
ENGROSSED SUBSTITUTE SENATE BILL 5171

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Rockefeller, Rasmussen, Shin, Schoesler, Delvin and McAuliffe)

READ FIRST TIME 02/16/05.

1 AN ACT Relating to enhancing school safety through information
2 sharing between schools and juvenile justice and care agencies; adding
3 a new section to chapter 28A.320 RCW; creating a new section; and
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The purpose of this act is to ensure the
7 health, safety, and general welfare of Washington's school children,
8 teachers, and school staff. The purpose of this act is to give
9 guidance to principals and their designees regarding their duty to
10 report incidents to law enforcement officials when it is reasonable to
11 suspect that a significant crime has occurred. It is the intent of the
12 legislature to ensure that agents of law enforcement, who are trained
13 investigators, are alerted and called upon to determine whether or not
14 there is probable cause to believe a crime has been committed in
15 serious cases. This act is also intended to reduce potential tort
16 liability that could arise from unreported criminal activity.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
18 RCW to read as follows:

1 (1)(a) When a principal or the principal's designee of a school has
2 reasonable cause to believe that a person has committed, on school
3 grounds or at an event sponsored by the school, a drug offense or a
4 crime against a person that causes severe injury, that school
5 administrator shall report such incident, or cause a report to be made,
6 to the proper law enforcement agency. The report may be made by
7 telephone, in person, or on paper.

8 (b) For purposes of this subsection:

9 (i) "Severe injury" means: Any single act that causes physical
10 trauma of sufficient severity that, if left untreated, could cause
11 death; any sex offense; any single act that causes significant bleeding
12 that, if left untreated, could cause death or serious physical
13 impairment or loss of function; or more than one act, each of which
14 causes significant bleeding that, if left untreated, could cause death
15 or serious physical impairment or loss of function, bone fracture, or
16 unconsciousness; and

17 (ii) "Crime against a person" has the meaning set out in RCW
18 9.94A.411.

19 (c) The report must be made at the first opportunity, but in no
20 case longer than seventy-two hours after there is reasonable cause to
21 believe that a drug offense or severe injury has occurred. The report
22 must include the identity of the accused, if known.

23 (2) A principal or the principal's designee who violates this act
24 in flagrant disregard or clear abandonment of generally recognized
25 professional standards or who endangers the educational welfare or
26 personal safety of students, teachers, or other colleagues within the
27 educational setting may be subject to orders by the superintendent of
28 public instruction, up to and including reprimand, suspension, or
29 revocation of certification.

30 (3)(a) A principal or the principal's designee who willfully
31 hinders, delays, or obstructs any law enforcement officer in the
32 discharge of his or her official powers or duties by knowingly failing
33 to report an offense that must be reported pursuant to this section may
34 be guilty of obstructing a law enforcement officer under RCW 9A.76.020.

35 (b) A principal or the principal's designee who, with intent to
36 prevent, hinder, or delay the apprehension or prosecution of another
37 person who he or she knows has committed a crime or juvenile offense,

1 knowingly fails to report an offense that must be reported pursuant to
2 this section may be guilty of rendering criminal assistance under RCW
3 9A.76.070, 9A.76.080, and 9A.76.090.

4 (4) A principal or the principal's designee who, in good faith and
5 without gross negligence, cooperates in an investigation arising as a
6 result of a report made pursuant to this section shall not be subject
7 to civil liability arising out of his or her cooperation. This
8 subsection does not apply to a person who committed the acts reported
9 pursuant to this section.

--- END ---