

HOUSE BILL ANALYSIS

HB 1051

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.*

HOUSE COMMITTEE ON EDUCATION

Meeting Date: *January 23, 1997.*

Bill Analysis Prepared by: Pat Shelledy (786-7149); Dave 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. By definition, a school bus route stop— is a stop designated on maps submitted by school districts to the superintendent of public instruction (OSPI). 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 must prove beyond a reasonable doubt that the offense occurred within a 1,000-foot radius of a school bus route stop. To do this, prosecutors must establish the bus stop's exact location. If produced by a school district and approved by ordinance, a map that depicts the location and boundaries of a school bus route stop is prima facie evidence of the location. However, the law does not preclude prosecutors from using other evidence to establish the school bus stop location. According to one prosecutor, it is necessary to use other evidence when school districts designate school bus route stops with CD-ROM lists rather than maps.

Summary of Bill: A school bus route stop— is a stop designated by a school district, whether or not designated on maps submitted to the superintendent of public instruction (OSPI).

Fiscal Note: *Not requested.*

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