

---

HOUSE BILL 1912

---

State of Washington

58th Legislature

2003 Regular Session

By Representatives McMahan, Lantz, Kirby, Newhouse, Campbell, Carrell, Sump, Ahern, McDonald, Mielke, Benson, Armstrong, Cox, Kristiansen, Talcott and Nixon

Read first time 02/14/2003. Referred to Committee on Education.

1 AN ACT Relating to convicted juvenile sex offenders in the common  
2 schools; adding a new section to chapter 28A.225 RCW; adding a new  
3 section to chapter 28A.320 RCW; creating a new section; and declaring  
4 an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds there has been a  
7 significant and dramatic increase in the numbers of convicted juvenile  
8 sex offenders released from the juvenile rehabilitation authority and  
9 reentering the state's public schools over the past three years.  
10 Paroled juvenile sex offenders include those offenders whose community  
11 risk classification indicates the student is likely to reoffend, or is  
12 highly likely to reoffend.

13 The legislature also finds that the presence of a convicted  
14 juvenile sex offender in a school setting is a significant potential  
15 risk factor for students, staff, and teachers and results in a tension  
16 between the state's duty to provide an educational opportunity for all  
17 students and the duty to ensure a safe and secure educational  
18 environment for all students.

1           The legislature further finds that concurrent with the rise in the  
2 numbers of juvenile sex offenders attending the state's high schools  
3 and middle schools has been a growing awareness of the nature and  
4 importance of comprehensive school safety planning and the duty of  
5 schools and school districts to address all components of safety and  
6 security within the school setting. Continuous one-on-one supervision  
7 of a juvenile sex offender who is likely to reoffend or highly likely  
8 to reoffend frequently may be the only adequate means of prevention  
9 capable of securing the safety of the entire school population. The  
10 legislature intends to provide schools and school districts with the  
11 tools and resources necessary to maintain a safe school environment for  
12 all students and to prevent a juvenile sex offender from reoffending  
13 while in the school setting.

14           NEW SECTION.   **Sec. 2.** A new section is added to chapter 28A.225  
15 RCW to read as follows:

16           (1) Notwithstanding any other provision of law, a school district  
17 board of directors may decline to admit a student who is a convicted  
18 juvenile sex offender, unless the school district board is satisfied  
19 that the level and method of supervision mandated in the offender's  
20 intensive supervision program required under RCW 13.40.210 is  
21 sufficient to maintain a safe and secure school environment for the  
22 entire school population. A school district's review and approval of  
23 the offender's intensive supervision program shall be limited to the  
24 supervision of the student offender while the student is on school  
25 property, is participating in school transportation services, or is  
26 engaged in school activities.

27           (2) If, after review and approval of the offender's intensive  
28 supervision program, a school district board of directors admits a  
29 convicted juvenile sex offender to its schools, the school district may  
30 request and shall be eligible for and entitled to reimbursement from  
31 the juvenile rehabilitation authority for the actual costs incurred by  
32 the district for the supervision of the offender.

33           NEW SECTION.   **Sec. 3.** A new section is added to chapter 28A.320  
34 RCW to read as follows:

35           Any school district, including any school district officers,  
36 employees, volunteers, or agents, acting in good faith, during the

1 performance and within the scope of his or her responsibilities and  
2 duties, is immune from liability for any criminal sexual act engaged in  
3 or caused by any juvenile sex offender who is on school property,  
4 participating in school transportation services, or engaged in school  
5 activities, as authorized, required, or otherwise provided for under  
6 section 2 of this act. This section shall not apply to any act or  
7 omission that constitutes gross negligence or willful and wanton  
8 conduct.

9 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and takes effect  
12 immediately.

--- END ---