

SENATE BILL REPORT

SB 5323

AS REPORTED BY COMMITTEE ON EDUCATION, MARCH 3, 1993

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

SPONSORS: Senators Talmadge, Pelz, Moyer, McDonald, Winsley and Oke

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5323 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, McDonald, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek, A. Smith, and Winsley.

Staff: Susan Mielke (786-7439)

Hearing Dates: February 24, 1993; March 3, 1993

BACKGROUND:

Anti-loitering statutes are being used in other states as measures to counteract the operation of drug dealers, gangs, and intruders who disturb the safe operation of schools. 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 threatening to disturb the school environment. In 1975, the Washington Supreme Court struck down the provisions for a state anti-loitering statute for being vague. (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. In 1989, the 9th Circuit Court of Appeals upheld a California statute prohibiting loitering near schools. In 1991, the U.S. Supreme Court declined to hear arguments on the California statute.

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 or adjacent to the grounds of any public or approved private school. The prohibited conduct includes making a noise or diversion that disturbs or tends to disturb the school session or class, or failure to leave after being requested to leave by a school authority if the person is: committing; is threatening to commit; or is initiating another person to commit an act that would disrupt the lawful operation of the school. This conduct shall be punishable by

a fine of not more than \$500, or by imprisonment for not more than six months, or both.

EFFECT OF PROPOSED SUBSTITUTE:

Protects any conduct that is protected by law or by the First Amendment of the U.S. Constitution.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Some schools have experienced disturbances caused by drug and gang activity across the street from the school. This bill provides an enforcement mechanism for school principals and teachers to prevent people engaging in disruptive activity from disrupting school activities.

TESTIMONY AGAINST: None

TESTIFIED: Senator Phil Talmadge, prime sponsor