

# HOUSE BILL REPORT

## HB 2079

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### **As Reported by House Committee On:**

Community Safety, Justice, & Reentry

**Title:** An act relating to improving school safety by extending and increasing penalties for interference by, or intimidation by threat of, force or violence at schools and athletic activities.

**Brief Description:** Improving school safety by extending and increasing penalties for interference by, or intimidation by threat of, force or violence at schools and athletic activities.

**Sponsors:** Representatives Schmidt, Riccelli, Low, Christian, Klicker, Ormsby, McClintock and Couture.

### **Brief History:**

#### **Committee Activity:**

Community Safety, Justice, & Reentry: 1/25/24, 1/30/24 [DPS].

#### **Brief Summary of Substitute Bill**

- Expands the school-related crimes of Interference by Force or Violence and Intimidation by Threat of Force or Violence.
- Provides that a public school student who interferes by force or violence is subject to emergency removal or, if the student committed the offense during an extracurricular athletic activity, may be excluded from participating in or attending that activity for up to 12 months.
- Provides that a person, other than a student, convicted of Interference by Force or Violence must be excluded from entering the school where the offense was committed, or from attending the extracurricular activity in which the offense was committed, for up to 12 months.

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

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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.*

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. 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:** Lena Langer (786-7192).

**Background:**

Classification of Crimes.

Crimes are classified as misdemeanors, gross misdemeanors, or class A, B, or C felonies. While there are exceptions, the classification of a crime generally determines the maximum term of confinement and fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

Classification	Maximum Confinement	Maximum Fine
Misdemeanor	90 Days	\$1,000
Gross Misdemeanor	364 Days	\$5,000
Class C Felony	5 Years	\$10,000
Class B Felony	10 Years	\$20,000
Class A Felony	Life	\$50,000

Interference or Intimidation by Force or Violence.

It is a gross misdemeanor for a person to interfere by force or violence with a teacher, administrator, classified employee, contract employee, or student who is in the peaceful discharge or conduct of his or her duties or studies. The penalty for Interference by Force or Violence is a fine of up to \$500, confinement for not more than six months, or both.

A student who interferes by force or violence with a teacher, administrator, classified employee, contract employee, or student is subject to immediate suspension or expulsion.

It is a gross misdemeanor for a person to intimidate by threat of force or violence a teacher, administrator, classified employee, or student who is in the peaceful discharge or conduct of his or her duties or studies. The penalty for Intimidation by Threat of Force or Violence is a fine of up to \$500, confinement for not more than six months, or both.

Emergency Removal of Students.

Emergency removals must end or be converted to another form of corrective action within 10 school days from the date of the emergency removal from school. In addition, school districts are required to provide an opportunity for students to receive educational services while they are emergency removed. The rules of the Superintendent of Public Instruction provide that a student may be removed from his or her school placement when the school

district has sufficient cause to believe that the student's presence poses either an immediate and continuing danger to other students or school personnel or an immediate and continuing threat of material and substantial disruption of the educational process.

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**Summary of Substitute Bill:**

The offenses of Interference by Force or Violence and Intimidation by Threat of Force or Violence are expanded to include the interference by force or violence with, or intimidation by threat of force or violence of, an employee or contractor of a public or private elementary or secondary school, an elementary or secondary student, or an official or volunteer acting as an official, for extracurricular athletic activities of elementary or secondary students, while that person is in the peaceful discharge or conduct of his or her duties or studies.

A public school student who interferes by force or violence is subject to emergency removal, under the statute prescribing the process for such removals. If a student interferes by force or violence during extracurricular athletic activities, the student may be excluded from participating in or attending that activity for up to 12 months.

A person, other than a student, convicted of Interference by Force or Violence must be excluded from entering the school where the offense was committed, or from attending the extracurricular athletic activities in which the offense was committed, for up to 12 months.

**Substitute Bill Compared to Original Bill:**

The substitute bill restores the current classifications, maximum fines, and maximum terms of confinement for the offenses of Interference by Force or Violence and Intimidation by Threat of Force or Violence.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on January 31, 2024.

**Effective Date of Substitute Bill:** 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 bill increases penalties for fighting on public school grounds, including during after school activities. There are many stories of officials who have been verbally and physically assaulted during school sport activities. People feel free to intimidate and

threaten people who are officiating during school sport activities. The officials are in vulnerable positions while they are conducting their duties. This bill makes these offenses class C felonies, instead of gross misdemeanors. There is hope that the increased penalty will serve as a deterrent. Serious injuries have happened to school sport referees. In 2023 the Legislature passed a resolution recognizing the decline in sportsmanship. This bill would act as a deterrent and send a message that the state cares for officials and the power of sports for youth. Officiators are followed and assaulted during school sport events. There is a lack of younger sport officiators. Over 20 states have passed laws to protect sport officials. The state is late on acting on this considering the amount of violence that has been perpetrated on sport officials. Ensuring the safety of students and those that work to give them learning opportunities is paramount. Sports are a core value in our society. It is imperative that passion in sports does not escalate to force or violence. There is a lack of referees that causes events and sports to be cancelled. Team sports have an immense benefit to children and the community. Sports tourism is one of the largest contributors of economic growth in the region. There have been issues of violence around sports all across the state. This bill, if passed, will support the community norm that it is not okay to be violent in any way connected to community or school sports.

(Opposed) There will always be fights at school sporting games. Making these fights criminal offenses will not prevent these incidents. These offenses are already crimes. Injuring someone seriously is already a felony; seriously injuring someone is separate from these type of incidents.

**Persons Testifying:** (In support) Representative Suzanne Schmidt, prime sponsor; Bob West, Umpires and Referees Stopping Assaults For Ever; Brandi Peetz; Linda Thompson, Washington Association for Substance misuse and Violence Prevention; Wade Harris, Cowlitz County Soccer Officials; Albert Merkel; and Lukas Garcia, Greater Spokane Valley Chamber of Commerce.

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

**Persons Signed In To Testify But Not Testifying:** Preston Dwoskin; Keith Smith; and Misty Griffith.