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**SUBSTITUTE HOUSE BILL 2094**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Holmquist, O'Brien, Hinkle, Darneille, Lovick and Ahern)

READ FIRST TIME 03/05/03.

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 by reason of a person having been  
8 detained on or in the immediate vicinity of the premises of an outdoor  
9 music venue or related campground for the purpose of pursuing an  
10 investigation or questioning by a law enforcement officer as to the  
11 lawfulness of the consumption or possession of alcohol or drugs, it is  
12 a defense to the action that the person was detained in a reasonable  
13 manner and for not more than a reasonable time to permit the  
14 investigation or questioning by a law enforcement officer, and that a  
15 peace officer, owner, operator, employee, or agent of the outdoor music  
16 venue had reasonable grounds to believe that the person so detained was  
17 committing or attempting to unlawfully consume or possess alcohol or  
18 drugs on the premises.

19       (2) For the purposes of this section:

1 (a) "Reasonable grounds" include, but are not limited to:

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

6 (i) Is in possession of or in close proximity to a container that  
7 has or recently had liquor in it; or

8 (ii) Is shown by other evidence to have recently consumed liquor.

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

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

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

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

23 (e) "A reasonable time" means the time necessary to permit the  
24 person detained to make a statement or to refuse to make a statement,  
25 and the time necessary to allow a law enforcement officer to determine  
26 the lawfulness of the consumption or possession of alcohol or drugs.  
27 However, this time may not exceed one hour.

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

30 (1) In a civil action brought by reason of a person having been  
31 detained on or in the immediate vicinity of the premises of an outdoor  
32 music venue or related campground for the purpose of investigation or  
33 questioning as to the lawfulness of the consumption or possession of  
34 alcohol or drugs, it is a defense to the action that the person was  
35 detained in a reasonable manner and for not more than a reasonable time  
36 to permit the investigation or questioning by a law enforcement  
37 officer, and that a peace officer, owner, operator, employee, or agent

1 of the outdoor music venue had reasonable grounds to believe that the  
2 person so detained was committing or attempting to unlawfully consume  
3 or possess alcohol or drugs on the premises.

4 (2) For the purposes of this section:

5 (a) "Reasonable grounds" include, but are not limited to:

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

10 (i) Is in possession of or in close proximity to a container that  
11 has or recently had liquor in it; or

12 (ii) Is shown by other evidence to have recently consumed liquor.

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

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

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

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

27 (e) "A reasonable time" means the time necessary to permit the  
28 person detained to make a statement or to refuse to make a statement,  
29 and the time necessary to allow a law enforcement officer to determine  
30 the lawfulness of the consumption or possession of alcohol or drugs.  
31 However, this time may not exceed one hour.

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