
HOUSE BILL 1326

State of Washington

56th Legislature

1999 Regular Session

By Representatives McDonald, Hurst, Delvin, O'Brien, Campbell, Bush and Esser

Read first time 01/21/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to criminal justice resource officers in schools;
2 amending RCW 28A.600.230 and 28A.600.240; adding a new section to
3 chapter 28A.600 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that activity by
6 students in schools which threatens the safety and welfare of other
7 students and school employees is a serious problem in our schools.
8 School officials report that they lack the training, expertise, and
9 preparedness to handle situations which pose potential threats to
10 safety, such as violent behavior, gang-related activity, possession of
11 weapons, and other disruptions caused by students. They fear that
12 their own safety may be threatened and that they lack adequate training
13 or authority to handle such potentially volatile situations.

14 The legislature further finds that situations which pose potential
15 threats to the safety of students or school employees create a special
16 need, beyond the normal need for law enforcement, for the involvement
17 of law enforcement officers in investigating and assuring against such
18 threats to safety. Such situations also make it impracticable for the
19 officer to obtain a warrant before acting to preserve school safety,

1 due to the safety risk and the real possibility that evidence may be
2 destroyed or hidden. In particular, the legislature finds that gang
3 activity and the possession of firearms in schools create a special
4 need for the protection of school safety.

5 The legislature declares that school officials should be free to
6 focus on the education of students and not on policing the student
7 body. At the request of school officials, it may sometimes be
8 necessary for the criminal justice resource officer, who has received
9 adequate training in safety and law enforcement, to take on the tasks
10 of questioning or searching students, students' lockers, or students'
11 possessions upon reasonable, individualized suspicion.

12 The legislature notes that searches of students based on less than
13 probable cause in the school context have been approved of by state and
14 federal courts. The legislature does not here authorize random,
15 suspicionless searches but only those searches based upon reasonable,
16 individualized suspicion. The legislature recognizes that although
17 students are not stripped of their rights at the schoolhouse door, they
18 do have a reduced expectation of privacy while in attendance at school.
19 In contrast, the state has a compelling interest in protecting the
20 safety of students and school employees, and in creating a positive
21 learning environment for all school children. In balancing the
22 interests, conducting a search for the purpose of ensuring school
23 safety is not unreasonable.

24 The legislature intends to give criminal justice resource officers
25 the authority to intervene in potentially threatening situations where
26 school officials already have authority to intervene. The students in
27 question may already be searched by the school officials. The
28 legislature intends to give school officials the option to remove
29 themselves from such potentially dangerous situations, and to grant
30 authority to competent, trained law enforcement officers whose primary
31 goal is to ensure the safety of students and employees of the school.

32 Nothing in this act narrows the scope of permissible searches under
33 state or federal law.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600
35 RCW to read as follows:

36 For the purposes of this chapter, a criminal justice resource
37 officer is a general authority Washington peace officer as defined in
38 RCW 10.93.020(3) who routinely works with schools and students, and

1 whose job objectives include improving safety and reducing crime in
2 schools.

3 **Sec. 3.** RCW 28A.600.230 and 1989 c 271 s 246 are each amended to
4 read as follows:

5 (1) A school principal, vice principal, or principal's designee may
6 search a student, the student's possessions, and the student's locker,
7 if the principal, vice principal, or principal's designee has
8 reasonable grounds to suspect that the search will yield evidence of
9 the student's violation of the law or school rules.

10 (2) A criminal justice resource officer may, at the request of the
11 principal or vice principal, search a student, the student's
12 possessions, and the student's locker, if the principal or vice
13 principal has reasonable grounds to suspect that the search will yield
14 evidence of the student's violation of the law, including but not
15 limited to possession of a firearm on school grounds in violation of
16 RCW 9.41.280 or 28A.600.420, and involvement in gang activity on school
17 grounds in violation of RCW 28A.600.455.

18 (3) A criminal justice resource officer may make an investigative
19 stop of a student if the officer has reasonable, articulable facts
20 suggesting the student is armed and dangerous, possesses a firearm on
21 school grounds in violation of RCW 9.41.280 or 28A.600.420, is involved
22 in gang activity on school grounds in violation of RCW 28A.600.455, or
23 otherwise poses an immediate threat to the officer or others in the
24 school.

25 (4) Except as provided in subsection (~~((3))~~) (5) of this section,
26 the scope of the search is proper if the search is conducted as
27 follows:

28 (a) The methods used are reasonably related to the objectives of
29 the search; and

30 (b) Is not excessively intrusive in light of the age and sex of the
31 student and the nature of the suspected infraction.

32 (~~((3))~~) (5) A principal or vice principal or anyone acting under
33 their direction may not subject a student to a strip search or body
34 cavity search as those terms are defined in RCW 10.79.070.

35 **Sec. 4.** RCW 28A.600.240 and 1990 c 33 s 504 are each amended to
36 read as follows:

1 (1) In addition to the provisions in RCW 28A.600.230, the school
2 principal, vice principal, or principal's designee may search all
3 student lockers at any time without prior notice and without a
4 reasonable suspicion that the search will yield evidence of any
5 particular student's violation of the law or school rule.

6 (2) If the school principal, vice principal, or principal's
7 designee, as a result of the search, develops a reasonable suspicion
8 that a certain container or containers in any student locker contain
9 evidence of a student's violation of the law or school rule, the
10 principal, vice principal, ~~((or))~~ principal's designee, or a criminal
11 justice resource officer may search the container or containers
12 according to the provisions of RCW 28A.600.230~~((+2))~~ (4).

13 NEW SECTION. **Sec. 5.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

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