

**CITY COUNCIL AGENDA TOPIC**

Ordinance defining criminal conduct; adopting a new section 10.06.130 of the Bellevue City Code related to targeted residential protest; and setting an effective date.

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**EXECUTIVE SUMMARY****ACTION**

The City Council is being asked to consider an ordinance to establish a new criminal conduct for targeted residential protest. This ordinance places a reasonable limit on protests that target specific occupants or residences located in residential land use districts, thus balancing and reconciling the rights of protesters to express their views and the rights of residents to enjoy privacy and tranquility in their homes.

**RECOMMENDATION**

Move to adopt Ordinance No. 6917

**BACKGROUND/ANALYSIS**

The First Amendment of the United States Constitution protects the rights of protestors and demonstrators to peacefully communicate and express their ideas and opinions. These constitutional rights are fundamental to our democracy and the values of the people of Bellevue. The city operates and provides services consistent with these constitutional protections.

There have been recent occurrences of protests and demonstrations in the city that target specific occupants of a residence or the residence itself. These targeted protests and demonstrations render the occupants as captive audience to offensive speech in their homes since the occupants cannot readily move to another residence or avoid the unwelcome speech.

The United States Supreme Court has determined that the government's protection of privacy and tranquility in the home to be a government interest of the highest order. The Court also has held that the government may prohibit offensive speech as intrusive when the captive audience cannot avoid the objectionable speech (*Frisby v. Schultz*, 487 US 474 (1988)). The current law in Bellevue does not adequately protect the rights of residents to privacy and tranquility in their homes when they or their residence are the subject of targeted protest.

The ordinance being presented to the council defines a new criminal conduct for targeted residential protest. If adopted, a person who participates with three or more people in a protest targeted at a particular occupant of a residence or the residence itself in a residential land use district may be criminally charged with gross misdemeanor. Targeted protest is defined as posting of persons, focused

course, or route in front of, around, or directly adjacent to the residences. If convicted, this crime carries a possible maximum jail sentence of 364 days and \$5,000 in fine.

The intent of the new regulation is to balance and reconcile the right of protesters to express their views and the right of residents to enjoy privacy and tranquility in their homes. The ordinance is not intended to be applied in a manner that restricts First Amendment activities within a residential neighborhood which does not target a particular residence or an occupant therein.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

This ordinance enacts new regulations that place a reasonable limit on targeted residential protest. The new regulations balance and reconcile the rights under the First Amendment for protesters and demonstrators to peacefully communicate and express their opinions and ideas with the right of residents to enjoy privacy and tranquility in their homes.

### **Fiscal Impact**

There is no fiscal impact associated with implementing these changes.

## **OPTIONS**

1. Move to adopt the Ordinance defining criminal conduct; adopting a new section 10.06.130 of the Bellevue City Code related to targeted residential protest; and setting an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

## **ATTACHMENTS**

Proposed Ordinance No. 6917

## **AVAILABLE IN COUNCIL LIBRARY**

N/A