

ORDINANCE No. 118106

COUNCIL BILL No. 11214

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Law Department

The City of Seattle--Legis

INDEXED

REPORT OF COMM

AN ORDINANCE relating to the criminal code, amending Section 12A.08.020 and adding a section to Chapter 12A.10 of the Seattle Municipal Code.

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Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____ report that we have considered the same and respectfully reco

COMPTROLLER FILE No. _____

Introduced: APR 22 1996	By: NOLAND
Referred: APR 22 1996	To: PUBLIC SAFETY COMMITTEE
Referred:	To:
Referred:	To:
Reported: APR 29 1996	Second Reading: APR 29 1996
Third Reading: APR 29 1996	Signed: APR 29 1996
Presented to Mayor: APR 30 1996	Approved: MAY 3 1996
Returned to City Clerk: MAY 3 1996	Published: <i>Full</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Passed Public Safety 3-0 4/2

Full Council

Committee Cha

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Law Department

The City of Seattle--Legislative Department

INDEXED

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee:

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

Passed Public Safety 3-0 4/23/66

Full Council vote 8-0

Committee Chair

ORDINANCE 118106

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AN ORDINANCE relating to the criminal code, amending Section 12A.08.020 and adding a section to Chapter 12A.10 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.08.020 of the Seattle Municipal Code (Ordinance 102843 § 12A.08.020, as amended by Ordinance 114635 § 3) is further amended as follows:

12A.08.020 Property destruction.

A. A person is guilty of property destruction if he or she:

1. intentionally damages the property of another;

or

2. writes, paints or draws any inscription, figure or mark of any type on any public or private building or other structure or any real or personal property owned by any other person.

B. (~~In any prosecution under subsection A, it~~) 1. It is an affirmative defense to property destruction under subsection A1 that the actor reasonably believed that he had a lawful right to damage such property.

2. It is an affirmative defense to property destruction under subsection A2 that the actor had obtained express permission of the owner or operator of the building, structure or property.

C. 1. Property destruction under subsection A1 is a gross misdemeanor ((7)) if the damage to the property is in an amount exceeding Fifty Dollars (\$50.00); otherwise, it is a misdemeanor.

2. Property destruction under subsection A2 is a gross misdemeanor.

Section 2. Chapter 12A.10 of the Seattle Municipal Code (Ordinance 102843, as amended) is further amended by adding the following section:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

12A.10.070 Mandatory fee for defendant convicted of prostitution-related offense.

1 A. 1. In addition to penalties set forth in Section
2 12A.10.020 and Section 12A.10.060, a person who is either
3 convicted or given a deferred sentence or a deferred
4 prosecution as a result of an arrest for violating Section
5 12A.10.020 or Section 12A.10.060 shall be assessed a fee of
6 Fifty Dollars (\$50.00).

7 2. In addition to penalties set forth in Section
8 12A.10.040, a person who is either convicted or given a
9 deferred sentence or a deferred prosecution as a result of an
10 arrest for violating Section 12A.10.040 shall be assessed a
11 fee of One Hundred Fifty Dollars (\$150.00).

12 B. The court may not suspend payment of all or part of
13 the fee unless it finds that the person does not have the
14 ability to pay.

15 C. Any fee assessed under this section shall be
16 collected by the clerk of the court and distributed each month
17 to the state treasurer for deposit in the prostitution
18 prevention and intervention account under RCW 43.63A.740 for
19 the purpose of funding prostitution prevention and
20 intervention activities.

21 Section 3. The provisions of this ordinance are
22 declared to be separate and severable. The invalidity of any
23 clause, sentence, paragraph, subdivision, section or portion
24 thereof to any person or circumstance shall not affect the
25 validity of the remainder of this ordinance, or the validity
26 of its application to other persons or circumstances.

27 Section 4. This ordinance shall take effect and be in
28 force on June 6, 1996.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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1 Passed by the City Council the 29 day of
April, 1996, and signed by me in open session in
2 authentication of its passage this 29 day of
April, 1996.
3

4 John Deas
5 President of the City Council

6 Approved by me this 3 day of May, 1996.
7

8 Norman Blue
9 Mayor

10 Filed by me this 3 day of May, 1996.
11

12 Justia E. Papp
13 City Clerk
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SEATTLE CITY ATTORNEY
MARK H. SIDRAN

M E M O R A N D U M

TO: Honorable Jan Drago
President, Seattle City Council

FROM: Mark H. Sidran *MHS*

RE: Proposed Ordinance Relating to Graffiti and Prostitution

DATE: April 11, 1996

As indicated below, this proposed ordinance contains some provisions which are required by state law and some that are discretionary:

Graffiti. Required. Section 1 categorizes graffiti as a type of property destruction which is always a gross misdemeanor, regardless of the amount of damage done. The maximum penalty for a gross misdemeanor is one year in jail and a \$5,000 fine. Under current ordinance, property damage (including graffiti) less than \$50 is a misdemeanor subject to a maximum of 90 days in jail and a \$1,000 fine. Thus the effect of this change is to increase the maximum penalty for graffiti causing damage under \$50.

Assessments for Prostitution Related Crimes. Discretionary. Section 2 imposes mandatory fines on persons convicted of Prostitution, Patronizing a Prostitute and Permitting Prostitution. All the fines go to the state Prostitution Prevention and Intervention account, from which the Department of Community, Trade and Economic Development makes grants to local governments or groups for programs to encourage women to leave prostitution. Although state law already authorizes Municipal Court to impose these fines, adoption by ordinance would ensure that the Municipal Code accurately reflects all the penalties for a prostitution related offense without requiring reference to state statutes. This will aid in proper enforcement of the law.

MHS:lm

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

June D. Bond

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

67838
City of Seattle, City Clerk

-ss.

No. ORD IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:118106

was published on

05/10/96

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

Subscribed and sworn to before me on

05/10/96

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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