

SHB 2094 - S COMM AMD
By Committee on Judiciary

ADOPTED 04/17/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.16 RCW
4 to read as follows:

5 (1) In a criminal action brought against the detainer by reason of
6 a person having been detained on or in the immediate vicinity of the
7 premises of an outdoor music festival or related campground for the
8 purpose of pursuing an investigation or questioning by a law
9 enforcement officer as to the lawfulness of the consumption or
10 possession of alcohol or illegal drugs, it is a defense that the
11 detained person was detained in a reasonable manner and for not more
12 than a reasonable time to permit the investigation or questioning by a
13 law enforcement officer, and that a peace officer, owner, operator,
14 employee, or agent of the outdoor music festival had reasonable grounds
15 to believe that the person so detained was unlawfully consuming or
16 attempting to unlawfully consume or possess, alcohol or illegal drugs
17 on the premises.

18 (2) For the purposes of this section:

19 (a) "Illegal drug" means a controlled substance under chapter 69.50
20 RCW for which the person detained does not have a valid prescription or
21 that is not being consumed in accordance with the prescription
22 directions and warnings, or a legend drug under chapter 69.41 RCW for
23 which the person does not have a valid prescription or that is not
24 being consumed in accordance with the prescription directions and
25 warnings.

26 (b) "Outdoor music festival" has the same meaning as in RCW
27 70.108.020, except that no minimum time limit is required.

28 (c) "Reasonable grounds" include, but are not limited to:

29 (i) Exhibiting the effects of having consumed liquor, which means

1 that a person has the odor of liquor on his or her breath, or that by
2 speech, manner, appearance, behavior, lack of coordination, or
3 otherwise exhibits that he or she has consumed liquor, and either:

4 (A) Is in possession of or in close proximity to a container that
5 has or recently had liquor in it; or

6 (B) Is shown by other evidence to have recently consumed liquor; or

7 (ii) Exhibiting the effects of having consumed an illegal drug,
8 which means that a person by speech, manner, appearance, behavior, lack
9 of coordination, or otherwise exhibits that he or she has consumed an
10 illegal drug, and either:

11 (A) Is in possession of an illegal drug; or

12 (B) Is shown by other evidence to have recently consumed an illegal
13 drug.

14 (d) "Reasonable time" means the time necessary to permit the person
15 detained to make a statement or to refuse to make a statement, and the
16 time necessary to allow a law enforcement officer to determine the
17 lawfulness of the consumption or possession of alcohol or illegal
18 drugs. "Reasonable time" may not exceed one hour.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
20 to read as follows:

21 (1) In a civil action brought against the detainer by reason of a
22 person having been detained on or in the immediate vicinity of the
23 premises of an outdoor music festival or related campground for the
24 purpose of investigation or questioning as to the lawfulness of the
25 consumption or possession of alcohol or illegal drugs, it is a defense
26 that the detained person was detained in a reasonable manner and for
27 not more than a reasonable time to permit the investigation or
28 questioning by a law enforcement officer, and that a peace officer,
29 owner, operator, employee, or agent of the outdoor music festival had
30 reasonable grounds to believe that the person so detained was
31 unlawfully consuming or attempting to unlawfully consume or possess,
32 alcohol or illegal drugs on the premises.

33 (2) For the purposes of this section:

34 (a) "Illegal drug" means a controlled substance under chapter 69.50
35 RCW for which the person detained does not have a valid prescription or
36 that is not being consumed in accordance with the prescription

1 directions and warnings, or a legend drug under chapter 69.41 RCW for
2 which the person does not have a valid prescription or that is not
3 being consumed in accordance with the prescription directions and
4 warnings.

5 (b) "Outdoor music festival" has the same meaning as in RCW
6 70.108.020, except that no minimum time limit is required.

7 (c) "Reasonable grounds" include, but are not limited to:

8 (i) Exhibiting the effects of having consumed liquor, which means
9 that a person has the odor of liquor on his or her breath, or that by
10 speech, manner, appearance, behavior, lack of coordination, or
11 otherwise exhibits that he or she has consumed liquor, and either:

12 (A) Is in possession of or in close proximity to a container that
13 has or recently had liquor in it; or

14 (B) Is shown by other evidence to have recently consumed liquor; or

15 (ii) Exhibiting the effects of having consumed an illegal drug,
16 which means that a person by speech, manner, appearance, behavior, lack
17 of coordination, or otherwise exhibits that he or she has consumed an
18 illegal drug, and either:

19 (A) Is in possession of an illegal drug; or

20 (B) Is shown by other evidence to have recently consumed an illegal
21 drug.

22 (d) "Reasonable time" means the time necessary to permit the person
23 detained to make a statement or to refuse to make a statement, and the
24 time necessary to allow a law enforcement officer to determine the
25 lawfulness of the consumption or possession of alcohol or illegal
26 drugs. "Reasonable time" may not exceed one hour."

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27 On page 1, line 2 of the title, after "investigation;" strike the
28 remainder of the title and insert "adding a new section to chapter
29 9A.16 RCW; and adding a new section to chapter 4.24 RCW."

EFFECT: Replaces "outdoor music venue" with "outdoor music festival," a defined term. Clarifies that the defense is available to the detaining person. Reorders the definitions alphabetically.

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