
SENATE BILL 5672

State of Washington

55th Legislature

1997 Regular Session

By Senators Strannigan, Franklin, McCaslin, Benton, Wood, Winsley, Horn, Wojahn, Kline, Kohl and Oke

Read first time 02/06/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to drug-free zones in public housing projects;
2 amending RCW 69.50.435; creating a new section; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that a large number of
6 illegal drug transactions occur in or near public housing projects.
7 The legislature also finds that this activity places the families and
8 children residing in these housing projects at risk for drug-related
9 crimes and increases the general level of fear among the residents of
10 the housing project and the areas surrounding these projects. The
11 intent of the legislature is to allow local governments to designate
12 public housing projects as drug-free zones.

13 **Sec. 2.** RCW 69.50.435 and 1996 c 14 s 2 are each amended to read
14 as follows:

15 (a) Any person who violates RCW 69.50.401(a) by manufacturing,
16 selling, delivering, or possessing with the intent to manufacture,
17 sell, or deliver a controlled substance listed under that subsection or
18 who violates RCW 69.50.410 by selling for profit any controlled

1 substance or counterfeit substance classified in schedule I, RCW
2 69.50.204, except leaves and flowering tops of marihuana to a person:

- 3 (1) In a school;
- 4 (2) On a school bus;
- 5 (3) Within one thousand feet of a school bus route stop designated
6 by the school district;
- 7 (4) Within one thousand feet of the perimeter of the school
8 grounds;
- 9 (5) In a public park;
- 10 (6) In a public housing project designated by a local governing
11 authority as a drug-free zone;
- 12 (7) On a public transit vehicle;
- 13 ~~((+7))~~ (8) In a public transit stop shelter;
- 14 ~~((+8))~~ (9) At a civic center designated as a drug-free zone by the
15 local governing authority; or
- 16 ~~((+9))~~ (10) Within one thousand feet of the perimeter of a
17 facility designated under ~~((+8))~~ (9) of this subsection, if the local
18 governing authority specifically designates the one thousand foot
19 perimeter

20 may be punished by a fine of up to twice the fine otherwise authorized
21 by this chapter, but not including twice the fine authorized by RCW
22 69.50.406, or by imprisonment of up to twice the imprisonment otherwise
23 authorized by this chapter, but not including twice the imprisonment
24 authorized by RCW 69.50.406, or by both such fine and imprisonment.
25 The provisions of this section shall not operate to more than double
26 the fine or imprisonment otherwise authorized by this chapter for an
27 offense.

28 (b) It is not a defense to a prosecution for a violation of this
29 section that the person was unaware that the prohibited conduct took
30 place while in a school or school bus or within one thousand feet of
31 the school or school bus route stop, in a public park, in a public
32 housing project designated by a local governing authority as a drug-
33 free zone, on a public transit vehicle, in a public transit stop
34 shelter, at a civic center designated as a drug-free zone by the local
35 governing authority, or within one thousand feet of the perimeter of a
36 facility designated under subsection (a)~~((+8))~~ (9) of this section, if
37 the local governing authority specifically designates the one thousand
38 foot perimeter.

1 (c) It is not a defense to a prosecution for a violation of this
2 section or any other prosecution under this chapter that persons under
3 the age of eighteen were not present in the school, the school bus, the
4 public park, the public housing project designated by a local governing
5 authority as a drug-free zone, or the public transit vehicle, or at the
6 school bus route stop, the public transit vehicle stop shelter, at a
7 civic center designated as a drug-free zone by the local governing
8 authority, or within one thousand feet of the perimeter of a facility
9 designated under subsection (a)((+8)) (9) of this section, if the
10 local governing authority specifically designates the one thousand foot
11 perimeter at the time of the offense or that school was not in session.

12 (d) It is an affirmative defense to a prosecution for a violation
13 of this section that the prohibited conduct took place entirely within
14 a private residence, that no person under eighteen years of age or
15 younger was present in such private residence at any time during the
16 commission of the offense, and that the prohibited conduct did not
17 involve delivering, manufacturing, selling, or possessing with the
18 intent to manufacture, sell, or deliver any controlled substance in RCW
19 69.50.401(a) for profit. The affirmative defense established in this
20 section shall be proved by the defendant by a preponderance of the
21 evidence. This section shall not be construed to establish an
22 affirmative defense with respect to a prosecution for an offense
23 defined in any other section of this chapter.

24 (e) In a prosecution under this section, a map produced or
25 reproduced by any (~~municipal~~) municipality, school district, county,
26 (~~or~~) transit authority engineer, or public housing authority for the
27 purpose of depicting the location and boundaries of the area on or
28 within one thousand feet of any property used for a school, school bus
29 route stop, public park, public housing project designated by a local
30 governing authority as a drug-free zone, public transit vehicle stop
31 shelter, or a civic center designated as a drug-free zone by a local
32 governing authority, or a true copy of such a map, shall under proper
33 authentication, be admissible and shall constitute prima facie evidence
34 of the location and boundaries of those areas if the governing body of
35 the municipality, school district, county, or transit authority has
36 adopted a resolution or ordinance approving the map as the official
37 location and record of the location and boundaries of the area on or
38 within one thousand feet of the school, school bus route stop, public
39 park, public housing project designated by a local governing authority

1 as a drug-free zone, public transit vehicle stop shelter, or civic
2 center designated as a drug-free zone by a local governing authority.
3 Any map approved under this section or a true copy of the map shall be
4 filed with the clerk of the municipality or county, and shall be
5 maintained as an official record of the municipality or county. This
6 section shall not be construed as precluding the prosecution from
7 introducing or relying upon any other evidence or testimony to
8 establish any element of the offense. This section shall not be
9 construed as precluding the use or admissibility of any map or diagram
10 other than the one which has been approved by the governing body of a
11 municipality, school district, county, ~~((or))~~ transit authority, or
12 public housing authority if the map or diagram is otherwise admissible
13 under court rule.

14 (f) As used in this section the following terms have the meanings
15 indicated unless the context clearly requires otherwise:

16 (1) "School" has the meaning under RCW 28A.150.010 or 28A.150.020.
17 The term "school" also includes a private school approved under RCW
18 28A.195.010;

19 (2) "School bus" means a school bus as defined by the
20 superintendent of public instruction by rule which is owned and
21 operated by any school district and all school buses which are
22 privately owned and operated under contract or otherwise with any
23 school district in the state for the transportation of students. The
24 term does not include buses operated by common carriers in the urban
25 transportation of students such as transportation of students through
26 a municipal transportation system;

27 (3) "School bus route stop" means a school bus stop as designated
28 on maps submitted by school districts to the office of the
29 superintendent of public instruction;

30 (4) "Public park" means land, including any facilities or
31 improvements on the land, that is operated as a park by the state or a
32 local government;

33 (5) "Public transit vehicle" means any motor vehicle, street car,
34 train, trolley vehicle, or any other device, vessel, or vehicle which
35 is owned or operated by a transit authority and which is used for the
36 purpose of carrying passengers on a regular schedule;

37 (6) "Transit authority" means a city, county, or state
38 transportation system, transportation authority, public transportation

1 benefit area, public transit authority, or metropolitan municipal
2 corporation within the state that operates public transit vehicles;

3 (7) "Stop shelter" means a passenger shelter designated by a
4 transit authority;

5 (8) "Civic center" means a publicly owned or publicly operated
6 place or facility used for recreational, educational, or cultural
7 activities;

8 (9) "Public housing project" means the same as "housing project" as
9 defined in RCW 35.82.020.

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