

HOUSE BILL REPORT

HB 1051

As Reported By House Committee On:

Education

Title: An act relating to school bus route stops as drug-free zones.

Brief Description: Simplifying designation of school bus stops as drug-free zones.

Sponsors: Representatives Pennington, Mielke, Carlson, McMorris, Delvin and Keiser.

Brief History:

Committee Activity:

Education: 1/23/97, 2/4/97 [DP].

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 11 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Quall; Smith; Sterk; Sump; Talcott and Veloria.

Staff: David Bowman (786-7291).

Background: The state sentencing code for adult offenders authorizes courts to impose an enhanced punishment if a person commits a drug offense in a drug-free zone. One drug-free zone is a school bus route stop. An individual who manufactures, sells, or unlawfully possesses a controlled substance within 1,000 feet of a school bus route stop designated by a school district may receive up to twice the fine or imprisonment, or both, otherwise authorized.

Prosecutors seeking enhanced penalties for drug offenders must prove beyond a reasonable doubt that the offense occurred within a 1,000-foot radius of a school bus route stop. To prove this, prosecutors must establish the bus stop's exact location. Washington law defines a school bus route stop— as a stop designated on maps submitted by school districts to the Office of the Superintendent of Public Instruction (OSPI). Recently, school districts began designating bus stops with electronic submissions rather than maps. These electronic submissions do not meet the statutory definition of a school bus route stop for purposes of obtaining enhanced penalties for drug offenders.

Summary of Bill: The definition of a school bus route stop– is a stop designated in any manner by a school district.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The current definition of a school bus route stop complicates prosecution of drug offenses in drug-free zones. In 1995, school districts changed the method of designating school bus route stops. Consequently, it is difficult for prosecutors to prove the exact location of a school bus route stop under the statutory definition. Often school districts and the OSPI have the cumbersome task of creating maps solely to obtain enhanced punishment for drug offenders. The bill solves these problems by simplifying the designation of a school bus route stop.

Testimony Against: None.

Testified: Jim Stonier, Washington Association of Prosecuting Attorneys; and Roger Eastman, Office of Superintendent of Public Instruction.