
HOUSE BILL 1051

State of Washington

55th Legislature

1997 Regular Session

By Representatives Pennington, Mielke, Carlson, McMorris, Delvin and Keiser

Read first time 01/13/97. Referred to Committee on Education.

1 AN ACT Relating to school bus route stops as drug-free zones; and
2 amending RCW 69.50.435.

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

4 **Sec. 1.** RCW 69.50.435 and 1996 c 14 s 2 are each amended to read
5 as follows:

6 (a) Any person who violates RCW 69.50.401(a) by manufacturing,
7 selling, delivering, or possessing with the intent to manufacture,
8 sell, or deliver a controlled substance listed under that subsection or
9 who violates RCW 69.50.410 by selling for profit any controlled
10 substance or counterfeit substance classified in schedule I, RCW
11 69.50.204, except leaves and flowering tops of marihuana to a person:

12 (1) In a school;

13 (2) On a school bus;

14 (3) Within one thousand feet of a school bus route stop designated
15 by the school district;

16 (4) Within one thousand feet of the perimeter of the school
17 grounds;

18 (5) In a public park;

19 (6) On a public transit vehicle;

1 (7) In a public transit stop shelter;

2 (8) At a civic center designated as a drug-free zone by the local
3 governing authority; or

4 (9) Within one thousand feet of the perimeter of a facility
5 designated under (8) of this subsection, if the local governing
6 authority specifically designates the one thousand foot perimeter
7 may be punished by a fine of up to twice the fine otherwise authorized
8 by this chapter, but not including twice the fine authorized by RCW
9 69.50.406, or by imprisonment of up to twice the imprisonment otherwise
10 authorized by this chapter, but not including twice the imprisonment
11 authorized by RCW 69.50.406, or by both such fine and imprisonment.
12 The provisions of this section shall not operate to more than double
13 the fine or imprisonment otherwise authorized by this chapter for an
14 offense.

15 (b) It is not a defense to a prosecution for a violation of this
16 section that the person was unaware that the prohibited conduct took
17 place while in a school or school bus or within one thousand feet of
18 the school or school bus route stop, in a public park, on a public
19 transit vehicle, in a public transit stop shelter, at a civic center
20 designated as a drug-free zone by the local governing authority, or
21 within one thousand feet of the perimeter of a facility designated
22 under subsection (a)(8) of this section, if the local governing
23 authority specifically designates the one thousand foot perimeter.

24 (c) It is not a defense to a prosecution for a violation of this
25 section or any other prosecution under this chapter that persons under
26 the age of eighteen were not present in the school, the school bus, the
27 public park, or the public transit vehicle, or at the school bus route
28 stop, the public transit vehicle stop shelter, at a civic center
29 designated as a drug-free zone by the local governing authority, or
30 within one thousand feet of the perimeter of a facility designated
31 under subsection (a)(8) of this section, if the local governing
32 authority specifically designates the one thousand foot perimeter at
33 the time of the offense or that school was not in session.

34 (d) It is an affirmative defense to a prosecution for a violation
35 of this section that the prohibited conduct took place entirely within
36 a private residence, that no person under eighteen years of age or
37 younger was present in such private residence at any time during the
38 commission of the offense, and that the prohibited conduct did not
39 involve delivering, manufacturing, selling, or possessing with the

1 intent to manufacture, sell, or deliver any controlled substance in RCW
2 69.50.401(a) for profit. The affirmative defense established in this
3 section shall be proved by the defendant by a preponderance of the
4 evidence. This section shall not be construed to establish an
5 affirmative defense with respect to a prosecution for an offense
6 defined in any other section of this chapter.

7 (e) In a prosecution under this section, a map produced or
8 reproduced by any municipal, school district, county, or transit
9 authority engineer for the purpose of depicting the location and
10 boundaries of the area on or within one thousand feet of any property
11 used for a school, school bus route stop, public park, public transit
12 vehicle stop shelter, or a civic center designated as a drug-free zone
13 by a local governing authority, or a true copy of such a map, shall
14 under proper authentication, be admissible and shall constitute prima
15 facie evidence of the location and boundaries of those areas if the
16 governing body of the municipality, school district, county, or transit
17 authority has adopted a resolution or ordinance approving the map as
18 the official location and record of the location and boundaries of the
19 area on or within one thousand feet of the school, school bus route
20 stop, public park, public transit vehicle stop shelter, or civic center
21 designated as a drug-free zone by a local governing authority. Any map
22 approved under this section or a true copy of the map shall be filed
23 with the clerk of the municipality or county, and shall be maintained
24 as an official record of the municipality or county. This section
25 shall not be construed as precluding the prosecution from introducing
26 or relying upon any other evidence or testimony to establish any
27 element of the offense. This section shall not be construed as
28 precluding the use or admissibility of any map or diagram other than
29 the one which has been approved by the governing body of a
30 municipality, school district, county, or transit authority if the map
31 or diagram is otherwise admissible under court rule.

32 (f) As used in this section the following terms have the meanings
33 indicated unless the context clearly requires otherwise:

34 (1) "School" has the meaning under RCW 28A.150.010 or 28A.150.020.
35 The term "school" also includes a private school approved under RCW
36 28A.195.010;

37 (2) "School bus" means a school bus as defined by the
38 superintendent of public instruction by rule which is owned and
39 operated by any school district and all school buses which are

1 privately owned and operated under contract or otherwise with any
2 school district in the state for the transportation of students. The
3 term does not include buses operated by common carriers in the urban
4 transportation of students such as transportation of students through
5 a municipal transportation system;

6 (3) "School bus route stop" means a school bus stop as designated
7 ~~((on maps submitted))~~ by a school district~~((s to the office of the~~
8 ~~superintendent of public instruction))~~;

9 (4) "Public park" means land, including any facilities or
10 improvements on the land, that is operated as a park by the state or a
11 local government;

12 (5) "Public transit vehicle" means any motor vehicle, street car,
13 train, trolley vehicle, or any other device, vessel, or vehicle which
14 is owned or operated by a transit authority and which is used for the
15 purpose of carrying passengers on a regular schedule;

16 (6) "Transit authority" means a city, county, or state
17 transportation system, transportation authority, public transportation
18 benefit area, public transit authority, or metropolitan municipal
19 corporation within the state that operates public transit vehicles;

20 (7) "Stop shelter" means a passenger shelter designated by a
21 transit authority;

22 (8) "Civic center" means a publicly owned or publicly operated
23 place or facility used for recreational, educational, or cultural
24 activities.

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