

SSB 5171 - S AMD 52

By Senators McAuliffe, Carrell

ADOPTED 03/04/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The purpose of this act is to ensure the
4 health, safety, and general welfare of Washington's school children,
5 teachers, and school staff. The purpose of this act is to give
6 guidance to principals and their designees regarding their duty to
7 report incidents to law enforcement officials when it is reasonable to
8 suspect that a significant crime has occurred. It is the intent of the
9 legislature to ensure that agents of law enforcement, who are trained
10 investigators, are alerted and called upon to determine whether or not
11 there is probable cause to believe a crime has been committed in
12 serious cases. This act is also intended to reduce potential tort
13 liability that could arise from unreported criminal activity.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
15 RCW to read as follows:

16 (1)(a) When a principal or the principal's designee of a school has
17 reasonable cause to believe that a person has committed, on school
18 grounds or at an event sponsored by the school, a drug offense or a
19 crime against a person that causes severe injury, that school
20 administrator shall report such incident, or cause a report to be made,
21 to the proper law enforcement agency. The report may be made by
22 telephone, in person, or on paper.

23 (b) For purposes of this subsection:

24 (i) "Severe injury" means: Any single act that causes physical
25 trauma of sufficient severity that, if left untreated, could cause
26 death; any sex offense; any single act that causes significant bleeding
27 that, if left untreated, could cause death or serious physical
28 impairment or loss of function; or more than one act, each of which

1 causes significant bleeding that, if left untreated, could cause death
2 or serious physical impairment or loss of function, bone fracture, or
3 unconsciousness; and

4 (ii) "Crime against a person" has the meaning set out in RCW
5 9.94A.411.

6 (c) The report must be made at the first opportunity, but in no
7 case longer than seventy-two hours after there is reasonable cause to
8 believe that a drug offense or severe injury has occurred. The report
9 must include the identity of the accused, if known.

10 (2) A principal or the principal's designee who violates this act
11 in flagrant disregard or clear abandonment of generally recognized
12 professional standards or who endangers the educational welfare or
13 personal safety of students, teachers, or other colleagues within the
14 educational setting may be subject to orders by the superintendent of
15 public instruction, up to and including reprimand, suspension, or
16 revocation of certification.

17 (3)(a) A principal or the principal's designee who willfully
18 hinders, delays, or obstructs any law enforcement officer in the
19 discharge of his or her official powers or duties by knowingly failing
20 to report an offense that must be reported pursuant to this section may
21 be guilty of obstructing a law enforcement officer under RCW 9A.76.020.

22 (b) A principal or the principal's designee who, with intent to
23 prevent, hinder, or delay the apprehension or prosecution of another
24 person who he or she knows has committed a crime or juvenile offense,
25 knowingly fails to report an offense that must be reported pursuant to
26 this section may be guilty of rendering criminal assistance under RCW
27 9A.76.070, 9A.76.080, and 9A.76.090.

28 (4) A principal or the principal's designee who, in good faith and
29 without gross negligence, cooperates in an investigation arising as a
30 result of a report made pursuant to this section shall not be subject
31 to civil liability arising out of his or her cooperation. This
32 subsection does not apply to a person who committed the acts reported
33 pursuant to this section."

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1 On page 1, beginning on line 2 of the title, after "agencies;"
2 strike the remainder of the title and insert "adding a new section to
3 chapter 28A.320 RCW; creating a new section; and prescribing
4 penalties."

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