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HOUSE BILL 2707

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State of Washington

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By Representatives Honeyford, Linville, McMahan, Brumsickle, Clements, Sterk, Pelesky, Smith, Delvin, Radcliff, Koster, Silver, Cooke, Blanton, Hymes, McMorris, Basich, Elliot and Johnson

Read first time 01/17/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to school safety; amending RCW 9.94A.390, 9.41.280,  
2 43.43.830, and 10.97.030; reenacting and amending RCW 9.94A.030; adding  
3 a new section to chapter 9A.28 RCW; adding a new section to chapter  
4 9A.46 RCW; adding a new section to chapter 9A.52 RCW; adding a new  
5 section to chapter 10.97 RCW; adding a new section to chapter 13.50  
6 RCW; adding new sections to chapter 28A.600 RCW; creating a new  
7 section; prescribing penalties; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** (1) The children of this state have the  
10 right to an effective public school education. Both students and staff  
11 of the primary, elementary, junior, and senior high school campuses  
12 have the constitutional right to be safe and secure in their persons at  
13 school. However, children in many of our public schools are forced to  
14 focus on the threat of violence and the messages of violence contained  
15 in many aspects of our society, particularly reflected in gang regalia  
16 that disrupts the teaching environment.

17 (2) Gang-related apparel is hazardous to the health and safety of  
18 the school environment.

1 (3) Weapons, including firearms and knives, remain a problem even  
2 in our elementary school campuses. Students can conceal weapons by  
3 wearing clothing such as jumpsuits and overcoats, and by carrying large  
4 bags.

5 (4) The adoption of a schoolwide uniform policy is a reasonable way  
6 to provide some protection for students. A required uniform may  
7 protect students from being associated with any particular gang.  
8 Moreover, by requiring schoolwide uniforms teachers and administrators  
9 may not need to occupy as much of their time learning the subtleties of  
10 gang regalia.

11 (5) Many educators believe that school dress significantly  
12 influences student behavior. This influence is evident on school  
13 dressup days and color days. Schools that have adopted school uniforms  
14 experience a feeling of togetherness, greater school pride, and better  
15 behavior in and out of t classroom.

16 (6) In addition to personal safety, students must have a drug-free  
17 learning environment that expressly prohibits the sale, use, or  
18 possession of illegal drugs on school property. Students involved in  
19 drug-related activity are unable to fully benefit from educational  
20 opportunities and disrupt the educational process for other students.  
21 Schools must be empowered to make decisions that positively impact  
22 student learning and safety by eradicating drug use and possession on  
23 school grounds. This flexibility should also be afforded to schools as  
24 they deal with alcohol and other harmful substance abuse by their  
25 student populations.

26 Teachers have the right and obligation to control the conduct of  
27 students in their classrooms in order to ensure that the goal of  
28 educating students may be achieved. Disruptive behavior must not be  
29 allowed to continue to divert attention, time, and resources from  
30 educational activities. Teachers must be able to keep themselves, and  
31 the students in their care, safe from harm while in the classroom.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.28 RCW  
33 to read as follows:

34 (1) A person who knowingly or intentionally actively participates  
35 in a criminal gang commits criminal gang activity, a class C felony.

36 (2) For the purposes of this section, "criminal gang" means a  
37 group with at least five members that specifically promotes, sponsors,

1 assists in, or participates in, or requires as a condition of  
2 membership or continued membership, the commission of a felony.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.46 RCW  
4 to read as follows:

5 A person who threatens another person because the other person  
6 refuses to join a criminal gang, as defined in section 2 of this act,  
7 or has attempted to withdraw from a criminal gang, commits criminal  
8 gang intimidation, a class C felony.

9 **Sec. 4.** RCW 9.94A.030 and 1995 c 268 s 2, 1995 c 108 s 1, and 1995  
10 c 101 s 2 are each reenacted and amended to read as follows:

11 Unless the context clearly requires otherwise, the definitions in  
12 this section apply throughout this chapter.

13 (1) "Collect," or any derivative thereof, "collect and remit," or  
14 "collect and deliver," when used with reference to the department of  
15 corrections, means that the department is responsible for monitoring  
16 and enforcing the offender's sentence with regard to the legal  
17 financial obligation, receiving payment thereof from the offender, and,  
18 consistent with current law, delivering daily the entire payment to the  
19 superior court clerk without depositing it in a departmental account.

20 (2) "Commission" means the sentencing guidelines commission.

21 (3) "Community corrections officer" means an employee of the  
22 department who is responsible for carrying out specific duties in  
23 supervision of sentenced offenders and monitoring of sentence  
24 conditions.

25 (4) "Community custody" means that portion of an inmate's sentence  
26 of confinement in lieu of earned early release time or imposed pursuant  
27 to RCW 9.94A.120(6) served in the community subject to controls placed  
28 on the inmate's movement and activities by the department of  
29 corrections.

30 (5) "Community placement" means that period during which the  
31 offender is subject to the conditions of community custody and/or  
32 postrelease supervision, which begins either upon completion of the  
33 term of confinement (postrelease supervision) or at such time as the  
34 offender is transferred to community custody in lieu of earned early  
35 release. Community placement may consist of entirely community  
36 custody, entirely postrelease supervision, or a combination of the two.

1 (6) "Community service" means compulsory service, without  
2 compensation, performed for the benefit of the community by the  
3 offender.

4 (7) "Community supervision" means a period of time during which a  
5 convicted offender is subject to crime-related prohibitions and other  
6 sentence conditions imposed by a court pursuant to this chapter or RCW  
7 16.52.200(6) or 46.61.524. For first-time offenders, the supervision  
8 may include crime-related prohibitions and other conditions imposed  
9 pursuant to RCW 9.94A.120(5). For purposes of the interstate compact  
10 for out-of-state supervision of parolees and probationers, RCW  
11 9.95.270, community supervision is the functional equivalent of  
12 probation and should be considered the same as probation by other  
13 states.

14 (8) "Confinement" means total or partial confinement as defined in  
15 this section.

16 (9) "Conviction" means an adjudication of guilt pursuant to Titles  
17 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and  
18 acceptance of a plea of guilty.

19 (10) "Court-ordered legal financial obligation" means a sum of  
20 money that is ordered by a superior court of the state of Washington  
21 for legal financial obligations which may include restitution to the  
22 victim, statutorily imposed crime victims' compensation fees as  
23 assessed pursuant to RCW 7.68.035, court costs, county or interlocal  
24 drug funds, court-appointed attorneys' fees, and costs of defense,  
25 fines, and any other financial obligation that is assessed to the  
26 offender as a result of a felony conviction. Upon conviction for  
27 vehicular assault while under the influence of intoxicating liquor or  
28 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the  
29 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),  
30 legal financial obligations may also include payment to a public agency  
31 of the expense of an emergency response to the incident resulting in  
32 the conviction, subject to the provisions in RCW 38.52.430.

33 (11) "Crime-related prohibition" means an order of a court  
34 prohibiting conduct that directly relates to the circumstances of the  
35 crime for which the offender has been convicted, and shall not be  
36 construed to mean orders directing an offender affirmatively to  
37 participate in rehabilitative programs or to otherwise perform  
38 affirmative conduct.

1       (12) "Criminal gang" means a group with at least five members that  
2 specifically promotes, sponsors, assists in, or participates in, or  
3 requires as a condition of membership or continued membership, the  
4 commission of a felony.

5       (13)(a) "Criminal history" means the list of a defendant's prior  
6 convictions, whether in this state, in federal court, or elsewhere.  
7 The history shall include, where known, for each conviction (i) whether  
8 the defendant has been placed on probation and the length and terms  
9 thereof; and (ii) whether the defendant has been incarcerated and the  
10 length of incarceration.

11       (b) "Criminal history" shall always include juvenile convictions  
12 for sex offenses and serious violent offenses and shall also include a  
13 defendant's other prior convictions in juvenile court if: (i) The  
14 conviction was for an offense which is a felony or a serious traffic  
15 offense and is criminal history as defined in RCW 13.40.020(9); (ii)  
16 the defendant was fifteen years of age or older at the time the offense  
17 was committed; and (iii) with respect to prior juvenile class B and C  
18 felonies or serious traffic offenses, the defendant was less than  
19 twenty-three years of age at the time the offense for which he or she  
20 is being sentenced was committed.

21       (~~(13)~~) (14) "Day fine" means a fine imposed by the sentencing  
22 judge that equals the difference between the offender's net daily  
23 income and the reasonable obligations that the offender has for the  
24 support of the offender and any dependents.

25       (~~(14)~~) (15) "Day reporting" means a program of enhanced  
26 supervision designed to monitor the defendant's daily activities and  
27 compliance with sentence conditions, and in which the defendant is  
28 required to report daily to a specific location designated by the  
29 department or the sentencing judge.

30       (~~(15)~~) (16) "Department" means the department of corrections.

31       (~~(16)~~) (17) "Determinate sentence" means a sentence that states  
32 with exactitude the number of actual years, months, or days of total  
33 confinement, of partial confinement, of community supervision, the  
34 number of actual hours or days of community service work, or dollars or  
35 terms of a legal financial obligation. The fact that an offender  
36 through "earned early release" can reduce the actual period of  
37 confinement shall not affect the classification of the sentence as a  
38 determinate sentence.

1       (~~(17)~~) (18) "Disposable earnings" means that part of the earnings  
2 of an individual remaining after the deduction from those earnings of  
3 any amount required by law to be withheld. For the purposes of this  
4 definition, "earnings" means compensation paid or payable for personal  
5 services, whether denominated as wages, salary, commission, bonuses, or  
6 otherwise, and, notwithstanding any other provision of law making the  
7 payments exempt from garnishment, attachment, or other process to  
8 satisfy a court-ordered legal financial obligation, specifically  
9 includes periodic payments pursuant to pension or retirement programs,  
10 or insurance policies of any type, but does not include payments made  
11 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,  
12 or Title 74 RCW.

13       (~~(18)~~) (19) "Drug offense" means:

14       (a) Any felony violation of chapter 69.50 RCW except possession of  
15 a controlled substance (RCW 69.50.401(d)) or forged prescription for a  
16 controlled substance (RCW 69.50.403);

17       (b) Any offense defined as a felony under federal law that relates  
18 to the possession, manufacture, distribution, or transportation of a  
19 controlled substance; or

20       (c) Any out-of-state conviction for an offense that under the laws  
21 of this state would be a felony classified as a drug offense under (a)  
22 of this subsection.

23       (~~(19)~~) (20) "Escape" means:

24       (a) Escape in the first degree (RCW 9A.76.110), escape in the  
25 second degree (RCW 9A.76.120), willful failure to return from furlough  
26 (RCW 72.66.060), willful failure to return from work release (RCW  
27 72.65.070), or willful failure to be available for supervision by the  
28 department while in community custody (RCW 72.09.310); or

29       (b) Any federal or out-of-state conviction for an offense that  
30 under the laws of this state would be a felony classified as an escape  
31 under (a) of this subsection.

32       (~~(20)~~) (21) "Felony traffic offense" means:

33       (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
34 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-  
35 and-run injury-accident (RCW 46.52.020(4)); or

36       (b) Any federal or out-of-state conviction for an offense that  
37 under the laws of this state would be a felony classified as a felony  
38 traffic offense under (a) of this subsection.

1       (~~(21)~~) (22) "Fines" means the requirement that the offender pay  
2 a specific sum of money over a specific period of time to the court.

3       (~~(22)~~) (23)(a) "First-time offender" means any person who is  
4 convicted of a felony (i) not classified as a violent offense or a sex  
5 offense under this chapter, or (ii) that is not the manufacture,  
6 delivery, or possession with intent to manufacture or deliver a  
7 controlled substance classified in schedule I or II that is a narcotic  
8 drug, nor the manufacture, delivery, or possession with intent to  
9 deliver methamphetamine, its salts, isomers, and salts of its isomers  
10 as defined in RCW 69.50.206(d)(2), nor the selling for profit of any  
11 controlled substance or counterfeit substance classified in schedule I,  
12 RCW 69.50.204, except leaves and flowering tops of marihuana, and  
13 except as provided in (b) of this subsection, who previously has never  
14 been convicted of a felony in this state, federal court, or another  
15 state, and who has never participated in a program of deferred  
16 prosecution for a felony offense.

17       (b) For purposes of (a) of this subsection, a juvenile adjudication  
18 for an offense committed before the age of fifteen years is not a  
19 previous felony conviction except for adjudications of sex offenses and  
20 serious violent offenses.

21       (~~(23)~~) (24) "Most serious offense" means any of the following  
22 felonies or a felony attempt to commit any of the following felonies,  
23 as now existing or hereafter amended:

24       (a) Any felony defined under any law as a class A felony or  
25 criminal solicitation of or criminal conspiracy to commit a class A  
26 felony;

27       (b) Assault in the second degree;

28       (c) Assault of a child in the second degree;

29       (d) Child molestation in the second degree;

30       (e) Controlled substance homicide;

31       (f) Extortion in the first degree;

32       (g) Incest when committed against a child under age fourteen;

33       (h) Indecent liberties;

34       (i) Kidnapping in the second degree;

35       (j) Leading organized crime;

36       (k) Manslaughter in the first degree;

37       (l) Manslaughter in the second degree;

38       (m) Promoting prostitution in the first degree;

39       (n) Rape in the third degree;

1 (o) Robbery in the second degree;  
2 (p) Sexual exploitation;  
3 (q) Vehicular assault;  
4 (r) Vehicular homicide, when proximately caused by the driving of  
5 any vehicle by any person while under the influence of intoxicating  
6 liquor or any drug as defined by RCW 46.61.502, or by the operation of  
7 any vehicle in a reckless manner;  
8 (s) Any other class B felony offense with a finding of sexual  
9 motivation, as "sexual motivation" is defined under this section;  
10 (t) Any other felony with a deadly weapon verdict under RCW  
11 9.94A.125;  
12 (u) Any felony offense in effect at any time prior to December 2,  
13 1993, that is comparable to a most serious offense under this  
14 subsection, or any federal or out-of-state conviction for an offense  
15 that under the laws of this state would be a felony classified as a  
16 most serious offense under this subsection.  
17 (~~(24)~~) (25) "Nonviolent offense" means an offense which is not a  
18 violent offense.  
19 (~~(25)~~) (26) "Offender" means a person who has committed a felony  
20 established by state law and is eighteen years of age or older or is  
21 less than eighteen years of age but whose case has been transferred by  
22 the appropriate juvenile court to a criminal court pursuant to RCW  
23 13.40.110. Throughout this chapter, the terms "offender" and  
24 "defendant" are used interchangeably.  
25 (~~(26)~~) (27) "Partial confinement" means confinement for no more  
26 than one year in a facility or institution operated or utilized under  
27 contract by the state or any other unit of government, or, if home  
28 detention or work crew has been ordered by the court, in an approved  
29 residence, for a substantial portion of each day with the balance of  
30 the day spent in the community. Partial confinement includes work  
31 release, home detention, work crew, and a combination of work crew and  
32 home detention as defined in this section.  
33 (~~(27)~~) (28) "Persistent offender" is an offender who:  
34 (a) Has been convicted in this state of any felony considered a  
35 most serious offense; and  
36 (b) Has, before the commission of the offense under (a) of this  
37 subsection, been convicted as an offender on at least two separate  
38 occasions, whether in this state or elsewhere, of felonies that under  
39 the laws of this state would be considered most serious offenses and



1 would be included in the offender score under RCW 9.94A.360; provided  
2 that of the two or more previous convictions, at least one conviction  
3 must have occurred before the commission of any of the other most  
4 serious offenses for which the offender was previously convicted.

5 ~~((+28+))~~ (29) "Postrelease supervision" is that portion of an  
6 offender's community placement that is not community custody.

7 ~~((+29+))~~ (30) "Restitution" means the requirement that the offender  
8 pay a specific sum of money over a specific period of time to the court  
9 as payment of damages. The sum may include both public and private  
10 costs. The imposition of a restitution order does not preclude civil  
11 redress.

12 ~~((+30+))~~ (31) "Serious traffic offense" means:

13 (a) Driving while under the influence of intoxicating liquor or any  
14 drug (RCW 46.61.502), actual physical control while under the influence  
15 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving  
16 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));  
17 or

18 (b) Any federal, out-of-state, county, or municipal conviction for  
19 an offense that under the laws of this state would be classified as a  
20 serious traffic offense under (a) of this subsection.

21 ~~((+31+))~~ (32) "Serious violent offense" is a subcategory of violent  
22 offense and means:

23 (a) Murder in the first degree, homicide by abuse, murder in the  
24 second degree, assault in the first degree, kidnapping in the first  
25 degree, or rape in the first degree, assault of a child in the first  
26 degree, or an attempt, criminal solicitation, or criminal conspiracy to  
27 commit one of these felonies; or

28 (b) Any federal or out-of-state conviction for an offense that  
29 under the laws of this state would be a felony classified as a serious  
30 violent offense under (a) of this subsection.

31 ~~((+32+))~~ (33) "Sentence range" means the sentencing court's  
32 discretionary range in imposing a nonappealable sentence.

33 ~~((+33+))~~ (34) "Sex offense" means:

34 (a) A felony that is a violation of chapter 9A.44 RCW or RCW  
35 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a  
36 criminal attempt, criminal solicitation, or criminal conspiracy to  
37 commit such crimes;

38 (b) A felony with a finding of sexual motivation under RCW  
39 9.94A.127 or 13.40.135; or

1 (c) Any federal or out-of-state conviction for an offense that  
2 under the laws of this state would be a felony classified as a sex  
3 offense under (a) of this subsection.

4 (~~(34)~~) (35) "Sexual motivation" means that one of the purposes  
5 for which the defendant committed the crime was for the purpose of his  
6 or her sexual gratification.

7 (~~(35)~~) (36) "Total confinement" means confinement inside the  
8 physical boundaries of a facility or institution operated or utilized  
9 under contract by the state or any other unit of government for twenty-  
10 four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

11 (~~(36)~~) (37) "Transition training" means written and verbal  
12 instructions and assistance provided by the department to the offender  
13 during the two weeks prior to the offender's successful completion of  
14 the work ethic camp program. The transition training shall include  
15 instructions in the offender's requirements and obligations during the  
16 offender's period of community custody.

17 (~~(37)~~) (38) "Victim" means any person who has sustained  
18 emotional, psychological, physical, or financial injury to person or  
19 property as a direct result of the crime charged.

20 (~~(38)~~) (39) "Violent offense" means:

21 (a) Any of the following felonies, as now existing or hereafter  
22 amended: Any felony defined under any law as a class A felony or an  
23 attempt to commit a class A felony, criminal solicitation of or  
24 criminal conspiracy to commit a class A felony, manslaughter in the  
25 first degree, manslaughter in the second degree, indecent liberties if  
26 committed by forcible compulsion, kidnapping in the second degree,  
27 arson in the second degree, assault in the second degree, assault of a  
28 child in the second degree, extortion in the first degree, robbery in  
29 the second degree, vehicular assault, and vehicular homicide, when  
30 proximately caused by the driving of any vehicle by any person while  
31 under the influence of intoxicating liquor or any drug as defined by  
32 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

33 (b) Any conviction for a felony offense in effect at any time prior  
34 to July 1, 1976, that is comparable to a felony classified as a violent  
35 offense in (a) of this subsection; and

36 (c) Any federal or out-of-state conviction for an offense that  
37 under the laws of this state would be a felony classified as a violent  
38 offense under (a) or (b) of this subsection.

1       (~~(39)~~) (40) "Work crew" means a program of partial confinement  
2 consisting of civic improvement tasks for the benefit of the community  
3 of not less than thirty-five hours per week that complies with RCW  
4 9.94A.135. The civic improvement tasks shall have minimal negative  
5 impact on existing private industries or the labor force in the county  
6 where the service or labor is performed. The civic improvement tasks  
7 shall not affect employment opportunities for people with developmental  
8 disabilities contracted through sheltered workshops as defined in RCW  
9 82.04.385. Only those offenders sentenced to a facility operated or  
10 utilized under contract by a county or the state are eligible to  
11 participate on a work crew. Offenders sentenced for a sex offense as  
12 defined in subsection (~~(33)~~) (34) of this section are not eligible  
13 for the work crew program.

14       (~~(40)~~) (41) "Work ethic camp" means an alternative incarceration  
15 program designed to reduce recidivism and lower the cost of corrections  
16 by requiring offenders to complete a comprehensive array of real-world  
17 job and vocational experiences, character-building work ethics  
18 training, life management skills development, substance abuse  
19 rehabilitation, counseling, literacy training, and basic adult  
20 education.

21       (~~(41)~~) (42) "Work release" means a program of partial confinement  
22 available to offenders who are employed or engaged as a student in a  
23 regular course of study at school. Participation in work release shall  
24 be conditioned upon the offender attending work or school at regularly  
25 defined hours and abiding by the rules of the work release facility.

26       (~~(42)~~) (43) "Home detention" means a program of partial  
27 confinement available to offenders wherein the offender is confined in  
28 a private residence subject to electronic surveillance.

29       **Sec. 5.** RCW 9.94A.390 and 1995 c 316 s 2 are each amended to read  
30 as follows:

31       If the sentencing court finds that an exceptional sentence outside  
32 the standard range should be imposed in accordance with RCW  
33 9.94A.120(2), the sentence is subject to review only as provided for in  
34 RCW 9.94A.210(4).

35       The following are illustrative factors which the court may consider  
36 in the exercise of its discretion to impose an exceptional sentence.  
37 The following are illustrative only and are not intended to be  
38 exclusive reasons for exceptional sentences.

1 (1) Mitigating Circumstances

2 (a) To a significant degree, the victim was an initiator, willing  
3 participant, aggressor, or provoker of the incident.

4 (b) Before detection, the defendant compensated, or made a good  
5 faith effort to compensate, the victim of the criminal conduct for any  
6 damage or injury sustained.

7 (c) The defendant committed the crime under duress, coercion,  
8 threat, or compulsion insufficient to constitute a complete defense but  
9 which significantly affected his or her conduct.

10 (d) The defendant, with no apparent predisposition to do so, was  
11 induced by others to participate in the crime.

12 (e) The defendant's capacity to appreciate the wrongfulness of his  
13 or her conduct or to conform his or her conduct to the requirements of  
14 the law, was significantly impaired (voluntary use of drugs or alcohol  
15 is excluded).

16 (f) The offense was principally accomplished by another person and  
17 the defendant manifested extreme caution or sincere concern for the  
18 safety or well-being of the victim.

19 (g) The operation of the multiple offense policy of RCW 9.94A.400  
20 results in a presumptive sentence that is clearly excessive in light of  
21 the purpose of this chapter, as expressed in RCW 9.94A.010.

22 (h) The defendant or the defendant's children suffered a continuing  
23 pattern of physical or sexual abuse by the victim of the offense and  
24 the offense is a response to that abuse.

25 (2) Aggravating Circumstances

26 (a) The defendant's conduct during the commission of the current  
27 offense manifested deliberate cruelty to the victim.

28 (b) The defendant knew or should have known that the victim of the  
29 current offense was particularly vulnerable or incapable of resistance  
30 due to extreme youth, advanced age, disability, or ill health.

31 (c) The current offense was a major economic offense or series of  
32 offenses, so identified by a consideration of any of the following  
33 factors:

34 (i) The current offense involved multiple victims or multiple  
35 incidents per victim;

36 (ii) The current offense involved attempted or actual monetary loss  
37 substantially greater than typical for the offense;

38 (iii) The current offense involved a high degree of sophistication  
39 or planning or occurred over a lengthy period of time; or

1 (iv) The defendant used his or her position of trust, confidence,  
2 or fiduciary responsibility to facilitate the commission of the current  
3 offense.

4 (d) The current offense was a major violation of the Uniform  
5 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to  
6 trafficking in controlled substances, which was more onerous than the  
7 typical offense of its statutory definition: The presence of ANY of  
8 the following may identify a current offense as a major VUCSA:

9 (i) The current offense involved at least three separate  
10 transactions in which controlled substances were sold, transferred, or  
11 possessed with intent to do so;

12 (ii) The current offense involved an attempted or actual sale or  
13 transfer of controlled substances in quantities substantially larger  
14 than for personal use;

15 (iii) The current offense involved the manufacture of controlled  
16 substances for use by other parties;

17 (iv) The circumstances of the current offense reveal the offender  
18 to have occupied a high position in the drug distribution hierarchy;

19 (v) The current offense involved a high degree of sophistication or  
20 planning or occurred over a lengthy period of time or involved a broad  
21 geographic area of disbursement; or

22 (vi) The offender used his or her position or status to facilitate  
23 the commission of the current offense, including positions of trust,  
24 confidence or fiduciary responsibility (e.g., pharmacist, physician, or  
25 other medical professional).

26 (e) The current offense included a finding of sexual motivation  
27 pursuant to RCW 9.94A.127.

28 (f) The offense was part of an ongoing pattern of sexual abuse of  
29 the same victim under the age of eighteen years manifested by multiple  
30 incidents over a prolonged period of time.

31 (g) The operation of the multiple offense policy of RCW 9.94A.400  
32 results in a presumptive sentence that is clearly too lenient in light  
33 of the purpose of this chapter, as expressed in RCW 9.94A.010.

34 (h) The defendant's prior unscored misdemeanor or prior unscored  
35 foreign criminal history results in a presumptive sentence that is  
36 clearly too lenient in light of the purpose of this chapter as  
37 expressed in RCW 9.94A.010.

38 (i) The offense was committed for the benefit of, at the direction  
39 of, or in association with any criminal gang as defined in RCW

1 9.94A.030, with the specific intent to promote, further, or assist in  
2 any criminal conduct by gang members.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 9A.52 RCW  
4 to read as follows:

5 (1) Any person who is not a currently enrolled student, parent,  
6 guardian, or immediate family member of such student, or school board  
7 member or school employee and who enters on public or private primary  
8 or secondary school premises at any time without authorization from the  
9 school principal, school superintendent, or one of their designees  
10 commits school grounds trespass, a gross misdemeanor.

11 (2) In any prosecution under subsection (1) of this section, it is  
12 a defense that:

13 (a) The premises had been publicly announced as being open to  
14 members of the public and the person complied with all lawful  
15 conditions imposed on access to or remaining in the premises; or

16 (b) The person was attempting to serve legal process, which  
17 includes any document required or allowed to be served upon persons or  
18 property, by any statute, rule, ordinance, regulation, or court order.  
19 This defense applies only if the entry onto the school grounds was  
20 reasonable and necessary for service of the legal process.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 10.97 RCW  
22 to read as follows:

23 (1) Whenever a minor enrolled in any primary or secondary school is  
24 charged with any of the following offenses, the prosecuting attorney  
25 shall notify the parents or legal guardian of the student and the  
26 principal of the school of the charge and disposition of the case:

27 (a) A violent offense as defined in RCW 9.94A.030;

28 (b) A sex offense as defined in RCW 9.94A.030;

29 (c) Inhaling toxic fumes under chapter 9.47A RCW;

30 (d) A controlled substances violation under chapter 69.50 RCW;

31 (e) A liquor violation under RCW 66.44.270;

32 (f) A gang-related crime under section 2 of this act.

33 (2) The principal shall provide the information received under  
34 subsection (1) of this section to every teacher of any student who has  
35 been charged with a crime listed in subsection (1) of this section.  
36 The principal shall provide the information to the teachers based on

1 any written records that the principal maintains or receives from a law  
2 enforcement agency regarding such a student.

3 (3) Any information received by a principal or teacher under this  
4 section shall be received in confidence for the limited purpose for  
5 which it was provided and shall not be further disseminated by the  
6 principal or teacher.

7 NEW SECTION. **Sec. 8.** A new section is added to chapter 13.50 RCW  
8 to read as follows:

9 (1) Whenever a minor enrolled in any primary or secondary school is  
10 charged with any of the following offenses, the prosecuting attorney  
11 shall notify the parents or legal guardian of the student and the  
12 principal of the school of the charge and disposition of the case:

13 (a) A violent offense as defined in RCW 9.94A.030;

14 (b) A sex offense as defined in RCW 9.94A.030;

15 (c) Inhaling toxic fumes under chapter 9.47A RCW;

16 (d) A controlled substances violation under chapter 69.50 RCW;

17 (e) A liquor violation under RCW 66.44.270;

18 (f) A gang-related crime under section 2 of this act.

19 (2) The principal shall provide the information received under  
20 subsection (1) of this section to every teacher of any student who has  
21 been charged with a crime listed in subsection (1) of this section.  
22 The principal shall provide the information to the teachers based on  
23 any written records that the principal maintains or receives from a law  
24 enforcement agency regarding such a student.

25 (3) Any information received by a principal or teacher under this  
26 section shall be received in confidence for the limited purpose for  
27 which it was provided and shall not be further disseminated by the  
28 principal or teacher.

29 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.600  
30 RCW to read as follows:

31 Every teacher shall endeavor to hold every student to a strict  
32 accountability for any disorderly conduct in school or on school  
33 grounds, on the street or road while going to or returning from school,  
34 or on a school bus. Drug and gang activity is disruptive to the  
35 educational process. To further the goal of educating students, school  
36 districts shall adopt policies establishing zero tolerance of illegal

1 drug and gang activity on school grounds. Such policies shall provide  
2 for at least the following:

3 (1) Each teacher may take disciplinary action to correct a student  
4 who disrupts normal classroom activities, who is disrespectful to a  
5 teacher, who willfully disobeys a teacher, who uses abusive or foul  
6 language directed at a teacher or another student, who violates school  
7 rules, or who interferes with an orderly education process.  
8 Disciplinary action may include but is not limited to: Oral or written  
9 reprimands; written notification to parents of disruptive behavior, a  
10 copy of which shall be provided to the principal; and suspension or  
11 expulsion. A teacher may suspend a student from the teacher's  
12 classroom:

13 (a) For the day of the suspension and the following two days when  
14 there are reasonable grounds to believe the student has engaged in any  
15 of the following activities in the classroom:

16 (i) Inhaling toxic fumes under chapter 9.47A RCW, or a controlled  
17 substances violation under RCW 69.50.401 through 69.50.412 or  
18 69.50.415;

19 (ii) A liquor violation under RCW 66.44.270;

20 (iii) Any violation of school rules or regulations governing  
21 student conduct that is in furtherance of a criminal gang as defined in  
22 section 2 of this act;

23 (iv) Possession of a knife;

24 (v) Crimes listed in chapter 9A.48 or 9A.56 RCW in regard to any  
25 school property or property of a teacher or another student;

26 (vi) Possession of drug paraphernalia as described in RCW  
27 69.50.102;

28 (vii) Possession of a paging telecommunications device that emits  
29 an audible signal, vibrates, displays a message, or otherwise summons  
30 or delivers a communication to the possessor; or

31 (viii) Possession of a cellular or portable telephone.

32 (b) Permanently from the teacher's classroom, for any activity that  
33 would constitute an offense under chapter 9A.36, 9A.40, or 9A.48 RCW,  
34 when the activity is directed toward the teacher. The principal shall  
35 also determine whether the student should be suspended from the school  
36 for ten days.

37 (2) Suspensions from a classroom are to the custody of the  
38 principal or his or her designee. A student removed from the classroom  
39 under this section shall not receive credit for school work missed.



1 (3) Within twenty-four hours of a suspension by a teacher under  
2 subsection (1) of this section, the teacher shall report to the  
3 principal in writing a statement of the circumstances surrounding the  
4 suspension. The principal of the school shall notify the parents or  
5 legal guardian of the child within twenty-four hours of the suspension  
6 and schedule a conference with the parents, principal, and teacher  
7 within two weeks. Failure of a parent to appear at the conference  
8 shall result in extension of the suspension of the student until a  
9 parent or legal guardian appears.

10 (4) On the second instance of an activity listed in subsection  
11 (1)(a)(i) through (viii) of this section after a suspension under  
12 subsection (1) of this section by the same or different teacher as in  
13 the first instance within the preceding three-year period, the  
14 principal of the school shall determine whether the student should be  
15 suspended from the school for a school week.

16 (5) On the third instance of an activity listed in subsection  
17 (1)(a) of this section and after two suspensions under subsection (1)  
18 of this section by the same or different teachers as in the first and  
19 second instance within the preceding three-year period, the principal  
20 of the school shall determine whether the student should be permanently  
21 expelled from the school.

22 (6) Suspensions and expulsions under this section must be conducted  
23 in a manner that meets the minimum due process rights of students and  
24 teachers.

25 (7) A student suspended for damages to any property belonging to  
26 the school, a contractor to the school, a school employee, or another  
27 student shall not be readmitted until payment in full has been made for  
28 such damage or until directed by the superintendent of schools. If the  
29 property damaged is a school bus owned by or contracted to any school  
30 district, a student suspended for such damage shall not be permitted to  
31 enter or ride any school bus until payment in full has been made for  
32 such damage or until directed by the superintendent.

33 **Sec. 10.** RCW 9.41.280 and 1995 c 87 s 1 are each amended to read  
34 as follows:

35 (1) It is unlawful for a person to carry onto, or to possess on,  
36 public or private elementary or secondary school premises, school-  
37 provided transportation, or areas of facilities while being used  
38 exclusively by public or private schools:

- 1 (a) Any firearm;
- 2 (b) Any other dangerous weapon as defined in RCW 9.41.250;
- 3 (c) Any device commonly known as "nun-chu-ka sticks", consisting of  
4 two or more lengths of wood, metal, plastic, or similar substance  
5 connected with wire, rope, or other means;
- 6 (d) Any device, commonly known as "throwing stars", which are  
7 multi-pointed, metal objects designed to embed upon impact from any  
8 aspect; ((or))

9 (e) Any air gun, including any air pistol or air rifle, designed to  
10 propel a BB, pellet, or other projectile by the discharge of compressed  
11 air, carbon dioxide, or other gas; or

12 (f) Any knife capable of being used to inflict serious bodily  
13 injury.

14 (2) Any such person violating subsection (1) of this section is  
15 guilty of a gross misdemeanor. If any person is convicted of a  
16 violation of subsection (1)(a) of this section, the person shall lose  
17 his or her concealed pistol license, if any. The court shall send  
18 notice of the revocation to the department of licensing, and the city,  
19 town, or county which issued the license.

20 Any violation of subsection (1) of this section by elementary or  
21 secondary school students constitutes grounds for expulsion from the  
22 state's public schools in accordance with RCW 28A.600.010. An  
23 appropriate school authority shall promptly notify law enforcement and  
24 the student's parent or guardian regarding any allegation or indication  
25 of such violation.

26 (3) Subsection (1) of this section does not apply to:

27 (a) Any student or employee of a private military academy when on  
28 the property of the academy;

29 (b) Any person engaged in military, law enforcement, or school  
30 district security activities;

31 (c) Any person who is involved in a convention, showing,  
32 demonstration, lecture, or firearms safety course authorized by school  
33 authorities in which the firearms of collectors or instructors are  
34 handled or displayed;

35 (d) Any person while the person is participating in a firearms or  
36 air gun competition approved by the school or school district;

37 (e) Any person in possession of a pistol who has been issued a  
38 license under RCW 9.41.070, or is exempt from the licensing requirement  
39 by RCW 9.41.060, while picking up or dropping off a student;

1 (f) Any nonstudent at least eighteen years of age legally in  
2 possession of a firearm or dangerous weapon that is secured within an  
3 attended vehicle or concealed from view within a locked unattended  
4 vehicle while conducting legitimate business at the school;

5 (g) Any nonstudent at least eighteen years of age who is in lawful  
6 possession of an unloaded firearm, secured in a vehicle while  
7 conducting legitimate business at the school; ((~~or~~))

8 (h) Any law enforcement officer of the federal, state, or local  
9 government agency; or

10 (i) Any person in possession of a knife provided by the school for  
11 use in a school cafeteria, lunchroom, or kitchen.

12 (4) Subsections (1)(c) and (d) of this section do not apply to any  
13 person who possesses nun-chu-ka sticks, throwing stars, or other  
14 dangerous weapons to be used in martial arts classes authorized to be  
15 conducted on the school premises.

16 (5) Except as provided in subsection (3)(b), (c), (f), and (h) of  
17 this section, firearms are not permitted in a public or private school  
18 building.

19 (6) "GUN-FREE ZONE" signs shall be posted around school facilities  
20 giving warning of the prohibition of the possession of firearms on  
21 school grounds.

22 NEW SECTION. Sec. 11. A new section is added to chapter 28A.600  
23 RCW to read as follows:

24 (1)(a) The governing board of any school district may adopt or  
25 rescind a reasonable dress code policy that requires students to wear  
26 a schoolwide uniform or prohibits students from wearing gang-related  
27 apparel if the governing board of the school district approves a plan  
28 that may be initiated by an individual school's principal, staff, and  
29 parents and determines that the policy is necessary for the health and  
30 safety of the school environment.

31 (b) The school district shall hold a public hearing and consider  
32 the adoption of such policies if the district receives a petition  
33 signed by the parents or guardians of twenty percent or more of the  
34 district's students petitioning for such a policy.

35 (2)(a) The principal of any school may adopt or rescind a  
36 reasonable dress code policy that requires students to wear a  
37 schoolwide uniform or prohibits students from wearing gang-related  
38 apparel that may be initiated by an individual school's principal,

1 staff, and parents of students within the school if the principal  
2 determines the policy is necessary for the health and safety of the  
3 school environment.

4 (b) The principal shall hold a public hearing and consider the  
5 adoption of such policies if the principal receives a petition signed  
6 by the parents or guardians of twenty percent or more of the district's  
7 students petitioning for such a policy.

8 (3) If a schoolwide uniform is required, the specific uniform  
9 selected shall be determined by the principal, staff, and parents of  
10 the individual school.

11 (4) A dress code policy that requires students to wear a schoolwide  
12 uniform shall not be implemented with less than six months' notice to  
13 parents. If students are required to wear uniforms, the school  
14 district shall accommodate students so that the uniform requirement is  
15 not an unfair barrier to school attendance and participation.

16 (5) A policy adopted pursuant to this section shall not preclude  
17 students who participate in a nationally recognized youth organization  
18 from wearing organization uniforms on days that the organization has a  
19 scheduled meeting.

20 **Sec. 12.** RCW 43.43.830 and 1995 c 250 s 1 are each amended to read  
21 as follows:

22 Unless the context clearly requires otherwise, the definitions in  
23 this section apply throughout RCW 43.43.830 through 43.43.840.

24 (1) "Applicant" means:

25 (a) Any prospective employee who will or may have unsupervised  
26 access to children under sixteen years of age or developmentally  
27 disabled persons or vulnerable adults during the course of his or her  
28 employment or involvement with the business or organization;

29 (b) Any prospective volunteer who will have regularly scheduled  
30 unsupervised access to children under sixteen years of age,  
31 developmentally disabled persons, or vulnerable adults during the  
32 course of his or her employment or involvement with the business or  
33 organization under circumstances where such access will or may involve  
34 groups of (i) five or fewer children under twelve years of age, (ii)  
35 three or fewer children between twelve and sixteen years of age, (iii)  
36 developmentally disabled persons, or (iv) vulnerable adults; (~~(v)~~)

37 (c) Any prospective adoptive parent, as defined in RCW 26.33.020;  
38 or

1        (d) Any student or prospective student to a public or private  
2 primary or secondary school.

3        (2) "Business or organization" means a business or organization  
4 licensed in this state, any agency of the state, or other governmental  
5 entity, that educates, trains, treats, supervises, houses, or provides  
6 recreation to developmentally disabled persons, vulnerable adults, or  
7 children under sixteen years of age, including but not limited to  
8 public housing authorities, school districts, and educational service  
9 districts.

10        (3) "Civil adjudication" means a specific court finding of sexual  
11 abuse or exploitation or physical abuse in a dependency action under  
12 RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In  
13 the case of vulnerable adults, civil adjudication means a specific  
14 court finding of abuse or financial exploitation in a protection  
15 proceeding under chapter 74.34 RCW. It does not include administrative  
16 proceedings. The term "civil adjudication" is further limited to court  
17 findings that identify as the perpetrator of the abuse a named  
18 individual, over the age of eighteen years, who was a party to the  
19 dependency or dissolution proceeding or was a respondent in a  
20 protection proceeding in which the finding was made and who contested  
21 the allegation of abuse or exploitation.

22        (4) "Conviction record" means "conviction record" information as  
23 defined in RCW 10.97.030(3) relating to a crime against children or  
24 other persons committed by either an adult or a juvenile. It does not  
25 include a conviction for an offense that has been the subject of an  
26 expungement, pardon, annulment, certificate of rehabilitation, or other  
27 equivalent procedure based on a finding of the rehabilitation of the  
28 person convicted, or a conviction that has been the subject of a  
29 pardon, annulment, or other equivalent procedure based on a finding of  
30 innocence. It does include convictions for offenses for which the  
31 defendant received a deferred or suspended sentence, unless the record  
32 has been expunged according to law.

33        (5) "Crime against children or other persons" means a conviction of  
34 any of the following offenses: Aggravated murder; first or second  
35 degree murder; first or second degree kidnaping; first, second, or  
36 third degree assault; first, second, or third degree assault of a  
37 child; first, second, or third degree rape; first, second, or third  
38 degree rape of a child; first or second degree robbery; first degree  
39 arson; first degree burglary; first or second degree manslaughter;

1 first or second degree extortion; indecent liberties; incest; vehicular  
2 homicide; first degree promoting prostitution; communication with a  
3 minor; unlawful imprisonment; simple assault; sexual exploitation of  
4 minors; first or second degree criminal mistreatment; child abuse or  
5 neglect as defined in RCW 26.44.020; first or second degree custodial  
6 interference; malicious harassment; first, second, or third degree  
7 child molestation; first or second degree sexual misconduct with a  
8 minor; first or second degree rape of a child; patronizing a juvenile  
9 prostitute; child abandonment; promoting pornography; selling or  
10 distributing erotic material to a minor; custodial assault; violation  
11 of child abuse restraining order; child buying or selling;  
12 prostitution; felony indecent exposure; criminal abandonment; or any of  
13 these crimes as they may be renamed in the future.

14 (6) "Crimes relating to financial exploitation" means a conviction  
15 for first, second, or third degree extortion; first, second, or third  
16 degree theft; first or second degree robbery; forgery; or any of these  
17 crimes as they may be renamed in the future.

18 (7) "Disciplinary board final decision" means any final decision  
19 issued by a disciplining authority under chapter 18.130 RCW or the  
20 secretary of the department of health for the following businesses or  
21 professions:

- 22 (a) Chiropractic;
- 23 (b) Dentistry;
- 24 (c) Dental hygiene;
- 25 (d) Massage;
- 26 (e) Midwifery;
- 27 (f) Naturopathy;
- 28 (g) Osteopathy;
- 29 (h) Physical therapy;
- 30 (i) Physicians;
- 31 (j) Practical nursing;
- 32 (k) Registered nursing; and
- 33 (l) Psychology.

34 "Disciplinary board final decision," for real estate brokers and  
35 salespersons, means any final decision issued by the director of the  
36 department of licensing for real estate brokers and salespersons.

37 (8) "Unsupervised" means not in the presence of:

- 38 (a) Another employee or volunteer from the same business or  
39 organization as the applicant; or

1 (b) Any relative or guardian of any of the children or  
2 developmentally disabled persons or vulnerable adults to which the  
3 applicant has access during the course of his or her employment or  
4 involvement with the business or organization.

5 (9) "Vulnerable adult" means "vulnerable adult" as defined in  
6 chapter 74.34 RCW, except that for the purposes of requesting and  
7 receiving background checks pursuant to RCW 43.43.832, it shall also  
8 include adults of any age who lack the functional, mental, or physical  
9 ability to care for themselves.

10 (10) "Financial exploitation" means the illegal or improper use of  
11 a vulnerable adult or that adult's resources for another person's  
12 profit or advantage.

13 (11) "Agency" means any person, firm, partnership, association,  
14 corporation, or facility which receives, provides services to, houses  
15 or otherwise cares for vulnerable adults.

16 **Sec. 13.** RCW 10.97.030 and 1990 c 3 s 128 are each amended to read  
17 as follows:

18 For purposes of this chapter, the definitions of terms in this  
19 section shall apply.

20 (1) "Criminal history record information" means information  
21 contained in records collected by criminal justice agencies, other than  
22 courts, on individuals, consisting of identifiable descriptions and  
23 notations of arrests, detentions, indictments, informations, or other  
24 formal criminal charges, and any disposition arising therefrom,  
25 including sentences, correctional supervision, and release. The term  
26 includes information contained in records maintained by or obtained  
27 from criminal justice agencies, other than courts, which records  
28 provide individual identification of a person together with any portion  
29 of the individual's record of involvement in the criminal justice  
30 system as an alleged or convicted offender, except:

31 (a) Posters, announcements, or lists for identifying or  
32 apprehending fugitives or wanted persons;

33 (b) Original records of entry maintained by criminal justice  
34 agencies to the extent that such records are compiled and maintained  
35 chronologically and are accessible only on a chronological basis;

36 (c) Court indices and records of public judicial proceedings, court  
37 decisions, and opinions, and information disclosed during public  
38 judicial proceedings;

1 (d) Records of traffic violations which are not punishable by a  
2 maximum term of imprisonment of more than ninety days;

3 (e) Records of any traffic offenses as maintained by the department  
4 of licensing for the purpose of regulating the issuance, suspension,  
5 revocation, or renewal of drivers' or other operators' licenses and  
6 pursuant to RCW 46.52.130 (~~as now existing or hereafter amended~~);

7 (f) Records of any aviation violations or offenses as maintained by  
8 the department of transportation for the purpose of regulating pilots  
9 or other aviation operators, and pursuant to RCW 47.68.330 (~~as now  
10 existing or hereafter amended~~);

11 (g) Announcements of executive clemency.

12 (2) "Nonconviction data" consists of all criminal history record  
13 information relating to an incident which has not led to a conviction  
14 or other disposition adverse to the subject, and for which proceedings  
15 are no longer actively pending. There shall be a rebuttable  
16 presumption that proceedings are no longer actively pending if more  
17 than one year has elapsed since arrest, citation, or service of warrant  
18 and no disposition has been entered.

19 (3) "Conviction record" means criminal history record information  
20 relating to an incident which has led to a conviction or other  
21 disposition adverse to the subject.

22 (4) "Conviction or other disposition adverse to the subject" means  
23 any disposition of charges, except a decision not to prosecute, a  
24 dismissal, or acquittal except when the acquittal is due to a finding  
25 of not guilty by reason of insanity pursuant to chapter 10.77 RCW and  
26 the person was committed pursuant to chapter 10.77 RCW: PROVIDED,  
27 HOWEVER, That a dismissal entered after a period of probation,  
28 suspension, or deferral of sentence shall be considered a disposition  
29 adverse to the subject.

30 (5) "Criminal justice agency" means: (a) A court; or (b) a  
31 government agency which performs the administration of criminal justice  
32 pursuant to a statute or executive order and which allocates a  
33 substantial part of its annual budget to the administration of criminal  
34 justice.

35 (6) "The administration of criminal justice" means performance of  
36 any of the following activities: Detection, apprehension, detention,  
37 pretrial release, post-trial release, prosecution, adjudication,  
38 correctional supervision, or rehabilitation of accused persons or  
39 criminal offenders. The term also includes criminal identification



1 activities and the collection, storage, dissemination of criminal  
2 history record information, and the compensation of victims of crime.

3 (7) "Disposition" means the formal conclusion of a criminal  
4 proceeding at whatever stage it occurs in the criminal justice system.

5 (8) "Dissemination" means disclosing criminal history record  
6 information or disclosing the absence of criminal history record  
7 information to any person or agency outside the agency possessing the  
8 information, subject to the following exceptions:

9 (a) When criminal justice agencies jointly participate in the  
10 maintenance of a single record keeping department as an alternative to  
11 maintaining separate records, the furnishing of information by that  
12 department to personnel of any participating agency is not a  
13 dissemination;

14 (b) The furnishing of information by any criminal justice agency to  
15 another for the purpose of processing a matter through the criminal  
16 justice system, such as a police department providing information to a  
17 prosecutor for use in preparing a charge, is not a dissemination;

18 (c) The reporting of an event to a record keeping agency for the  
19 purpose of maintaining the record is not a dissemination;

20 (d) To any public or private primary or secondary school principal.

21 NEW SECTION. **Sec. 14.** If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected.

25 NEW SECTION. **Sec. 15.** This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of the  
27 state government and its existing public institutions, and shall take  
28 effect immediately.

--- END ---