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**SUBSTITUTE SENATE BILL 5323**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senate Committee on Education (originally sponsored by Senators Talmadge, Pelz, Moyer, McDonald, Winsley and Oke)

Read first time 03/03/93.

1 AN ACT Relating to the protection of students in kindergarten  
2 through twelfth grades; amending RCW 28A.635.020; and prescribing  
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 28A.635.020 and 1981 c 36 s 1 are each amended to read  
6 as follows:

7 (1) It shall be unlawful for any person to willfully disobey the  
8 order of the chief administrative officer of a public school district,  
9 or of an authorized designee of any such administrator, to leave any  
10 motor vehicle, building, grounds or other property which is owned,  
11 operated or controlled by the school district or approved private  
12 school if the person so ordered is under the influence of alcohol or  
13 drugs, or is committing, threatens to imminently commit or incites  
14 another to imminently commit any act which would disturb or interfere  
15 with or obstruct any lawful task, function, process or procedure of the  
16 school district or approved private school or any lawful task,  
17 function, process or procedure of any student, official, employee or  
18 invitee of the school district or approved private school. The order  
19 of a school officer or designee acting pursuant to this subsection

1 shall be valid if the officer or designee reasonably believes a person  
2 ordered to leave is under the influence of alcohol or drugs, is  
3 committing acts, or is creating a disturbance as provided in this  
4 subsection.

5 (2) It shall be unlawful for any person to refuse to leave public  
6 property immediately adjacent to a building, grounds or property which  
7 is owned, operated or controlled by a school district or approved  
8 private school when ordered to do so by a law enforcement officer if  
9 such person is engaging in conduct which creates a substantial risk of  
10 causing injury to any person, or substantial harm to property, or such  
11 conduct amounts to disorderly conduct under RCW 9A.84.030.

12 (3) It shall be unlawful for any person to interfere with school  
13 activities. Interfering with school activities means conduct committed  
14 while school is in session and the person is on public premises  
15 adjacent to or on the grounds of any public or approved private school  
16 and the person:

17 (a) Makes any noise or diversion that disturbs or tends to disturb  
18 the peace or good order of a school session or a class or a school  
19 session and the person is requested to leave by a school authority; or

20 (b) Fails to leave the premises or immediate vicinity of the public  
21 or approved private school while the school is in session at the  
22 request of a school authority if the person is committing, threatens to  
23 commit, or is initiating the commission by another of an act that would  
24 disrupt, impair, interfere with, or obstruct the lawful mission,  
25 process, procedures, or functions of the public or approved private  
26 school.

27 (c) This subsection (3) shall not apply to any conduct that is  
28 protected by state or federal law or by the first amendment of the  
29 Constitution of the United States.

30 (4) Nothing in this section shall be construed to prohibit or  
31 penalize activity consisting of the lawful exercise of freedom of  
32 speech, freedom of press and the right to peaceably assemble and  
33 petition the government for a redress of grievances: PROVIDED, That  
34 such activity neither does or threatens imminently to materially  
35 disturb or interfere with or obstruct any lawful task, function,  
36 process or procedure of the school district, or any lawful task,  
37 function, process or procedure of any student, official, employee or  
38 invitee of the school district: PROVIDED FURTHER, That such activity  
39 is not conducted in violation of a prohibition or limitation lawfully

1 imposed by the school district upon entry or use of any motor vehicle,  
2 building, grounds or other property which is owned, operated or  
3 controlled by the school district.

4       (~~(4)~~) (5) Any person guilty of violating this section shall be  
5 deemed guilty of a misdemeanor and, upon conviction therefor, shall be  
6 fined not more than five hundred dollars, or imprisoned in jail for not  
7 more than six months or both so fined and imprisoned.

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