

SENATE BILL REPORT

SB 6182

AS REPORTED BY COMMITTEE ON EDUCATION, FEBRUARY 4, 1992

Brief Description: Creating a misdemeanor of interfering with school activities.

SPONSORS: Senators Talmadge and Bailey

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 6182 be substituted therefor, and the substitute bill do pass.

Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Staff: Leslie Goldstein (786-7424)

Hearing Dates: January 28, 1992; February 4, 1992

BACKGROUND:

Under current Washington law, school authorities have difficulty requesting the removal of persons who are on or near school grounds and who are disturbing or threaten to disturb the school environment. In 1975, the Washington Supreme Court struck down the provisions of a state anti-loitering statute for being overbroad. (State v. Martinez, 85 Wn. 2d 671 (1975)) However, the court indicated that a statute could be drafted to prohibit activities interfering with the educational process if the statute were precise, did not substantially impinge upon protected First Amendment activity, and treated persons alike. Recently, the 9th Circuit Court of Appeals has upheld a California statute prohibiting loitering near schools. Anti-loitering statutes are being used as tools to counteract the operation of drug dealers, gangs, and intruders who disturb the safe operation of schools.

SUMMARY:

The misdemeanor of interfering with school activities is created. A person commits the misdemeanor if the prohibited conduct is committed while school is in session and the person is on public premises next to any public or private school or on the grounds of any public or private school. The prohibited conduct includes making a noise or diversion that disturbs or tends to disturb the school session or failing to leave after being requested to leave if the person is committing or threatens to commit an act that would disrupt the lawful operation of the school.

EFFECT OF PROPOSED SUBSTITUTE:

Language is added prohibiting interfering with school activities to an existing statute prohibiting conduct such as being under the influence of drugs or alcohol or creating a substantial risk of harm to a person or property. Such conduct is also prohibited near private schools.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This legislation is necessary to help protect the safety of our children. It is narrowly drawn consistent with court decisions. It can be used by school districts to help prevent dangerous activities such as gang activities.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Senator Talmadge, prime sponsor; John Kvamme, Tacoma School District