

# SENATE BILL REPORT

## SJR 8203

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As of January 25, 2013

**Brief Description:** Amending the state Constitution to allow a reasonable suspicion standard in certain searches of students on school grounds.

**Sponsors:** Senators Carrell, Pearson, Padden, Roach, Benton, Hargrove, Harper, Becker, Delvin and Hewitt.

**Brief History:**

**Committee Activity:** Law & Justice: 1/25/13.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Aldo Melchiori (786-7439)

**Background:** The Supreme Court of the United States has recognized a school search exception to the search warrant requirements of the Fourth Amendment to the United States Constitution. The Washington State Supreme Court has also recognized the school search exception under article I, section 7 of the Constitution of the state of Washington. This exception allows school officials to search a student's person if, under all the circumstances, the school official has reasonable suspicion. This exception applies to school officials because their primary duty is to maintain order and discipline at the school.

In 2012, the Washington State Supreme Court held that the school search exception did not apply to a police officer working as a school resource officer, but who was not authorized to discipline students. The Court recognized that the decision was contrary to some from other jurisdictions, but noted that these decisions were based on the Fourth Amendment to the United States Constitution and that article I, section 7 of the Constitution of the State of Washington provides greater privacy protections.

**Summary of Bill:** At the next general election, an amendment to article I, section 7 of the Constitution of the State of Washington must be submitted to the voters for approval and ratification or rejection. The proposed amendment provides that a reasonable suspicion standard applies when school officials, including teachers, teachers' aides, school administrators, school police officers, and local police school liaison officers, conduct a search acting on their own authority of a student on school grounds for the purposes of enforcing school rules, and the school search exception to the warrant requirement is authorized.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill takes effect upon approval and ratification at the next general election.

**Staff Summary of Public Testimony:** PRO: This is a time where there is increasing concern about school security. This restores Washington's long history of applying the school search exception. School resource officers have the training to do proper searches. The officers go through school resource officer training in addition to their normal law enforcement training. This is an opportunity for citizens to recognize schools as special places. We do not want to have school officials standing in the hall discussing who can search a student.

**Persons Testifying:** PRO: Senator Carrell, prime sponsor; Don Pierce, WA Assn. of Sheriffs and Police Chiefs.