

# HOUSE BILL REPORT

## ESSB 5891

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### As Passed House - Amended:

February 27, 2024

**Title:** An act relating to protecting the safety and security of students and maintaining order within school buses by designating trespassing on a school bus as a felony offense.

**Brief Description:** Protecting the safety and security of students and maintaining order within school buses by designating trespassing on a school bus as a criminal offense.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Boehnke, Lovick, Keiser, Liias, Mullet, Torres, Wagoner, Warnick, Wilson, C. and Wilson, J.).

### Brief History:

#### Committee Activity:

Community Safety, Justice, & Reentry: 2/19/24, 2/20/24 [DPA].

#### Floor Activity:

Passed House: 2/27/24, 94-0.

### Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Creates the gross misdemeanor criminal offense of Trespass on a School Bus.

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## HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

**Staff:** Michelle Rusk (786-7153).

### Background:

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Criminal Trespass.

A person commits the gross misdemeanor of Criminal Trespass in the first degree if the person knowingly enters or remains unlawfully in a building.

A person commits the misdemeanor of Criminal Trespass in the second degree if the person knowingly enters or remains unlawfully in or upon the premises of another under circumstances not constituting Criminal Trespass in the first degree.

Vehicle Prowling in the Second Degree.

A person commits the gross misdemeanor of Vehicle Prowling in the second degree, if, with the intent to commit a crime against a person or property therein, the person enters or remains unlawfully in a vehicle that does not have sleeping quarters or cooking facilities. Upon a person's third or subsequent conviction the crime is elevated to a class C felony.

Burglary.

A person commits the class A felony of Burglary in the first degree, if, with the intent to commit a crime against a person or property therein, the person enters or remains unlawfully in a building and if, in entering or while in the building, or while fleeing the building, the person or another participant is either armed with a deadly weapon or assaults any person. Burglary in the first degree is ranked as a seriousness level VII offense.

A person commits the class B felony of Burglary in the second degree, if, with the intent to commit a crime against a person or property therein, the person enters or remains unlawfully in a building other than a vehicle or a dwelling. Burglary in the second degree is ranked as a seriousness level III offense.

**Summary of Amended Bill:**

School Bus Trespass Crime Established.

The crime of School Bus Trespass is created.

A person commits the crime of School Bus Trespass if the person knowingly and maliciously:

- enters or remains unlawfully in a school bus;
- does any other act creating a substantial risk of harm to passengers or the driver; and
- causes a substantial interruption or impairment to services rendered by the school bus.

Public school bus means any vehicle owned, leased, or operated by a public school district, a religious or private school, a private entity contracted with a school district, or educational institution for the purpose of transporting students to and from school or school-related activities.

School Bus Trespass is a gross misdemeanor.

School Bus Trespass does not apply to any of the following:

- students enrolled in the school being serviced by the school bus;
- law enforcement officers or other authorized personnel engaged in the performance of their official duties;
- individuals with written consent from the school district or educational institution allowing them to enter or remain on the public school bus; and
- emergency situations where entering the bus is necessary to protect the safety or well-being of students or others.

Other Requirements.

School districts and educational institutions must implement educational programs and awareness campaigns to educate students, parents, and the community about the importance of maintaining safety and security on public school buses. They must also collaborate with local law enforcement to establish protocols and procedures to ensure effective enforcement of this law.

Subject to the availability of funds appropriated for this specific purpose, school districts and educational institutions must affix easily visible placards warning of the consequences of committing School Bus Trespass on the outside of all public school buses.

The act may be known and cited as the Richard Lenhart Act.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This policy comes from a tragic event that occurred in September 2021, when Mr. Richard Lenhart tragically passed away when an individual attacked the school bus he drove while Mr. Lenhart defended the children on the bus. This event not only took Richard's life and impacted his family, but also impacted the families in the Pasco and Tri-Cities communities. This policy was not created from anger, rage, or hate. Richard's death was not in vain, and at least one good thing can come out of the tragedy of his death: this bill.

There is a strong desire to extend existing protections to school buses, and to not just protect children when they are on school grounds. The Teamsters did not know that trespass laws protecting school buildings and school grounds do not extend to school buses. The goal is to maintain an extended area of protection for kids when they are coming to and from school.

(Opposed) This bill will do nothing to help Mrs. Lenhart or prevent the tragedy that occurred to her husband. It is a return to the failed criminal justice policy of increasing punishment under the belief that it will be a deterrent to crime. This bill turns an obscure and relatively infrequent offense into a felony, which will most likely have the greatest impact on juveniles. This bill will not prevent oftentimes-immature juveniles from committing this or other crimes, and would not have prevented the crime that precipitated this bill's idea. The pain of a victim is being used to justify punitive laws that do nothing to actually help.

**Persons Testifying:** (In support) Senator Matt Boehnke, prime sponsor; Russell Shjerven, Teamsters Local Union 839; Nancy Lenhart; Michelle Whitney, Pasco School District; and Carolyn Logue, Washington State Student Transportation Coalition.

(Opposed) David Trieweiler, Washington Association of Criminal Defense Lawyers and Washington Defender Association.

**Persons Signed In To Testify But Not Testifying:** None.