



Legislation Details (With Text)

File #:	CB 120376	Version:	1	Name:	CB 120376
Type:	Ordinance (Ord)	Status:	Passed	In control:	City Clerk
On agenda:	8/9/2022				
Final Action:	8/15/2022	Ord. No.	Ord 126650		
Title:	AN ORDINANCE relating to the City's criminal code; amending Section 12A.09.020 of the Seattle Municipal Code to adopt the Revised Code of Washington offense Interference with Health Care Facilities or Providers.				
Sponsors:	Tammy J. Morales, Lisa Herbold, Dan Strauss				
Indexes:					
Attachments:	1. Summary and Fiscal Note, 2. Central Staff Memo (added; 7/22/22), 3. Signed Ordinance 126650				

Date	Ver.	Action By	Action	Result
8/15/2022	1	City Clerk	attested by City Clerk	
8/15/2022	1	Mayor	returned	
8/15/2022	1	Mayor	Signed	
8/11/2022	1	City Clerk	submitted for Mayor's signature	
8/9/2022	1	City Council	passed	Pass
7/22/2022	1	Neighborhoods, Education, Civil Rights, and Culture Committee	pass	Pass
7/19/2022	1	City Council	referred	
7/15/2022	1	Council President's Office	sent for review	
7/14/2022	1	City Clerk	sent for review	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the City's criminal code; amending Section 12A.09.020 of the Seattle Municipal Code to adopt the Revised Code of Washington offense Interference with Health Care Facilities or Providers.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

WHEREAS, in 1991, the people of Washington initiated the Reproductive Privacy Act, which affirms the fundamental right of persons in Washington State to privacy with respect to personal reproductive decisions and proscribes the authority of the state to deny or interfere with a "pregnant individual's right

to choose or refuse to have an abortion”; and

WHEREAS, in 1993 the legislature codified Chapter 9A.50, Interference with Health Care Facilities or Providers, in the Revised Code of Washington (RCW); and

WHEREAS, Chapter 9A.50 RCW finds that “seeking or obtaining health care is fundamental to public health and safety” and creates criminal penalties for persons who interfere with access to health care facilities; and

WHEREAS, on June 24, 2022, the U.S. Supreme Court issued a decision in *Dobbs v. Jackson Women’s Health Organization* (No. 19-1392) overruling the constitutional right to an abortion established by *Roe v. Wade*, 410 U.S. 113, and *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, and repudiating a constitutional right to privacy; and

WHEREAS, *The New York Times* estimates that after the *Dobbs* decision, with current and likely trigger laws banning abortions in up to 24 states, as many as 17 million persons capable of being pregnant would not have access to local abortion services; and

WHEREAS, reproductive health organizations estimate that, after *Dobbs*, Washington State will see an increase in persons traveling to the state to seek abortion services; and

WHEREAS, the City has an interest in ensuring public health and safety and protecting the privacy interests and personal safety of Seattle residents and persons who travel to Seattle to seek health care services not offered in their state, such as abortion services and gender-affirming care; and

WHEREAS, adopting Chapter 9A.50 RCW into the Seattle Criminal Code will authorize the City Attorney to prosecute the offense in Seattle Municipal Court; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.09.020 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 120363, is amended as follows:

12A.09.020 Adoption of RCW sections

The following RCW sections as amended are adopted by reference:

7.105.010 - Definitions

7.105.450 - Enforcement and penalties - Other than antiharassment protection orders and extreme risk protection orders

7.105.455 - Enforcement and penalties - Antiharassment protection orders

7.105.460 - Enforcement and penalties - Extreme risk protection orders - False petitions

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

9.94A.030's definition of "Domestic violence"

9.94A.835 - Special allegation - Sexual motivation - Procedures

9A.36.041 - Assault in the fourth degree

9A.46.020 - Definition - Penalties (Harassment)

9A.46.030 - Place where committed

9A.46.040 - Court-ordered requirements upon person charged with crime - Violation

9A.46.050 - Arraignment - No-contact order

9A.46.080 - Order restricting contact - Violation

9A.46.085 - Stalking no-contact orders - Appearance before magistrate required

9A.46.110 - Stalking

9A.50.010 - Definitions

9A.50.020 - Interference with health care facility

9A.50.030 - Penalty

9A.50.040(1) - Civil remedies

9A.50.050 - Civil damages

9A.50.060 - Informational picketing

9A.50.070 - Protection of health care patients and providers

9A.50.900 - Construction

9A.88.010 - Indecent exposure

9A.88.110 - Patronizing a prostitute

9A.88.130 - Additional requirements

10.99.010 - Intent

10.99.020 - Definitions

10.99.030 - Law Enforcement Officers - Training, powers, duties - Domestic violence reports

10.99.040 - Duties of court

10.99.055 - Enforcement of orders

10.99.100 - Sentencing - Factors - Defendant's criminal history

10.99.901 - Construction

26.44.063 - Temporary restraining order or preliminary injunction - Enforcement - Notice of modification or termination of restraining order

26.44.067 - Temporary restraining order or preliminary injunction - Contents - Notice - Noncompliance - Defense - Penalty

43.43.754's crime of refusal to provide DNA

As used in this Title 12A, as well as in any citation, order, complaint, or charging documents, "sexual exploitation" means the crime of patronizing a prostitute as referred to in RCW 9A.88.110, and the crime of patronizing a prostitute as referred to in RCW 9A.88.110 and incorporated by reference in this Section 12A.09.020 may be known as "sexual exploitation" when charged in Seattle Municipal Court.

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.

Section 3. 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.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments: