

HOUSE BILL ANALYSIS

HB 1326

Title: An act relating to criminal justice resource officers in schools.

Brief Description: Authorizing schools to use criminal justice resource officers for law enforcement activities.

Sponsors: Representatives McDonald, Hurst, Delvin, O'Brien, Campbell, Bush and Esser.

Brief Summary of Bill

- Defines criminal justice resource officer as a law enforcement officer who routinely works with children or schools and part of whose job is concerned with school safety.
- Allows criminal justice resource officers to search a student at the request of the school principal or vice principal.
- Provides that a criminal justice resource officer may make a brief, investigative stop of a student if there is reasonable suspicion of an immediate threat, including gang activity or firearm possession.

HOUSE COMMITTEE ON JUDICIARY

Staff: Alice Ost diek (786-5793); Trudes Hutcheson (786-7384).

Background:

A school principal, vice principal, or a principal's designee may question or search a student based on reasonable suspicion that the search will yield evidence that the student has broken a law or school rule. The search must be justified at its inception and must not go beyond the scope of the original justification, unless new suspicions are raised. The methods used to search a student must be reasonable in light of the age and sex of the student and the nature of the suspected infraction. A school official and anyone acting under his or her direction is prohibited from conducting a strip search.

The principal, vice principal, or designee may search a student's locker without prior notice and without suspicion. If a locker search raises a suspicion about a container within the locker, the container may be searched as well.

In general, a police officer may conduct a search only if the officer has probable cause, which is a higher standard than reasonable suspicion. If the officer has reasonable, articulable facts suggesting that an individual presents an immediate threat or that there is an immediate need to preserve evidence of an infraction, the officer may conduct a brief investigative stop, such as a weapons frisk.

Summary of Bill:

The Legislature finds that increased risk of violence in schools creates a special need, beyond the normal need for law enforcement, to question or search students under some circumstances. It finds that law enforcement officials who are assigned to schools are better trained to handle potentially dangerous situations than school officials. The Legislature intends to give officers in schools the authority to perform the tasks that school officials are already authorized to perform.

A criminal justice resource officer is defined as any law enforcement officer whose job includes routinely working with students and improving school safety.

A criminal justice resource officer would have statutory authority to:

- search a student or the contents of a student's locker at the request of the school principal or vice principal who has a reasonable suspicion that the student has broken a law; and
- conduct a brief investigative stop of a student whom the officer has reasonable, articulable facts to suggest the student presents a threat. That threat may include involvement in gang activities or possession of a firearm on school grounds.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research