
SENATE BILL 6230

State of Washington 64th Legislature 2016 Regular Session

By Senators O'Ban and Padden

Read first time 01/13/16. Referred to Committee on Law & Justice.

1 AN ACT Relating to the school warrantless search exception;
2 amending RCW 28A.600.230 and 28A.600.240; adding a new section to
3 chapter 28A.600 RCW; creating a new section; and providing an
4 effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that both the
7 federal and state Constitutions contain certain sacred protections
8 against warrantless searches by law enforcement. Federal and state
9 courts have recognized certain reasonable exceptions to the warrant
10 requirement consistent with common sense and public safety. The
11 supreme court of the United States recognized the "school search
12 exception" to the warrant requirement in the due process clause of
13 the fourth amendment of the United States Constitution in the case
14 *New Jersey v. T.L.O.*, 469 U.S. 325, 105 S. Ct. 733, 83 L. Ed. 2d 720
15 (1985). The school search exception provides that reasonable
16 suspicion standard shall apply when school officials, including
17 teachers, teachers' aides, school administrators, school police
18 officers, and local police school liaison officers, conduct a search
19 acting on their own authority of a student on school grounds. The
20 Washington state supreme court also recognized the school search
21 exception as valid in Washington state under Article I, section 7 of

1 the state Constitution. *York v. Wahkiakum Sch. Dist. No. 200*, 163 Wn.
2 2d 297, 303, 178 P.3d 995 (2008) *State v. McKinnon*, 88 Wn.2d 75, 558
3 P.2d 781 (1977). In a recent opinion, the Washington state supreme
4 court overruled previous case law and determined that a school
5 resource officer could no longer conduct searches of students for
6 drugs or weapons under the school search exception. *Washington v.*
7 *Meneese*, Case No. 86203-6, August 2, 2012. The court's analysis
8 raised the issue of whether school resource officers were clearly
9 authorized as school officials to conduct searches to enforce school
10 rules. It is the intent of the legislature to allow for the school
11 search exception to the warrant requirement by providing clear
12 authorization for school police officers and school resource officers
13 to conduct searches of students on school grounds to enforce school
14 rules and create a safe learning environment for students and school
15 employees.

16 **Sec. 2.** RCW 28A.600.230 and 1999 c 167 s 3 are each amended to
17 read as follows:

18 (1) A school resource officer, local police school liaison
19 officer, principal, vice principal, or principal's designee may
20 search a student, the student's possessions, and the student's
21 locker, if the resource officer, local police school liaison officer,
22 principal, vice principal, or principal's designee has reasonable
23 grounds to suspect that the search will yield evidence of the
24 student's violation of the law or school rules. A search is mandatory
25 if there are reasonable grounds to suspect a student has illegally
26 possessed a firearm in violation of RCW 9.41.280.

27 (2) Except as provided in subsection (3) of this section, the
28 scope of the search is proper if the search is conducted as follows:

29 (a) The methods used are reasonably related to the objectives of
30 the search; and

31 (b) Is not excessively intrusive in light of the age and sex of
32 the student and the nature of the suspected infraction.

33 (3) A school resource officer, local police school liaison
34 officer, principal, or vice principal or anyone acting under their
35 direction may not subject a student to a strip search or body cavity
36 search as those terms are defined in RCW 10.79.070.

37 **Sec. 3.** RCW 28A.600.240 and 1990 c 33 s 504 are each amended to
38 read as follows:

1 (1) In addition to the provisions in RCW 28A.600.230, the school
2 resource officer, local police school liaison officer, principal,
3 vice principal, or principal's designee may search all student
4 lockers at any time without prior notice and without a reasonable
5 suspicion that the search will yield evidence of any particular
6 student's violation of the law or school rule.

7 (2) If the school resource officer, local police school liaison
8 officer, principal, vice principal, or principal's designee, as a
9 result of the search, develops a reasonable suspicion that a certain
10 container or containers in any student locker contain evidence of a
11 student's violation of the law or school rule, the resource officer,
12 local police school liaison officer, principal, vice principal, or
13 principal's designee may search the container or containers according
14 to the provisions of RCW 28A.600.230(2).

15 NEW SECTION. Sec. 4. A new section is added to chapter 28A.600
16 RCW to read as follows:

17 At the point that a school resource officer makes an actual,
18 lawful, custodial arrest, the school resource officer is no longer
19 acting under school authority to enforce violations of school rules.

20 NEW SECTION. Sec. 5. This act takes effect July 1, 2016.

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