

FINAL BILL REPORT

SHB 2094

C 219 L 03

Synopsis as Enacted

Brief Description: Allowing detention of persons at outdoor music venues for investigation of drug and alcohol violations.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Holmquist, O'Brien, Hinkle, Darneille, Lovick and Ahern).

House Committee on Criminal Justice & Corrections
Senate Committee on Judiciary

Background:

A person who detains another person may be subject to both criminal and civil liability.

Criminal Liability. A person may be held criminally liable for detaining another person under a variety of circumstances. For example, a person who knowingly restrains another person is guilty of unlawful imprisonment. Unlawful imprisonment is a class C felony with a seriousness level of III.

In a criminal action brought by reason of a person having been detained on the premises of a mercantile establishment to investigate whether the person shoplifted merchandise, it is a defense that:

- the person was detained in a reasonable manner;
- the person was detained no longer than a reasonable time to permit the investigation by a peace officer, the owner, or the owner's authorized employee or agent; and
- the peace officer, owner, or owner's employee or agent had reasonable grounds to believe the person was shoplifting.

Civil Liability. A person who detains another person can also be held civilly liable. For example, a person who intentionally confines or restrains another person in a bounded area can be held liable for false imprisonment.

In a civil action brought by reason of a person having been detained on the premises of a mercantile establishment for the purposes of investigating whether the person shoplifted merchandise, it is a defense that:

- the person was detained in a reasonable manner;
- the person was detained no longer than a reasonable time to permit the investigation by a peace officer, the owner, or the owner's authorized employee or agent; and
- the peace officer, owner, or owner's employee or agent had reasonable grounds to

believe the person was shoplifting.

Summary:

In a criminal or civil action brought against the detainer by reason of a person having been detained on or in the immediate premises of an outdoor music festival or related campground to pursue an investigation or to allow questioning by a law enforcement officer as to the lawfulness of the consumption of alcohol or illegal drugs, it is a defense that:

- the person was detained in a reasonable manner;
- the person was detained no longer than a reasonable time to permit the investigation or questioning by a law enforcement officer (this time may not exceed one hour); and
- a peace officer, owner, operator, employee, or agent of the outdoor music festival had reasonable grounds to believe that the person was unlawfully consuming or attempting to unlawfully consume or possess alcohol or illegal drugs on the premises. Reasonable grounds include, but are not limited to, exhibiting the effects of having consumed liquor and exhibiting the effects of having consumed illegal drugs.

Outdoor music festival– is defined as an assembly of persons gathered primarily for outdoor live or recorded musical entertainment, where the predicted attendance is 2,000 persons or more. The definition does not apply to any regularly established permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established places of assembly for assemblies that do not exceed, by more than 250 people, the maximum seating capacity of the structure where the assembly is held. The definition also does not apply to government sponsored fairs held on regularly established fairgrounds and assemblies required to be licensed under state laws or regulations other than chapter 70.108 RCW.

Votes on Final Passage:

House 84 12
Senate 41 4 (Senate amended)
House 95 2 (House concurred)

Effective: July 27, 2003