



Legislation Text

File #: CB 120586, Version: 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to controlled substances; adding the crimes of possession of a controlled substance and use of a controlled substance in a public place; and amending Section 12A.09.020 of the Seattle Municipal Code.

WHEREAS, there were 589 overdose deaths in Seattle in 2022, with the majority attributed to fentanyl and methamphetamines, compared to 342 in 2021, an increase of 72 percent; and

WHEREAS, on April 17, 2023, Mayor Bruce Harrell issued his Downtown Activation Plan and Executive Order 2023-04: Addressing the Opioid and Synthetic Drug Crisis in Seattle, identifying the need to address the spike in overdose deaths and improve Downtown public safety; and

WHEREAS, drug use negatively impacts the public's sense of safety and harms and threatens neighborhoods across Seattle; and

WHEREAS, drug use is associated with drug trafficking, gun violence, and property crimes, which the City is trying to address; and

WHEREAS, the State Legislature passed 2E2SSB 5536 in the 2023 special legislative session to address drug possession and public drug use; and

WHEREAS, 2E2SSB 5536 amends RCW 69.50.4013 to state that “[t]he prosecutor is encouraged to divert such cases for assessment, treatment, or other services;” and that “[i]n lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs

established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 8 71.24.589, and the recovery navigator program established under RCW 9 71.24.115;” and WHEREAS, the State requires in RCW 39.34.180 that the City be responsible for all misdemeanors and gross misdemeanors occurring in the City; and

WHEREAS, prohibiting drug use is beneficial for public health and safety and will help combat the current drug epidemic; 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 Ordinance 126691, is amended as follows:

12A.09.020 Adoption of RCW sections

The following RCW sections as amended are adopted by reference:

* * *

43.43.754’s crime of refusal to provide DNA

69.50.101 - Definitions (except that cannabis is not included in the definition of “controlled substance”)

69.50.204 - Schedule I (except that cannabis is not included)

69.50.206 - Schedule II

69.50.208 - Schedule III

69.50.210 - Schedule IV

69.50.212 - Schedule V

69.50.4013(1), (2), (7), and (8) as amended by 2E2SSB 5536 (68th Legislature, 2023 1st Special Session), Section 2

The section created by 2E2SSB 5536, Section 9

The section created by 2E2SSB 5536, Section 10

* * *

Section 2. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Anne Frantilla, Interim City Clerk

(Seal)