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**Criminal Justice & Corrections  
Committee**

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**HB 2094**

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

**Sponsors:** Representatives Holmquist, O'Brien, Hinkle, Darneille, Lovick and Ahern.

**Brief Summary of Bill**

- Provides a defense to a civil or criminal action brought by reason of a person being detained because he or she is suspected of consuming alcohol or drugs at an outdoor music venue.

**Hearing Date:** 3/4/03

**Staff:** Jim Morishima (786-7191).

**Background:**

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

Criminal Liability

A person can 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 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.

## 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. A person is not confined if there is a reasonable means of escape of which he or she is aware. However, if the person is being restrained by threat of force, the plaintiff is under no duty to resist the application of force or test the sincerity of threats of force when the defendant has the apparent ability to effectuate his or her threats.

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 of Bill:**

## Criminal Liability

In a criminal action brought by reason of a person having been detained on or in the immediate premises of an outdoor music venue or related campground for the purposes of pursuing an investigation or questioning by a law enforcement officer as to the lawfulness of the consumption of alcohol or 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; and
- A peace officer, owner, operator, employee, or agent of the outdoor music venue had reasonable grounds to believe that the person was committing or attempting to unlawfully consume or possess alcohol or 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.

## Civil Liability

In a civil action brought by reason of a person having been detained on or in the immediate premises of an outdoor music venue or related campground for the purposes of pursuing an investigation or questioning by a law enforcement officer as to the lawfulness of the consumption of alcohol or 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; and
- A peace officer, owner, operator, employee, or agent of the outdoor music venue had reasonable grounds to believe that the person was committing or attempting to unlawfully consume or possess alcohol or 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.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.