
HOUSE BILL 2932

State of Washington

57th Legislature

2002 Regular Session

By Representatives Holmquist and Mulliken

Read first time . Referred to Committee on .

1 AN ACT Relating to detaining a person for the purpose of allowing
2 a law enforcement investigation; adding a new section to chapter 9A.16
3 RCW; and adding a new section to chapter 4.24 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.16 RCW
6 to read as follows:

7 (1) In a criminal action brought because a person was detained on
8 or in the immediate vicinity of an outdoor music venue or related
9 campground to investigate or question the lawfulness of the person's
10 consumption or possession of alcohol or drugs, it is a defense that the
11 person was detained in a reasonable manner and for a reasonable time to
12 permit the investigation or questioning by a law enforcement officer,
13 and that a peace officer, owner, operator, employee, or agent of the
14 outdoor music venue or related campground had reasonable grounds to
15 believe that the detained person unlawfully consumed or possessed
16 alcohol or drugs on the premises or attempted to do so.

17 (2) For the purposes of this section:

18 (a) "Exhibiting the effects of having consumed alcohol" means that
19 a person has the odor of alcohol on his or her breath, or that by

1 speech, manner, appearance, behavior, lack of coordination, or
2 otherwise exhibits that he or she has consumed alcohol, and either:

3 (i) Is in possession of or in close proximity to a container that
4 has or recently had alcohol in it; or

5 (ii) Is shown by other evidence to have recently consumed alcohol.

6 (b) "Exhibiting the effects of having consumed an illegal drug"
7 means that a person by speech, manner, appearance, behavior, lack of
8 coordination, or otherwise exhibits that he or she has consumed an
9 illegal drug and either:

10 (i) Is in possession of an illegal drug; or

11 (ii) Is shown by other evidence to have recently consumed an
12 illegal drug.

13 (c) "Illegal drug" means a controlled substance under chapter 69.50
14 RCW for which the detained person does not have a valid prescription or
15 that is not being consumed in accordance with the prescription
16 directions and warnings, or a legend drug under chapter 69.41 RCW for
17 which the detained person does not have a valid prescription or that is
18 not being consumed in accordance with the prescription directions and
19 warnings.

20 (d) "Reasonable grounds" includes, but is not limited to,
21 observations that a person is exhibiting the effects of having consumed
22 alcohol or is exhibiting the effects of having consumed an illegal
23 drug.

24 (e) "Reasonable time" means the time necessary to permit the
25 detained person to make a statement or to refuse to make a statement,
26 and the time necessary to allow a law enforcement officer to determine
27 the lawfulness of the consumption or possession of alcohol or drugs.
28 This time may not exceed two hours.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
30 to read as follows:

31 (1) In a civil action brought because a person was detained on or
32 in the immediate vicinity of an outdoor music venue or related
33 campground to investigate or question the lawfulness of the person's
34 consumption or possession of alcohol or drugs, it is a defense that the
35 person was detained in a reasonable manner and for a reasonable time to
36 permit the investigation or questioning by a law enforcement officer,
37 and that a peace officer, owner, operator, employee, or agent of the
38 outdoor music venue or related campground had reasonable grounds to

1 believe that the detained person unlawfully consumed or possessed
2 alcohol or drugs on the premises or attempted to do so.

3 (2) For the purposes of this section:

4 (a) "Exhibiting the effects of having consumed alcohol" means that
5 a person has the odor of alcohol on his or her breath, or that by
6 speech, manner, appearance, behavior, lack of coordination, or
7 otherwise exhibits that he or she has consumed alcohol, and either:

8 (i) Is in possession of or in close proximity to a container that
9 has or recently had alcohol in it; or

10 (ii) Is shown by other evidence to have recently consumed alcohol.

11 (b) "Exhibiting the effects of having consumed an illegal drug"
12 means that a person by speech, manner, appearance, behavior, lack of
13 coordination, or otherwise exhibits that he or she has consumed an
14 illegal drug and either:

15 (i) Is in possession of an illegal drug; or

16 (ii) Is shown by other evidence to have recently consumed an
17 illegal drug.

18 (c) "Illegal drug" means a controlled substance under chapter 69.50
19 RCW for which the detained person does not have a valid prescription or
20 that is not being consumed in accordance with the prescription
21 directions and warnings, or a legend drug under chapter 69.41 RCW for
22 which the detained person does not have a valid prescription or that is
23 not being consumed in accordance with the prescription directions and
24 warnings.

25 (d) "Reasonable grounds" includes, but is not limited to,
26 observations that a person is exhibiting the effects of having consumed
27 alcohol or is exhibiting the effects of having consumed an illegal
28 drug.

29 (e) "Reasonable time" means the time necessary to permit the
30 detained person to make a statement or to refuse to make a statement,
31 and the time necessary to allow a law enforcement officer to determine
32 the lawfulness of the consumption or possession of alcohol or drugs.
33 This time may not exceed two hours.

--- END ---