

## Conforming Legislation to Prohibit Drug Possession and Public Drug Use in Seattle

### *FREQUENTLY ASKED QUESTIONS*

#### ***1. What does the proposed Seattle drug possession and public drug use legislation do?***

On Tuesday, May 16, 2023, the Washington state legislature passed 2E2SSB 5536, prohibiting drug possession and public drug use, among other things. City Attorney Ann Davison and Councilmembers Sara Nelson and Alex Pedersen have submitted legislation to bring Seattle into conformity with this new state law. The proposed bill would allow the Seattle Police Department to refer drug possession and public drug use cases to the City Attorney's Office for prosecution in Seattle Municipal Court.

#### ***2. Why is a Seattle municipal law necessary?***

State law (RCW 39.34.180) makes cities responsible for charging all misdemeanors and gross misdemeanors occurring in their jurisdiction. The Seattle City Attorney's Office is responsible for prosecuting misdemeanors and gross misdemeanors in Seattle but can only charge cases under the Seattle Municipal Code. In order to charge cases of drug possession or public drug use, therefore, the Seattle City Council needs to adopt the new state law into the Seattle Municipal Code.

#### ***3. What are the different roles of the King County Prosecutor and Seattle City Attorney?***

The King County Prosecutor is responsible for charging felony crimes in King County Superior Court and a limited number of misdemeanor crimes from unincorporated King County in King County District Court. The Seattle City Attorney's Office is responsible for charging misdemeanor crimes under the Seattle Municipal Code in Seattle Municipal Court. Now that drug possession and public drug use will become a misdemeanor under state law, responsibility for these cases should shift from King County to the City of Seattle.

#### ***4. How does the updated proposal differ from the public drug use legislation that was previously submitted?***

On April 27, City Attorney Davison and Councilmembers Nelson and Pedersen introduced a Seattle [bill](#) to prohibit public use of illegal drugs to fill the gap in the law when the State Legislature adjourned initially on April 26 without a statewide fix. Their proposal was similar to proposals from other fast-acting jurisdictions across the state, which were also eager to take appropriate and responsible action to fill the legal gap. Governor Inslee called State legislators back for a special session to craft a compromise measure which passed both the House and Senate on May 16, 2023. The updated proposed legislation adopts the new state law and covers both drug possession and public drug use.