.150, 12A.06.045, 12A.09.020, 12A.10.150, 12A.12.010, 12A.14.010, 12A.14.160, 12A.14.170, 12A.16.040, and 12A.16.080 of the Seattle Municipal Code; adding new Sections 12A.04.215, 12A.06.047, 12A.14.175, 12A.14.177, 12A.14.230, 12A.14.240, and 12A.14.260 to the Seattle Municipal Code; and repealing Sections 12A.06.120, 12A.06.130, 12A.06.150, 12A.06.155, 12A.06.160, 12A.06.165, 12A.06.170, 12A.06.175, 12A.06.185, and 12A.06.190 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 9.25.030 of the Seattle Municipal Code, last amended by Ordinance 124040, is amended as follows:

9.25.030 Authority of the Director

A. The Director is authorized to:

1. Make rules for the interpretation and implementation of this Chapter 9.25, pursuant to ~~((the Administrative Code))~~ Chapter 3.02;
2. Accept the surrender of animals to the City Animal Shelter;
3. Permit or deny adoption from the City Animal Shelter of animals that have been surrendered to the City, or which are stray or under detainment and unclaimed after the expiration of a holding period;
4. Direct immediate humane disposal of: (a) any exotic animal when alternatives, such as placing the animal in a zoo or outside of the City, have been exhausted, (b) any animal surrendered to the City for humane disposal, (c) any animal determined by the Seattle Municipal Court or any other court of law to be a

nuisance, (d) any animal involved in a court proceeding in which the owner pled guilty or was found ~~((to be))~~ guilty of cruelty to animals under Section 9.25.081, owning a nuisance or dangerous animal ~~((or in which the owner pled guilty or was found to be guilty of))~~ under Section 9.25.083, or negligent control of an animal under Section 12A.06.060, (e) any animal unclaimed after the expiration of a holding period, (f) any animal determined by the Director to be dangerous pursuant to Section 9.25.035, (g) any animal found in the City of Seattle after removal pursuant to subsection 9.25.035.A.3.

5. Detain animals found to be unlicensed, or abandoned, or at large, or in inhumane conditions, or to be a nuisance, or to be exotic or dangerous, or otherwise found to be in a circumstance violative of this ~~((chapter))~~ Chapter 9.25 or any other provision of law;

6. Collect cats, dogs, and other animals found dead on the public areas of the City, or from private property on request of the occupant of the property, and to bury, cremate, or arrange for the disposal of such animal;

7. Appoint agents for the collection of pig, miniature goat, dog and cat license fees and other fees established by Chapter 9.26, including past-due fees and penalties;

8. Grant, renew, suspend, revoke, or deny licenses according to the terms of this ~~((chapter))~~ Chapter 9.25;

9. Administer the City Animal Shelter;

10. Administer the City Spay and Neuter Clinic and Program;

11. Charge and collect fees for the services authorized by this ~~((chapter))~~ Chapter 9.25, as established by Chapter 9.26~~((, known as the "Animal Fee Ordinance," as now existing or hereafter amended, revised or re-enacted))~~;

12. Reduce fees for the adoption or redemption of any animal, when such a reduction is in the best interests of the animal;

13. Increase fees for the adoption of any animal when such an increase is in the best interest of

the animal;

14. Appoint persons experienced in the humane trapping of animals to set and bait a trap or use other devices that do not physically harm an animal trapped, when such action will protect the public peace, health, safety, and welfare, and issue live animal trapping permits as authorized by the Director by rule;

15. Implant a microchip for identification purposes into animals leaving the shelter through adoption, redemption or release to another jurisdiction pursuant to Section 9.25.035; or whose owners have been found to have committed a violation of subsection 9.25.084.G or have been convicted of a crime under Section 12A.06.060 (~~of the Seattle Municipal Code~~);

16. Photograph for identification purposes animals released to another jurisdiction pursuant to Section 9.25.035 or whose owners have been found to have committed a violation of subsection 9.25.084.G or has been convicted of a crime under Section 12A.06.060 (~~of the Seattle Municipal Code~~);

17. Direct disposition of exotic animals, including but not limited to transfer to a zoological garden, herpetarium, or other jurisdiction so long as the requirements of subsection 9.25.035.E are met;

18. Refund fees for overpayment or services not provided;

19. Detain an animal that is the subject of any violation of law, or whose owner is accused of violating any law relating to that animal, and collect from the owner all costs of detainment, care, feeding, and disposition;

20. Direct disposition of dangerous animals to a secured animal shelter or otherwise as provided for in this (~~chapter~~) Chapter 9.25;

21. Appoint ad hoc advisory committees to advise the Mayor, City Council, and the Director on matters pertaining to animal control, animal welfare, and other functions related to Seattle Animal Control.

* * *

Section 2. Section 9.25.100 of the Seattle Municipal Code, last amended by Ordinance 125938, is amended as follows:

9.25.100 Penalties

A. Conduct made unlawful by Sections 9.25.053, 9.25.054, 9.25.081, 9.25.083, ~~((and))~~ or 9.25.085 constitutes a gross misdemeanor punishable as provided in Section 12A.02.070. The sentence imposed may be deferred or suspended in accordance with RCW 35.20.255; however, the probationary period shall be two years. In case of multiple convictions under this Chapter 9.25, the sentences shall be consecutive; however, the probationary period shall remain two years.

* * *

F. In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this Chapter 9.25 if any one of the animals involved dies as a result of a violation of this Chapter 9.25 or if the defendant has a prior conviction under this Chapter 9.25 or chapter 16.52 RCW. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur.

G. Any person convicted of animal cruelty shall be prohibited from owning, caring for, possessing, or residing with any animals for a period of time as follows:

1. Two years for a first conviction of animal cruelty under Section 9.25.081;
2. Permanently for either a second or subsequent conviction of animal cruelty under Section 9.25.081 or a first conviction of animal cruelty under Section 9.25.081 after a previous conviction of animal cruelty under chapter 16.52 RCW, except as provided in subsection 9.25.100.H.

H. If a person has no more than two convictions of animal cruelty under Section 9.25.081 or RCW 16.52.207, the person may petition the court for a restoration of the right to own, care for, possess, or reside with animals five years after the date of the second conviction. In determining whether to grant the petition, the court shall consider, but not be limited to, the following:

1. The person's prior animal cruelty convictions under Section 9.25.081 or RCW 16.52.207;

2. The type of harm or violence inflicted upon the animals;

3. Whether the person has completed the conditions imposed by the court as a result of the underlying convictions;

4. Whether the person complied with the prohibition on owning, caring for, possessing, or residing with animals; and

5. Any other matters the court finds reasonable and material to consider in determining whether the person is likely to abuse another animal.

The court may delay its decision on forfeiture under subsection 9.25.100.F until the end of the probationary period.

I. In addition to fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this Chapter 9.25 by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.

J. If convicted, the defendant shall also pay a civil penalty of \$1,000 to the City to prevent cruelty to animals. These funds shall be used to prosecute offenses under this Chapter 9.25 and to care for forfeited animals pending trial.

K. As a condition of the sentence imposed under this Chapter 9.25 the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

Section 3. Section 12A.02.050 of the Seattle Municipal Code, enacted by Ordinance 102843, is amended as follows:

12A.02.050 City criminal jurisdiction((:-))

* * *

D. Where the conduct constituting an offense is or includes an electronic communication, a person making or sending such electronic communication is subject to prosecution under the law of this City if the electronic communication was made, sent, received, or viewed either within this City or by a resident of this City who is temporarily outside this City. This subsection 12A.02.050.D must be construed to prohibit multiple prosecutions for substantially the same conduct, provided, however, that a probation violation or similar proceeding is not a prosecution for purposes of this sentence.

Section 4. Section 12A.02.150 of the Seattle Municipal Code, last amended by Ordinance 124301, is amended as follows:

12A.02.150 Definitions(~~(s)~~)

In this (~~(sub~~) Subtitle I, unless a different meaning plainly is required:

~~((1-))~~ "Act" or "action" means a bodily movement whether voluntary or involuntary.

~~((2-))~~ "Acted" includes, where relevant, omitted to act.

~~((3-))~~ "Actor" includes, where relevant, a person failing to act.

~~((4-))~~ "Bodily injury," "physical injury," or "bodily harm" means physical pain or injury, illness, or an impairment of physical condition.

~~((5-))~~ "Deadly weapon" means an explosive, loaded or unloaded firearm, or other weapon, device, instrument, article, or substance, including a (~~("~~)vehicle(~~")~~) as defined in this (~~(section)~~) Section 12A.02.150, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm.

~~((6-))~~ "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging.

"Electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means and includes, but is not limited to, cellular telephone, email, internet based communications, pager service, and electronic text messaging.

"Electronic tracking device" means an electronic device that permits a person to remotely determine or monitor the position and movement of another person, vehicle, device, or other personal possession. As used in this definition, "electronic device" includes computer code or other digital instructions that once installed on a digital device, allows a person to remotely track the position of that device.

~~((7-))~~ "Element of an offense" means: (i) such conduct or (ii) such attendant circumstances, or (iii) such a result of conduct as:

~~((a-))~~ 1. Is included in the description of the offense; ~~((øø))~~

~~((b-))~~ 2. Establishes the required kind of culpability; ~~((øø))~~

~~((c-))~~ 3. Negates an excuse or justification for such conduct; ~~((øø))~~

~~((d-))~~ 4. Negates a defense under the statute of limitations; or

~~((e-))~~ 5. Establishes jurisdiction.

"Jail" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest.

~~((8-))~~ "Judge" includes every judicial officer authorized, alone or with others, to hold or preside over a court.

~~((9-))~~ "Material element of an offense" means an element that does not relate exclusively to the statute of limitations, jurisdiction or to any other matter similarly unconnected with: (a) the harm or evil, incident to conduct, sought to be prevented by the law defining the offense, or (b) the existence of a justification or excuse for such conduct.

~~((10-))~~ "Motor vehicle" means every vehicle ~~((which))~~ that is self-propelled or propelled by electric power obtained from overhead trolley wires.

~~((11-))~~ "Officer" and "public officer" ~~((has its))~~ have their ordinary meanings and include~~((s))~~ all assistants, deputies, clerks, and employees of any public officer and all persons exercising or assuming to exercise any of the powers or functions of a public officer.

~~((12.))~~ "Omission" means a failure to act.

~~((13.))~~ "Ordinance" means an ordinance of The City of Seattle.

~~((14.))~~ "Peace officer" means a public officer charged with the duty to enforce public order and to make arrests for offenses under this ~~((subtitle))~~ Subtitle I or under the criminal laws of the state.

~~((15.))~~ "Person," "he," "she," and "actor" include any natural person, and, in addition, a corporation, a joint stock association or an unincorporated association unless a contrary intention plainly appears.

~~((16.))~~ "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function.

~~((17. "Jail" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest.))~~

~~((18.))~~ "Property" ~~((includes both))~~ means anything of value, whether tangible or intangible, real ~~((and))~~ or personal ~~((property)).~~

~~((19.))~~ "Reasonably believes" or "reasonable belief" designates a belief ~~((which))~~ that the actor is not reckless or criminally negligent in holding.

~~((20.))~~ "Restrain" means to restrict a person's movements without consent and without legal authority in a manner which interferes substantially with his or her liberty. Restraint is "without consent" if it is accomplished by (a) physical force, intimidation, or deception, or (b) any means including acquiescence of the victim, if he or she is a child less than ~~((sixteen-))~~ 16 ~~((9))~~ years old or an incompetent person and if the parent, guardian, or other person or institution having lawful control or custody of him or her has not acquiesced.

~~((21.))~~ "Sexual conduct" means any of the following:

~~((a.))~~ 1. Sexual intercourse in its ordinary sense which occurs upon any penetration, however slight, or contact between persons involving the sex organs of one and the mouth or anus of another;

~~((b-))~~ 2. Masturbation, manual or instrumental, of one ~~((+))~~ person by another.

~~((22-))~~ "Statute" means the Constitution or an Act of the Legislature or initiative or referendum of this state.

~~((23-))~~ "Vehicle" means a "motor vehicle" as defined in Chapter 11.14, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail.

~~((24-))~~ "Voluntary" has the meaning specified in Section 12.A.04.010.

Section 5. A new Section 12A.04.215 is added to the Seattle Municipal Code as follows:

12A.04.215 When use of force is not lawful

A person is not justified in using force against another based on the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression, or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance towards the defendant, or in which the defendant and victim dated or had a romantic or sexual relationship.

Section 6. Section 12A.06.045 of the Seattle Municipal Code, enacted by Ordinance 122789, is amended as follows:

12A.06.045 Cyberstalking~~((:))~~

A. A person is guilty of cyberstalking if he or she, ~~((with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party:~~

- ~~1. Using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act;~~
- ~~2. Anonymously or repeatedly whether or not conversation occurs; or~~
- ~~3. Threatening to inflict injury on the person or property of the person called or any member of his or her family or household.~~

~~B. Cyberstalking is a gross misdemeanor.~~

~~C. For purposes of this section, "electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means and includes, but is not limited to, electronic mail, internet based communications, pager service, and electronic text messaging.))~~

without lawful authority and under circumstances not amounting to a felony attempt of another crime:

1. Knowingly and without consent:

a. Installs or monitors an electronic tracking device with the intent to track the location of another person; or

b. Causes an electronic tracking device to be installed, placed, or used with the intent to track the location of another person; and

2.

a. Knows or reasonably should know that knowledge of the installation or monitoring of the tracking device would cause the other person reasonable fear;

b. Has notice that the other person does not want to be contacted or monitored by him or her; or

c. The other person has a protective order in effect protecting him or her from the defendant.

B. It is not a defense to the crime of cyberstalking that the person was not given actual notice that the other person did not want the defendant to contact or monitor him or her. It is not a defense to the crime of cyberstalking that the defendant did not intend to frighten, intimidate, or harass the other person.

C. The provisions of this Section 12A.06.045 do not apply to the installation, placement, or use of an electronic tracking device by any of the following:

1. A law enforcement officer, judicial officer, probation or parole officer, or other public employee when any such person is engaged in the lawful performance of official duties and in accordance with state or federal law;

2. The installation, placement, or use of an electronic tracking device authorized by an order of a municipal, state, or federal court;

3. A legal guardian for a disabled adult or a legally authorized individual or organization designated to provide protective services to a disabled adult when the electronic tracking device is installed, placed, or used to track the location of the disabled adult for which the defendant is a legal guardian or the individual or organization is designated to provide protective services;

4. A parent or legal guardian of a minor when the electronic tracking device is installed, placed, or used to track the location of that minor unless the parent or legal guardian is subject to a court order that orders the parent or legal guardian not to assault, threaten, harass, follow, or contact that minor;

5. An employer, school, or other organization, who owns the device on which the tracking device is installed and provides the device to a person for use in connection with the person's involvement with the employer, school, or other organization and the use of the device is limited to recovering lost or stolen items; or

6. The owner of fleet vehicles, when tracking such vehicles. For the purposes of this Section 12A.06.045, "fleet vehicle" means any of the following:

a. One or more motor vehicles owned by a single entity and operated by employees or agents of the entity for business or government purposes;

b. Motor vehicles held for lease or rental to the general public; or

c. Motor vehicles held for sale, or used as demonstrators, test vehicles, or loaner vehicles, by motor vehicle dealers.

Section 7. A new Section 12A.06.047 is added to the Seattle Municipal Code as follows:

12A.06.047 Cyber harassment

A. A person is guilty of cyber harassment if he or she, with intent to harass or intimidate any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to

that person or a third party and the communication:

1. Uses any lewd, lascivious, indecent, or obscene words, images, or language, or suggests the commission of any lewd or lascivious act;

2. Is made anonymously or repeatedly;

3.

a. Contains a threat to inflict bodily injury, immediately or in the future, on the person threatened or to any other person; and

b. Either would cause a reasonable person, with knowledge of the sender's history, to suffer emotional distress or to fear for the safety of the person threatened; or reasonably caused the threatened person to suffer emotional distress or fear for the threatened person's safety. or

4.

a. Contains a threat to damage, immediately or in the future, the property of the person threatened or of any other person; and

b. Either would cause a reasonable person, with knowledge of the sender's history, to suffer emotional distress or to fear for the safety of the person threatened; or reasonably caused the threatened person to suffer emotional distress or fear for the threatened person's safety.

B. The penalties provided in this Section 12A.06.047 for cyber harassment do not preclude the victim from seeking any other remedy otherwise available under law.

Section 8. Section 12A.06.120 of the Seattle Municipal Code, last amended by Ordinance 124949, is repealed:

~~**((12A.06.120 Domestic violence defined.**~~

~~Unless the context requires otherwise, the following terms shall have the following meanings as used in this Chapter 12A.06:~~

~~"Court" includes superior, district and municipal courts of the State of Washington.~~

~~"Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (i) the length of time the relationship has existed; (ii) the nature of the relationship; and (iii) the frequency of interaction between the parties.~~

~~"Domestic violence" means a crime committed by one family or household member against the person or property of another family or household member.~~

~~"Electronic monitoring" means tracking the location of an individual, whether pretrial or posttrial, through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:~~

~~1. Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or~~

~~2. Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location.~~

~~"Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes but is not limited to clothing, cribs, bedding, documents, and personal hygiene items.~~

~~"Family or household member" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.~~

~~"Judicial day" does not include Saturdays, Sundays, or legal holidays.~~

~~"Victim" means a family or household member who has been subjected to domestic violence.))~~

Section 9. Section 12A.06.130 of the Seattle Municipal Code, last amended by Ordinance 125881, is repealed:

~~**(12A.06.130 No contact orders**~~

~~A. Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with a crime or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, or after trial before sentencing or as a condition of any sentence imposed, the court authorizing the release may prohibit that person from having any contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location. At the time of arraignment, the court shall determine whether a no-contact order shall be issued or extended. In issuing the order, the court shall consider the provisions of Section 12A.06.195. The court may include in the conditions of release or as a condition of the sentence a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed. The no-contact order shall be issued in writing as soon as possible.~~

~~B. Willful violation of a court order issued under this section, or of an order issued by any court of competent jurisdiction under an equivalent statute or ordinance, is punishable as RCW 26.50.110, Violation of an Order, under Section 12A.09.020. The written order releasing the person shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under Seattle Municipal Code Section 12A.09.020 and/or RCW Chapter 26.50 and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order." A certified copy of such order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order~~

~~shall expire at arraignment or within 72 hours if charges are not filed. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.~~

~~C. Whenever a no-contact order is issued, modified, or terminated under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order.))~~

Section 10. Section 12A.06.150 of the Seattle Municipal Code, last amended by Ordinance 111858, is repealed:

~~**((12A.06.150 Peace officer immunity.**~~

~~Peace officers shall enjoy the immunity provided by RCW 10.99.070; and further, the City will defend its peace officers at City expense in civil actions arising out of law enforcement in cases of domestic violence and custodial interference as provided by Chapter 4.64 (Ordinance 104526, as amended).))~~

Section 11. Section 12A.06.155 of the Seattle Municipal Code, last amended by Ordinance 125881, is repealed:

~~**((12A.06.155 Domestic violence prevention**~~

~~A. Any person may seek relief by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.~~

~~B.~~

~~1. A person under eighteen (18) years of age who is sixteen (16) years of age or older may seek relief and is not required to seek relief by a guardian or next friend. No guardian or guardian ad litem need be appointed on behalf of a respondent who is under eighteen (18) years of age if such respondent is sixteen (16) years of age or older. The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent.~~

~~2. Any person thirteen (13) years of age or older may seek relief by filing a petition with a court~~

~~alleging that he or she has been the victim of violence in a dating relationship and the respondent is sixteen (16) years of age or older. A person under sixteen (16) years of age who is seeking relief under this subsection is required to seek relief by a parent, guardian, guardian ad litem, or next friend. For the purposes of this subsection "next friend" means any competent individual, over eighteen years of age, chosen by the minor and who is capable of pursuing the minor's stated interest in the action.~~

~~C. The jurisdiction of Seattle Municipal Court shall be limited to enforcement of Section 12A.09.020, RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in Section 12A.06.170 and RCW 26.50.070 if:~~

~~1. A superior court has exercised or is exercising jurisdiction over a proceeding under RCW Title 26 or chapter 13.34 RCW involving the parties; or~~

~~2. The petition for relief presents issues of residential schedule and of contact with children of the parties; or~~

~~3. The petition for relief requests the court to exclude a party from the dwelling which the parties share.~~

~~D. When the jurisdiction of this court is limited to the issuance and enforcement of a temporary order, the court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.~~

~~E. A person's right to petition for relief is not affected by the person leaving the residence or household to avoid abuse.))~~

~~Section 12. Section 12A.06.160 of the Seattle Municipal Code, last amended by Ordinance 118107, is repealed:~~

~~**((12A.06.160 Petition for protection orders.**~~

~~There shall exist an action known as a petition for an order for protection in cases of domestic violence.~~

~~A. A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. Petitioner and respondent shall disclose the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.090 and the existence of any other restraining, protection or no-contact orders between the parties.~~

~~B. A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties except in cases where the court realigns the petitioner and respondent in accordance with Section 12A.06.165 D.~~

~~C. Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen (14) days from the date of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exception circumstances to protect a petitioner from further acts of domestic violence. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Except as provided in RCW 26.50.085 and RCW 26.50.123, personal service shall be made upon the respondent not less than five (5) court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or service by mail as provided in RCW 26.50.123. If the court permits service by publication or by mail, the court shall set the hearing date not later than twenty-four (24) days from the date of the order. The court may issue an ex parte order for protection pending the hearing as provided in Section 12A.06.170, RCW 26.50.085 and RCW 26.50.123.))~~

Section 13. Section 12A.06.165 of the Seattle Municipal Code, last amended by Ordinance 123395, is repealed:

((12A.06.165 Protection order Relief.

~~A. Upon notice and after hearing, the court may provide relief as follows:~~

- ~~1. Restrain the respondent from committing acts of domestic violence;~~

- ~~2. Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the daycare or school of a child;~~
- ~~3. Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;~~
- ~~4. On the same basis as is provided in Chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in Chapter 26.09 RCW shall not be required;~~
- ~~5. Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;~~
- ~~6. Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer;~~
- ~~7. Require the respondent to pay the administrative court costs and service fees, as established by the City Council, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee;~~
- ~~8. Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;~~
- ~~9. Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in Section 12A.06.045, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;~~
- ~~10. Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall~~

consider the ability of the respondent to pay for electronic monitoring;

11. Consider the provisions of Section 12A.06.195;

12. Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept or held by the petitioner, respondent or a minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within or knowingly remaining within a specified distance of specified locations where the pet is regularly found; and

13. Order use of a vehicle.

B. If a protection order restrains the respondent from contacting the respondent's minor children, the restraint shall be for a fixed period not to exceed one (1) year. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order for protection. If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one (1) year the petitioner may either petition for renewal pursuant to the provisions of this section or may seek relief pursuant to the provisions of Chapter 26.09 or 26.26 RCW.

C. If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three (3) months before the order expires. The petition for renewal shall state the reason why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen (14) days from the date

~~of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five (5) days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or by mail, the court shall set the new hearing date not later than twenty-four (24) days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in Section 12A.06.170. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection A6 of this section.~~

~~D. In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with Section 12A.06.170 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with Section 12A.06.160.~~

~~E. Except as provided in subsection D of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter petition filed and served by the party seeking relief in accordance with Section 12A.06.160 C.~~

~~F. The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication or service by mail and whether the court has approved service by publication or mail of an order issued under this section.~~

~~G. If the court declines to issue an order for protection or declines to renew an order for protection, the~~

~~court shall state in writing on the order the particular reasons for the court's denial.~~

H. ~~Nothing in this section may affect the title to real estate; provided that judgment for costs or fees shall constitute a lien on real estate to the extent provided in RCW Chapter 4.56.)~~

Section 14. Section 12A.06.170 of the Seattle Municipal Code, last amended by Ordinance 123395, is repealed:

~~**((12A.06.170 Ex parte temporary protection orders.**~~

A. ~~Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:~~

- ~~1. Restraining any party from committing acts of domestic violence;~~
- ~~2. Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace or school of the other or from the day care or school of a child until further order of the court;~~
- ~~3. Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;~~
- ~~4. Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;~~
- ~~5. Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;~~
- ~~6. Considering the provisions of Section 12A.06.195; and~~
- ~~7. Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in Section 12A.06.045, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the~~

~~victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.~~

~~B. Irreparable injury includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.~~

~~C. The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.~~

~~D. An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen (14) days, or twenty-four (24) days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing shall be set for not later than fourteen (14) days from the issuance of the temporary order or not later than twenty-four (24) days if service by publication or by mail is permitted. Except as provided in Section 12A.06.160 C, RCW 26.50.085, and RCW 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.~~

~~E. Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one (1) judicial day after issuance.~~

~~F. If the court declines to issue an ex parte temporary order for protection, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order for protection shall be filed with the court.))~~

Section 15. Section 12A.06.175 of the Seattle Municipal Code, last amended by Ordinance 117673, is repealed:

~~**((12A.06.175 Peace officer Assistance.**~~

~~When an order is issued, upon request of the petitioner, the court may order a peace officer to accompany the petitioner and assist in placing the petitioner in possession of those items indicated in the order or to otherwise~~

assist in the execution of the order for protection. The order shall list all items that are to be included with sufficient specificity to make it clear which property is included. Orders shall include a designation of the appropriate law enforcement agency to execute, serve, or enforce the order.))

Section 16. Section 12A.06.185 of the Seattle Municipal Code, last amended by Ordinance 117673, is repealed:

~~((12A.06.185 Court action.~~

~~Because of the serious nature of domestic violence, the court, in domestic violence actions, shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings; shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings; shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence; provided, that the court may order a criminal defense attorney not to disclose to his client the victim's location; and shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.))~~

Section 17. Section 12A.06.190 of the Seattle Municipal Code, last amended by Ordinance 123944, is repealed:

~~((12A.06.190 Violation of civil antiharassment protection order.~~

~~A. Whenever a civil antiharassment protection order is issued by a court of competent jurisdiction any respondent or person to be restrained who wilfully disobeys the order shall be guilty of a gross misdemeanor.~~

~~B. A defendant arrested for violating any civil antiharassment protection order issued pursuant to RCW Chapter 10.14 is required to appear in person before a magistrate within one (1) judicial day after the arrest. A defendant who is charged by citation or complaint with violating any civil antiharassment protection order issued pursuant to RCW Chapter 10.14 and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen (14) days after the next day on which the court is in session following the issuance of the citation or the filing of the complaint. At the time of the appearance, the court~~

~~shall determine the necessity of imposing a no-contact order or no-harassment order and consider the provisions of RCW 9A.41.800 or other conditions of pretrial release. Appearances required pursuant to this section are mandatory and cannot be waived.))~~

Section 18. Section 12A.09.020 of the Seattle Municipal Code, enacted by Ordinance 126623, is amended as follows:

12A.09.020 Adoption of RCW sections

The following RCW sections as amended are adopted by reference:

9.68A.090 - Communication with minor for immoral purposes - Penalties

* * *

9A.46.050 - Arraignment - No-contact order

9A.46.060 - Crimes included in harassment

9A.46.080 - Order restricting contact - Violation

* * *

10.99.040 - Duties of court

10.99.050 - Victim contact - Restriction, prohibition - Violation, penalties - Written order - Procedures - Notice of change

10.99.055 - Enforcement of orders

* * *

Section 19. Section 12A.12.010 of the Seattle Municipal Code, last amended by Ordinance 113697, is amended as follows:

12A.12.010 Disorderly conduct

A. A person is guilty of disorderly conduct if he or she:

1. ~~((intentionally))~~ Intentionally, maliciously, and unreasonably disrupts any assembly or meeting of persons and refuses or intentionally fails to cease such activity when ordered to do so by a police

officer or by a person in charge of the assembly or meeting; or

2. With the intent to annoy or alarm another person repeatedly uses fighting words or obscene language, thereby creating a substantial risk of assault.

B. The following definition applies in this Section 12A.12.010: "Malice" or "maliciously" shall impart an evil intent, wish or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty. Malicious intent shall not be construed to mean the exercise of one's constitutional rights to picket, or to legally protest.

Section 20. Section 12A.14.010 of the Seattle Municipal Code, last amended by Ordinance 125345, is amended as follows:

12A.14.010 Definitions

The following definitions apply in this Chapter 12A.14:

"Air gun" means any air pistol or air rifle designed to propel a BB, pellet or other projectile by the discharge of compressed air, carbon dioxide or other gas.

"Assemble" means to fit together component parts.

* * *

"Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in the City, with or without consideration, whether the distributor is in the City or outside of the City. "Distribute" includes, but is not limited to, filling orders placed in the City, online or otherwise.

"Distribute" also includes causing a firearm or large capacity magazine to be delivered in the City.

"Federal firearms dealer" means a licensed dealer as defined in 18 U.S.C. § 921(a)(11).

"Federal firearms importer" means a licensed importer as defined in 18 U.S.C. § 921(a)(9).

"Federal firearms manufacturer" means a licensed manufacturer as defined in 18 U.S.C. § 921(a)(10).

"Firearm" means a weapon or device from which a projectile may be fired by an explosive such as

gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

"Fixed-blade knife" means any knife, regardless of blade length, with a blade which is permanently open and does not fold, retract, or slide into the handle of the knife, and includes any dagger, sword, bayonet, bolo knife, hatchet, axe, straight-edged razor, or razor blade not in a package, dispenser, or shaving appliance.

"Frame or receiver" means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver. For purposes of this definition, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

"Import" means to move, transport, or receive an item from a place outside the territorial limits of the City to a place inside the territorial limits of the City. "Import" does not mean situations where an individual possesses a large capacity magazine when departing from, and returning to, the City so long as the individual is returning to the City in possession of the same large capacity magazine the individual transported out of the City.

"Large capacity magazine" means an ammunition feeding device with the capacity to accept more than ten rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

1. An ammunition feeding device that has been permanently altered so that it cannot accommodate more than ten rounds of ammunition;

2. A .22 caliber tube ammunition feeding device; or

3. A tubular magazine that is contained in a lever-action firearm.

"Licensed collector" means a person who is federally licensed under 18 U.S.C. § 923(b).

"Licensed dealer" means a person who is federally licensed under 18 U.S.C. § 923(a).

"Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication, making, formation, production or construction of a firearm or large capacity magazine, by manual labor or by machinery.

* * *

"Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

"Unfinished frame or receiver" means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.

For purposes of this definition:

1. "Readily" means a process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speedy, or easy process. Factors relevant in making this determination, with no single one controlling, include the following:

a. Time, i.e., how long it takes to finish the process;

b. Ease, i.e., how difficult it is to do so;

c. Expertise, i.e., what knowledge and skills are required;

d. Equipment, i.e., what tools are required;

e. Availability, i.e., whether additional parts are required, and how easily they can be obtained;

f. Expense, i.e., how much it costs;

g. Scope, i.e., the extent to which the subject of the process must be changed to finish it;

and

h. Feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.

2. "Partially complete," as it modifies frame or receiver, means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it is clearly identifiable as an unfinished component part of a firearm.

Section 21. Section 12A.14.160 of the Seattle Municipal Code, last amended by Ordinance 125254, is amended as follows:

12A.14.160 Possessing dangerous weapon on school facility

A. It is unlawful for a person to knowingly carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, ~~((or))~~ areas of facilities while being used exclusively by public or private schools, or areas of facilities while being used for official meetings of a school district board of directors:

1. ~~((any))~~ Any firearm or air gun;

2. ~~((any))~~ Any other dangerous weapon as described in ~~((Section))~~ subsection 12A.14.080.A;

3. ~~((any))~~ Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or

impulse; or

4. ~~((any))~~ Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

B. Any person violating subsection 12A.14.160.A ~~((of this section))~~ is guilty of a ~~((gross))~~ misdemeanor. A second or subsequent violation of subsection 12A.14.160.A, or a violation of subsection 12A.14.160.A after a previous violation of RCW 9.41.280(1), is a gross misdemeanor. Any person convicted of a violation of subsection 12A.14.160.A.1 ~~((of this section))~~ shall have his or her concealed pistol license, if any, revoked for a period of three ~~((3))~~ years and is prohibited from applying for a concealed pistol license for a period of three ~~((3))~~ years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

C. Subsection 12A.14.160.A ~~((of this section))~~ does not apply to:

1. Any student or employee of a private military academy when on the property of the academy;
2. Any person engaged in military, law enforcement, or school district security activities.

However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection 12A.14.160.A.3 or 12A.14.160.A.4 ~~((of this section))~~ unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

3. Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

4. Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

5. Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student or

attending official meetings of a school district board of directors held off school district-owned or leased property;

6. Any nonstudent at least ~~((eighteen-))~~18~~((+))~~ years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

7. Any nonstudent at least ~~((eighteen-))~~18~~((+))~~ years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

8. Any law enforcement officer of the federal, state, or local government agency.

D. Subsection 12A.14.160.A.2 does not apply to any person who possesses a chako stick, throwing star, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises. Subsection 12A.14.160.A does not apply to any person who possesses a device listed in subsection 12A.14.160.A.3 if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

E. Except as provided in subsection 12A.14.160.C.2, 12A.14.160.C.3, 12A.14.160.C.6, and 12A.14.160.C.8, firearms are not permitted in a public or private school building.

F. "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

G. A school district board of directors must post signs providing notice of the restrictions on possession of firearms and other weapons under this Section 12A.14.160 at facilities being used for official meetings of the school district board of directors.

Section 22. Section 12A.14.170 of the Seattle Municipal Code, enacted by Ordinance 124301, is amended as follows:

12A.14.170 Weapons prohibited in certain places~~((+))~~

* * *

C. Subsection 12A.14.170.A (~~(of this section)~~) does not apply to:

1. A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

2. Law enforcement personnel, except that subsection 12A.14.170.A.2 (~~(of this section)~~) does apply to a law enforcement officer who is present at a courthouse building as a party to an antiharassment protection order action or a domestic violence protection order action under (~~(RCW Chapter 10.14,)~~) chapter 7.105 or 10.99 RCW, (~~(or 26.50,)~~) or an action under (~~(RCW)~~) Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW (~~(26.50.010)~~) 7.105.010; or

3. Security personnel while engaged in official duties.

D. Subsections 12A.14.170.A.1, 12A.14.170.A.2, 12A.14.170.A.3 and 12A.14.170.A.5 (~~(of this section)~~) do not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection 12A.14.170.A.2 (~~(of this section)~~) does apply to a correctional employee or community corrections officer who is present at a courthouse building as a party to an antiharassment protection order action or a domestic violence protection order action under (~~(RCW Chapter 10.14,)~~) chapter 7.105 or 10.99 RCW, (~~(or 26.50,)~~) or an action under (~~(RCW)~~) Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW (~~(26.50.010)~~) 7.105.010.

* * *

Section 23. A new Section 12A.14.175 is added to the Seattle Municipal Code as follows:

12A.14.175 Weapons prohibited at permitted demonstration

A. It is unlawful for any person to knowingly open carry a firearm or other weapon on his or her person or in a vehicle while knowingly at any permitted demonstration.

B. It is unlawful for any person to knowingly open carry a firearm or other weapon while knowingly within 250 feet of the perimeter of a permitted demonstration after a duly authorized state or local law

enforcement officer advises the person of the permitted demonstration and directs the person to leave until he or she no longer possesses or controls the firearm or other weapon. This subsection 12A.14.175.B does not apply to any person possessing or controlling any firearm or other weapon on private property owned or leased by that person.

C. Subsections 12A.14.175.A and 12A.14.175.B do not apply to duly authorized federal, state, and local law enforcement officers and personnel when carrying a firearm or other weapon in conformance with their employing agency's policy or to members of the armed forces of the United States or the state of Washington when carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty.

D. For purposes of this Section 12A.14.175, the following definitions apply:

1. "Permitted demonstration" means either a gathering for which a permit has been issued by a federal agency, state agency, or local government, or a gathering of 15 or more persons who are assembled for a single event at a public place that has been declared as permitted by the chief executive, sheriff, or chief of police of a local government in which the gathering occurs. A "gathering" means a demonstration, march, rally, vigil, sit-in, protest, picketing, or similar public assembly.

2. "Public place" means any site accessible to the general public for business, entertainment, or another lawful purpose. A "public place" includes, but is not limited to, the front, immediate area, or parking lot of any store, shop, restaurant, tavern, shopping center, or other place of business; any public building, its grounds, or surrounding area; or any public parking lot, street, right-of-way, sidewalk, public park, or other public grounds.

3. "Weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slungshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

E. Nothing in this Section 12A.14.175 applies to the lawful concealed carry of a firearm by a person

who has a valid concealed pistol license.

Section 24. A new Section 12A.14.177 is added to the Seattle Municipal Code as follows:

12A.14.177 Weapons at voting facility

A. Except as provided in subsections 12A.14.177.C and 12A.14.177.D, it is unlawful for a person to knowingly carry onto, or to possess in, a ballot counting center, a voting center, a student engagement hub, or the county elections and voter registration office, or areas of facilities while being used as a ballot counting center, a voting center, a student engagement hub, or the county elections and voter registration office:

1. Any firearm or air gun;
2. Any other dangerous weapon as described in subsection 12A.14.080.A;
3. Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or
4. Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

B. Any person violating subsection 12A.14.177.A is guilty of a misdemeanor. A second or subsequent violation subsection 12A.14.177.A, or a violation of subsection 12A.14.177.A after a previous violation of RCW 9A.02.020 is a gross misdemeanor. Any person convicted of a violation of subsection 12A.14.177.A.1 involving a firearm shall have his or her concealed pistol license, if any, revoked for a period of three years and, further, is prohibited from applying for a concealed pistol license for a period of three years from the date of conviction. The court shall order the person to immediately surrender any concealed pistol license, and within three business days notify the department of licensing in writing of the required revocation of any concealed pistol license held by the person.

C. Subsection 12A.14.177.A does not apply to:

1. Any law enforcement officer of a federal, state, or local government agency; or

2. Any security personnel hired by a county and engaged in security specifically for a counting center, a voting center, a student engagement hub, or the county elections and voter registration office or areas of facilities used for such purposes. However, a person who is not a commissioned law enforcement officer and who provides elections and voter registration security services under the direction of a county may not possess a firearm or device listed in subsection 12A.14.177.A.3 or 12A.14.177.A.4 unless he or she has successfully completed training in the use of firearms or such devices that is equivalent to the training received by commissioned law enforcement officers.

D. Subsection 12A.14.177.A does not prohibit concealed carry of a pistol, by a person licensed to carry a concealed pistol pursuant to RCW 9.41.070, in any voting center, student engagement hub, county elections and voter registration office, or areas of facilities while being used as a voting center, student engagement hub, or county elections and voter registration office. However, no weapon restricted by this Section 12A.14.177, whether concealed or openly carried, may be possessed in any ballot counting center or areas of facilities while being used as a ballot counting center.

E. Elections officers and officials must post signs providing notice of the restriction on possession of firearms and other weapons at each counting center, voting center, student engagement hub, or county elections and voter registration office, or areas of facilities while being used as a counting center, a voting center, a student engagement hub, or the county elections and voter registration office.

F. For the purposes of this Section 12A.14.177:

"Ballot counting center" has the same meaning as "counting center" in RCW 29A.04.019;

"Student engagement hub" means a student engagement hub as described in RCW 29A.40.180; and

"Voting center" means a voting center as described in RCW 29A.40.160.

Section 25. A new Section 12A.14.230 is added to the Seattle Municipal Code as follows:

12A.14.230 Large capacity magazine

A. No person may knowingly manufacture, import, distribute, sell, or offer for sale any large capacity

magazine.

B. Subsection 12A.14.230.A does not apply to any of the following:

1. The manufacture, importation, distribution, offer for sale, or sale of a large capacity magazine by a licensed firearms manufacturer for the purposes of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;

2. The importation, distribution, offer for sale, or sale of a large capacity magazine by a dealer that is properly licensed under federal and state law for the purpose of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;

3. The distribution, offer for sale, or sale of a large capacity magazine to or by a dealer that is properly licensed under federal and state law where the dealer acquires the large capacity magazine from a person legally authorized to possess or transfer the large capacity magazine for the purpose of selling or transferring the large capacity magazine to a person who does not reside in this City.

Section 26. A new Section 12A.14.240 is added to the Seattle Municipal Code as follows:

12A.14.240 Untraceable firearms

A. No person may manufacture, cause to be manufactured, assemble, or cause to be assembled an untraceable firearm.

B. After March 10, 2023, no person may knowingly or recklessly possess, transport, or receive an untraceable firearm, unless the party possessing, transporting, or receiving the untraceable firearm is a law enforcement agency or a federal firearms importer, federal firearms manufacturer, or federal firearms dealer.

C. No person may sell, offer to sell, transfer, or purchase an untraceable firearm.

D. Subsections 12A.14.240.B and 12A.14.240.C do not apply to any firearm that:

1. Has been rendered permanently inoperable;

2. Is an antique firearm, as defined in 18 U.S.C. § 921(a)(16);
3. Was manufactured before 1968; or
4. Has been imprinted by a federal firearms dealer or other federal licensee authorized to provide

marking services as provided for in RCW 9.41.328.

E.

1. Any person who violates this Section 12A.14.240 commits a civil infraction and shall be assessed a monetary penalty of \$500.

2. If a person previously has been found to have violated this Section 12A.14.240 or RCW 9.41.326, then the person is guilty of a misdemeanor for each subsequent violation of this Section 12A.14.240 or violation of this Section 12A.14.240 after a previous violation of RCW 9.41.326.

3. If a person previously has been found to have violated this Section 12A.14.240 or RCW 9.41.326 two or more times, then the person is guilty of a gross misdemeanor for each subsequent violation of this Section 12A.14.240.

4. If a person violates this Section 12A.14.240 by manufacturing, causing to be manufactured, assembling, causing to be assembled, possessing, transporting, receiving, selling, offering to sell, transferring, or purchasing three or more untraceable firearms at a time, then the person is guilty of a gross misdemeanor for each violation of this Section 12A.14.240.

5. A person commits a separate violation of this section for each and every firearm to which this Section 12A.14.240 applies.

Section 27. A new Section 12A.14.260 of the Seattle Municipal Code is added as follows:

12A.14.260 Unfinished firearms

A. After March 10, 2023, no person may knowingly or recklessly possess, transport, or receive an unfinished frame or receiver, unless:

1. The party possessing, transporting, or receiving the unfinished frame or receiver is a law

enforcement agency or a federal firearms importer, federal firearms manufacturer, or federal firearms dealer; or

2. The unfinished frame or receiver has been imprinted with a serial number issued by a federal firearms importer, federal firearms manufacturer, or federal firearms dealer.

B. No person may sell, offer to sell, transfer, or purchase an unfinished frame or receiver, unless:

1. The party purchasing the unfinished frame or receiver is a federal firearms importer, federal firearms manufacturer, or federal firearms dealer; or

2. The unfinished frame or receiver has been imprinted with a serial number issued by a federal firearms importer, federal firearms manufacturer, or federal firearms dealer.

C. Subsection 12A.14.260.A does not apply to any unfinished frame or receiver that has been imprinted by a federal firearms dealer or other federal licensee authorized to provide marking services as provided for in RCW 9.41.328.

D.

1. Any person who violates subsection 12A.14.260.A commits a civil infraction and shall be assessed a monetary penalty of \$500.

2. If a person previously has been found to have violated subsection 12A.14.260.A or RCW 9.41.327, then the person is guilty of a misdemeanor for each subsequent violation of subsection 12A.14.260.A, or violation of subsection 12A.14.260.A after a previous violation of RCW 9.41.327.

3. If a person previously has been found to have violated subsection 12A.14.260.A or RCW 9.41.327 two or more times, then the person is guilty of a gross misdemeanor for each subsequent violation of subsection 12A.14.260.A.

4. If a person violates subsection 12A.14.260.A by possessing, transporting, receiving, selling, offering to sell, transferring, or purchasing three or more unfinished frames or receivers at a time, then the person is guilty of a gross misdemeanor for each violation of subsection 12A.14.260.A.

5. A person commits a separate violation of subsection 12A.14.260.A for each and every

unfinished frame or receiver to which subsection 12A.14.260.A applies.

Section 28. Section 12A.16.040 of the Seattle Municipal Code, last amended by Ordinance 126233, is amended as follows:

12A.16.040 False reporting((-))

A. A person is guilty of false reporting if he or she:

~~((A-))~~ 1. Initiates or circulates a written or oral report or warning of an alleged or impending occurrence of a fire, explosion, crime, catastrophe, or emergency knowing that such report contains false information and knowing that such report is likely to cause evacuation of a building, place of assembly, or transportation facility, ~~((or))~~ to cause substantial public inconvenience or alarm, or to cause an emergency response; or

~~((B-))~~ 2. Knowingly makes a false or misleading material statement to a public servant. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties; or

~~((C-))~~ 3. Makes a verbal statement relating to a crime, catastrophe, or emergency to a Seattle Police officer or a 911 emergency operator, knowing that such statement contains a misstatement of a material fact; or

~~((D-))~~ 4. Gives false written or oral identification to a Seattle Police officer when such officer is investigating a crime or possible crime, executing a search or arrest warrant, issuing a citation or notice of infraction, issuing a parks exclusion notice under Section 18.12.278, or making an arrest, knowing that such identification is false.

B. For the purposes of this Section 12A.16.040, "emergency response" means any action to protect life, health, or property by:

1. A peace officer or law enforcement agency of the United States, the State of Washington, or a political subdivision of the State of Washington; or

2. An agency of the United States, the State of Washington, or a political subdivision of the State of Washington, or a private not-for-profit organization that provides fire, rescue, or emergency medical services.

C. Any criminal offense committed under subsection 12A.16.040.A may be deemed to have been committed either at the place from which the false report was made, at the place where the false report was received by law enforcement, or at the place where an evacuation, public inconvenience or alarm, or emergency response occurred.

D. Nothing in this subsection 12A.16.040.A will be construed to:

1. Impose liability on a person who contacts law enforcement for the purpose of, or in connection with, the reporting of unlawful conduct;

2. Conflict with 47 U.S.C. § 230 of the Communication Decency Act; or

3. Conflict with 42 U.S.C. § 1983 of the Civil Rights Act.

Section 29. Section 12A.16.080 of the Seattle Municipal Code, enacted by Ordinance 124684, is amended as follows:

12A.16.080 Bail jumping

A. ~~((Any person having been))~~ A person is guilty of bail jumping if he or she is released by court order or admitted to bail ((with knowledge)) , has received written notice of the requirement of a subsequent personal appearance before the court or of the requirement to report to a correctional facility for service of sentence, and ((who)) fails to appear or ((who)) fails to surrender for service of sentence as required ((is guilty of bail jumping)).

B. It is an affirmative defense to a prosecution under ~~((this section))~~ subsection 12A.16.080.A that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances ((in reckless disregard of)) by negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances

ceased to exist.

* * *

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

Passed by the City Council the _____ day of _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

_____, City Clerk

(Seal)