
SUBSTITUTE SENATE BILL 5256

State of Washington

64th Legislature

2015 Regular Session

By Senate Human Services, Mental Health & Housing (originally sponsored by Senators Darneille, Rolfes, and Chase)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to clarifying standards for strip searching
2 juveniles; and amending RCW 10.79.130, 10.79.140, and 10.79.120.

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

4 **Sec. 1.** RCW 10.79.130 and 1986 c 88 s 2 are each amended to read
5 as follows:

6 (1) No person to whom this section is made applicable by RCW
7 10.79.120 may be strip searched without a warrant unless:

8 (a) There is a reasonable suspicion to believe that a strip
9 search is necessary to discover weapons, criminal evidence,
10 contraband, or other thing concealed on the body of the person to be
11 searched, that constitutes a threat to the security of a holding,
12 detention, or local correctional facility;

13 (b) There is probable cause to believe that a strip search is
14 necessary to discover other criminal evidence concealed on the body
15 of the person to be searched, but not constituting a threat to
16 facility security; or

17 (c) There is a reasonable suspicion to believe that a strip
18 search is necessary to discover a health condition requiring
19 immediate medical attention.

1 (2) For the purposes of subsection (1) of this section, a
2 reasonable suspicion is deemed to be present when the person to be
3 searched is an adult and has been arrested for:

4 (a) A violent offense as defined in RCW 9.94A.030 or any
5 successor statute;

6 (b) An offense involving escape, burglary, or the use of a deadly
7 weapon; or

8 (c) An offense involving possession of a drug or controlled
9 substance under chapter 69.41, 69.50, or 69.52 RCW or any successor
10 statute.

11 (3) When the person to be searched is a juvenile, reasonable
12 suspicion requires an individualized determination, and reasonable
13 efforts must be used to use other less-intrusive means as described
14 in RCW 10.79.140(2).

15 **Sec. 2.** RCW 10.79.140 and 1986 c 88 s 3 are each amended to read
16 as follows:

17 (1) A person to whom this section is made applicable by RCW
18 10.79.120 who has not been arrested for an offense within one of the
19 categories specified in RCW 10.79.130(2) may nevertheless be strip
20 searched, but only upon an individualized determination of reasonable
21 suspicion or probable cause as provided in this section.

22 (2) With the exception of those situations in which reasonable
23 suspicion is deemed to be present under RCW 10.79.130(2), no strip
24 search may be conducted without the specific prior written approval
25 of the jail unit supervisor on duty. Before any strip search is
26 conducted, reasonable efforts must be made to use other less-
27 intrusive means, such as pat-down, electronic metal detector, or
28 clothing searches, to determine whether a weapon, criminal evidence,
29 contraband, or other thing is concealed on the body, or whether a
30 health condition requiring immediate medical attention is present.
31 The determination of whether reasonable suspicion or probable cause
32 exists to conduct a strip search shall be made only after such less-
33 intrusive means have been used and shall be based on a consideration
34 of all information and circumstances known to the officer authorizing
35 the strip search, including but not limited to the following factors:

36 (a) The nature of the offense for which the person to be searched
37 was arrested;

38 (b) The prior criminal record of the person to be searched;
39 ((and))

1 (c) Physically violent behavior of the person to be searched,
2 during or after the arrest; and

3 (d) For a juvenile, a record of the juvenile's past behavior in
4 the facility.

5 **Sec. 3.** RCW 10.79.120 and 1986 c 88 s 1 are each amended to read
6 as follows:

7 RCW 10.79.130 through 10.79.160 apply to any person in custody at
8 a holding, detention, or local correctional facility, other than a
9 person committed to incarceration by order of a court, regardless of
10 whether an arrest warrant or other court order was issued before the
11 person was arrested or otherwise taken into custody unless the court
12 issuing the warrant has determined that the person shall not be
13 released on personal recognizance, bail, or bond. The reasonable
14 suspicion requirements for juveniles provided in RCW 10.79.130 and
15 10.79.140 apply to juveniles incarcerated by order of a court for
16 noncriminal offenses. RCW 10.79.130 through 10.79.160 do not apply to
17 a person held for post-conviction incarceration for a criminal
18 offense. The definitions and remedies provided by RCW 10.79.070 and
19 10.79.110 apply to RCW 10.79.130 through 10.79.160.

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