



Legislation Text

File #: CB 120375, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the Seattle Criminal Code, adding a new Chapter 12A.32 to the Seattle Municipal Code; and amending Section 12A.20.060 of the Seattle Municipal Code.

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 majority opinion in *Dobbs* returns the issue of whether and to what extent to provide access to abortion to the states; and

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

WHEREAS, through Chapter 65, Laws of 2022, the State amended chapter 9.02 of the Revised Code of

Washington (RCW) declaring: “The state shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes”; and WHEREAS, The City of Seattle values being an open, welcoming, and inclusive city of opportunity for all its residents, workers, and visitors; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new chapter 12A.32 is added to the Seattle Municipal Code as follows:

Chapter 12A.32 PREGNANCY TERMINATION

12A.32.010 Cooperation with out-of-state law enforcement

The Seattle Police Department and City Attorney’s Office shall refrain from providing any cooperation or assistance to any out-of-state law enforcement agency, public entity, or private party if the matter concerns abortion-related conduct, or other reproductive health care or services, provided by a licensed health care provider operating within the scope of their practice, including but not limited to declining to cooperate with an out-of-state subpoena, search warrant, arrest warrant, or court order that has not originated in Washington State.

12A.32.020 Enforcement priority

In the event that any abortion-related conduct or reproductive health care or services, conducted by a licensed healthcare provider regulated under Title 18 RCW and operating within their scope of practice, are deemed unlawful in Washington State, the Seattle Police Department and City Attorney’s Office shall make cooperation with other law enforcements agencies for the purpose of the investigation, arrest, and prosecution of such offenses among the City’s lowest law enforcement priorities.

Section 2. Section 12A.20.060 of the Seattle Municipal Code, amended by Ordinance 122025, is amended as follows:

12A.20.060 Enforcement Priority - Marijuana((-))

The Seattle Police Department and City Attorney’s Office shall make the investigation, arrest, and prosecution of marijuana offenses, where the marijuana was intended for adult personal use, among the City’s lowest law

enforcement ((~~priority~~) priorities).

Section 3. The City Council requests the Seattle Police Department and City Attorney's Office 1) establish a process to scrutinize all requests for cooperation, assistance, or information from any party in any state where abortion is banned or otherwise restricted to a degree inconsistent with Washington state law; 2) identify those requests that implicate abortion-related conduct or an individual's reproductive health care or services; and 3) retain anonymized records regarding the number and origin of such requests.

Section 4. 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: