
**Community Safety, Justice, & Reentry
Committee**

ESSB 5891

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 Summary of Engrossed Substitute Bill

- Creates the class C felony offense of Criminal Trespass on a School Bus.

Hearing Date: 2/19/24

Staff: Michelle Rusk (786-7153).

Background:

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 circumstance 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

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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 Bill:

School Bus Trespass Crime is Created.

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 class C felony with a seriousness level III ranking.

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

- students enrolled in the school being serviced by the school bus who are under the age of 19;
- 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 wellbeing 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.

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.