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HOUSE BILL 2519

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State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Padden, L. Thomas, Sheahan, Carlson, Brough, Brumsickle, Johanson, Van Luven, Flemming, Dyer, Kremen, Schoesler, Talcott, Long, Mielke and Wood

Read first time 01/17/94. Referred to Committee on Judiciary.

1            AN ACT Relating to enhancing penalties for juvenile offenders;  
2 adding a new section to chapter 13.40 RCW; and creating a new section.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 13.40 RCW  
5 to read as follows:

6            (1) A juvenile shall be sentenced to twice the community  
7 supervision, community service, or confinement authorized by RCW  
8 13.40.0357 if the juvenile:

9            (a) Commits an offense while armed with a firearm; and

10           (b) The offense was committed:

11           (i) In a school;

12           (ii) On a school bus;

13           (iii) Within one thousand feet of a school bus route stop  
14 designated by the school district;

15           (iv) Within one thousand feet of the perimeter of the school  
16 grounds;

17           (v) In a public park;

18           (vi) On a public transit vehicle;

19           (vii) In a public transit stop shelter; or

1 (viii) In public housing.

2 (2)(a) The prosecuting attorney shall file special allegations that  
3 (i) the offense took place within the prohibited areas listed in  
4 subsection (1)(b) of this section; and (ii) the juvenile was armed with  
5 a firearm during the commission of the offense when sufficient  
6 admissible evidence exists, which, when considered with the most  
7 plausible, reasonably consistent defense that could be raised under the  
8 evidence, would justify a finding by a reasonable and objective fact  
9 finding that the juvenile committed the offense within a prohibited  
10 area and with a firearm.

11 (b) In a juvenile case wherein the special allegations described in  
12 (a) of this subsection have been made, the state shall prove beyond a  
13 reasonable doubt that the juvenile committed the offense within a  
14 prohibited area and that the juvenile was armed with a firearm. The  
15 court shall make a finding of fact of whether the juvenile committed  
16 the offense within a prohibited area and while armed with a firearm.

17 (3) In a disposition under this section, a map produced or  
18 reproduced by any municipal, school district, county, or transit  
19 authority engineer for the purpose of depicting the location and  
20 boundaries of the area on or within one thousand feet of any property  
21 used for a school, school bus route stop, public park, or public  
22 transit vehicle stop shelter, or a true copy of such a map, shall under  
23 proper authentication, be admissible and shall constitute prima facie  
24 evidence of the location and boundaries of those areas if the governing  
25 body of the municipality, school district, county, or transit authority  
26 has adopted a resolution or ordinance approving the map as the official  
27 location and record of the location and boundaries of the area on or  
28 within one thousand feet of the school, school bus route stop, public  
29 park, or public transit vehicle stop shelter. Any map approved under  
30 this section or a true copy of the map shall be filed with the clerk of  
31 the municipality or county, and shall be maintained as an official  
32 record of the municipality or county. This section shall not be  
33 construed as precluding the prosecution from introducing or relying  
34 upon any other evidence or testimony to establish any element of the  
35 offense. This section shall not be construed as precluding the use or  
36 admissibility of any map or diagram other than the one which has been  
37 approved by the governing body of a municipality, school district,  
38 county, or transit authority if the map or diagram is otherwise  
39 admissible under court rule.

1 (4) As used in this section the following terms have the meanings  
2 indicated unless the context clearly requires otherwise:

3 (a) "School" has the meaning under RCW 28A.150.010 or 28A.150.020.  
4 The term "school" also includes a private school approved under RCW  
5 28A.195.010;

6 (b) "School bus" means a school bus as defined by the  
7 superintendent of public instruction by rule which is owned and  
8 operated by any school district and all school buses which are  
9 privately owned and operated under contract or otherwise with any  
10 school district in the state for the transportation of students. The  
11 term does not include buses operated by common carriers in the urban  
12 transportation of students such as transportation of students through  
13 a municipal transportation system;

14 (c) "School bus route stop" means a school bus stop as designated  
15 on maps submitted by school districts to the office of the  
16 superintendent of public instruction;

17 (d) "Public park" means land, including any facilities or  
18 improvements on the land, that is operated as a park by the state or a  
19 local government;

20 (e) "Public transit vehicle" means any motor vehicle, street car,  
21 train, trolley vehicle, or any other device, vessel, or vehicle which  
22 is owned or operated by a transit authority and which is used for the  
23 purpose of carrying passengers on a regular schedule;

24 (f) "Transit authority" means a city, county, or state  
25 transportation system, transportation authority, public transportation  
26 benefit area, public transit authority, or metropolitan municipal  
27 corporation within the state that operates public transit vehicles;

28 (g) "Stop shelter" means a passenger shelter designated by a  
29 transit authority;

30 (h) "Public housing" means any housing owned or operated by a  
31 municipal housing authority as specified in chapter 35.82 RCW.

32 NEW SECTION. **Sec. 2.** Section 1 of this act shall apply to  
33 offenses committed after June 30, 1994.

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