

SENATE BILL REPORT

SB 5258

As of February 1, 2005

Title: An act relating to controlled substance violations near schools.

Brief Description: Revising provision for controlled substance violations near schools.

Sponsors: Senators Kline, Mulliken, Stevens, Rasmussen, Delvin and Kohl-Welles.

Brief History:

Committee Activity: Judiciary: 2/1/05.

SENATE COMMITTEE ON JUDICIARY

Staff: Aldo Melchiori (786-7439)

Background: A person is subject to enhanced sentencing if he or she manufactures, sells, delivers, or possesses with intent to manufacture, sell, or deliver, a controlled substance either: (1) in a school; (2) on a school bus; (3) within 1000 feet of a school bus route stop; (4) within 1000 feet of the perimeter of school grounds; (5) in a public park; (6) in a public housing project designated as a drug free zone; (7) on a public transit vehicle; (8) in a public transit stop shelter; or (9) at a civic center, or within 1000 feet of the civic center designated by the local governing authority as a drug free zone. The length of imprisonment and the fine may be increased up to double the amount imposed for the underlying conviction.

It is an affirmative defense that the conduct took place within a private residence, that no person under 18 years of age was present in the private residence at the time, and the violation did not involve selling for profit. Otherwise, it is not a defense that the offender was not aware that the conduct occurred in one of the prohibited locations or that persons under 18 years of age were not present in the restricted area.

Summary of Substitute Bill: The spatial restriction around school grounds and school bus route stops is changed from 1000 feet to 200 feet. The restriction around the perimeter of school grounds applies during regular school hours. The perimeter restriction around school bus route stops applies during the time when students are waiting for a school bus or are being discharged from the school bus. It is clarified that areas, along the school bus route, farther than 200 feet from a designated school bus stop are not included in the definition.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Requested on January 30, 2005.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: If children are not present at these locations, they are not harmed and the reason for the law is to prevent harm to children. It is nearly impossible to find a location in Seattle where one of these restrictions does not apply.

Testimony Against: The smaller protected zones will merely prohibit these activities directly across the street. More than one-half of the school zone enhancements in 2004 were for methamphetamine offenses. Absent a budget consideration, we should err in protecting our children. The best social message is to have a consistent 1000 foot rule whether children are present or not.

Who Testified: PRO: Senator Kline, prime sponsor; Jennifer Shaw, ACLU.

CON: Tom McBride, WAPA.