
HOUSE BILL 2094

State of Washington

58th Legislature

2003 Regular Session

By Representatives Holmquist, O'Brien, Hinkle, Darneille, Lovick and Ahern

Read first time 02/25/2003. Referred to Committee on Judiciary.

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 two hours.

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 two hours.

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