

## Myerberg, Andrew

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**From:** SPD\_aprs  
**Sent:** Friday, November 8, 2019 3:56 PM  
**To:** SPD\_aprs  
**Subject:** Changes to Seattle Muni Code (SMCs to RCWs)

*This email approved by Captain John Hayes.*

### The Issue

In 2014, the Washington State Patrol (WSP) Crime Lab stopped accepting DNA samples taken from Seattle Municipal Court defendants on the grounds the defendants were not convicted of state law misdemeanors.

In 2019, the WA Attorney General's Office drafted an opinion letter stating that DNA samples could be submitted to the Crime Lab if the municipal codes incorporated state law.

Officers have begun to notice that some Seattle Municipal Codes (SMCs) are no longer online in [Municode](#). That is because [City of Seattle Ordinance 125881](#), effective 09/08/19, repealed several SMCs in favor of the relevant RCWs so that the DNA samples could go to the WSP Crime Lab, per the attorney general's opinion.

### What does this mean for SPD officers and detectives?

Mark43 personnel will be removing the repealed SMCs from the offense list. Officers and detectives will need to select the corresponding RCWs for those offenses.

Example: For a misdemeanor indecent exposure offense, the repealed SMC 12A.10.130 will no longer be available. Officers will select "RCW – 9A.88.010.2A | Indecent Exposure" instead.

The law department has been aware of this change, and cases filed since 09/08/19 are going through with the correct law cited. Cases are not being dismissed for this reason.

**NOTE:** All of this only applies to the repealed SMCs listed below. Other SMC misdemeanor reporting remains the same.

The repealed SMCs are:

- 12A.06.010 - Assault
- 12A.06.035 - Stalking
- 12A.06.040 - Harassment

12A.06.180 - Violation Court Order  
12A.10.040 - Sexual Exploitation  
12A.10.130 - Indecent Exposure  
12A.10.140 - Communication with a minor for immoral purposes

RCWs adopted into the SMC:

9.68A.090 – Communication with minor for immoral purposes – Penalties  
9.94A.030’s definition of “Domestic Violence”  
9.94A.835 – Special Allegation – 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.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  
10.99.901 – 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  
26.50.010 – Definitions  
26.50.110 – Violation of order – Penalties

Employees may email the [Policy Unit](#) with questions.

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