

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2094**

58th Legislature  
2003 Regular Session

Passed by the House April 22, 2003  
Yeas 95 Nays 2

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**Speaker of the House of Representatives**

Passed by the Senate April 17, 2003  
Yeas 41 Nays 4

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2094** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2094**

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AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

**State of Washington                      58th Legislature                      2003 Regular Session**

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

READ FIRST TIME 03/05/03.

1            AN ACT Relating to detaining a person for the purpose of allowing  
2 a law enforcement investigation; adding a new section to chapter 9A.16  
3 RCW; and adding a new section to chapter 4.24 RCW.

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

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

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

1 (2) For the purposes of this section:

2 (a) "Illegal drug" means a controlled substance under chapter 69.50  
3 RCW for which the person detained does not have a valid prescription or  
4 that is not being consumed in accordance with the prescription  
5 directions and warnings, or a legend drug under chapter 69.41 RCW for  
6 which the person does not have a valid prescription or that is not  
7 being consumed in accordance with the prescription directions and  
8 warnings.

9 (b) "Outdoor music festival" has the same meaning as in RCW  
10 70.108.020, except that no minimum time limit is required.

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

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

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

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

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

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

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

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

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

33 (1) In a civil action brought against the detainer by reason of a  
34 person having been detained on or in the immediate vicinity of the  
35 premises of an outdoor music festival or related campground for the  
36 purpose of investigation or questioning as to the lawfulness of the  
37 consumption or possession of alcohol or illegal drugs, it is a defense

1 that the detained person was detained in a reasonable manner and for  
2 not more than a reasonable time to permit the investigation or  
3 questioning by a law enforcement officer, and that a peace officer,  
4 owner, operator, employee, or agent of the outdoor music festival had  
5 reasonable grounds to believe that the person so detained was  
6 unlawfully consuming or attempting to unlawfully consume or possess,  
7 alcohol or illegal drugs on the premises.

8 (2) For the purposes of this section:

9 (a) "Illegal drug" means a controlled substance under chapter 69.50  
10 RCW for which the person detained does not have a valid prescription or  
11 that is not being consumed in accordance with the prescription  
12 directions and warnings, or a legend drug under chapter 69.41 RCW for  
13 which the person does not have a valid prescription or that is not  
14 being consumed in accordance with the prescription directions and  
15 warnings.

16 (b) "Outdoor music festival" has the same meaning as in RCW  
17 70.108.020, except that no minimum time limit is required.

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

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

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

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

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

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

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

33 (d) "Reasonable time" means the time necessary to permit the person  
34 detained to make a statement or to refuse to make a statement, and the  
35 time necessary to allow a law enforcement officer to determine the  
36 lawfulness of the consumption or possession of alcohol or illegal

1 drugs. "Reasonable time" may not exceed one hour.

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