
SUBSTITUTE SENATE BILL 6023

State of Washington

63rd Legislature

2014 Regular Session

By Senate Law & Justice (originally sponsored by Senators O'Ban and Roach)

READ FIRST TIME 02/04/14.

1 AN ACT Relating to the school warrantless search exception;
2 amending RCW 28A.600.230 and 28A.600.240; adding a new section to
3 chapter 28A.600 RCW; creating a new section; and providing an effective
4 date.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that both the
7 federal and state Constitutions contain certain sacred protections
8 against warrantless searches by law enforcement. Federal and state
9 courts have recognized certain reasonable exceptions to the warrant
10 requirement consistent with common sense and public safety. The
11 supreme court of the United States recognized the "school search
12 exception" to the warrant requirement in the due process clause of the
13 fourth amendment of the United States Constitution in the case *New*
14 *Jersey v. T.L.O.*, 469 U.S. 325, 105 S. Ct. 733, 83 L. Ed. 2d 720
15 (1985). The school search exception provides that reasonable suspicion
16 standard shall apply when school officials, including teachers,
17 teachers' aides, school administrators, school police officers, and
18 local police school liaison officers, conduct a search acting on their
19 own authority of a student on school grounds. The Washington state

1 supreme court also recognized the school search exception as valid in
2 Washington state under Article I, section 7 of the state Constitution.
3 *York v. Wahkiakum Sch. Dist. No. 200*, 163 Wn.2d 297, 303, 178 P.3d 995
4 (2008) *State v. McKinnon*, 88 Wn.2d 75, 558 P.2d 781 (1977). In a
5 recent opinion, the Washington state supreme court overruled previous
6 case law and determined that a school resource officer could no longer
7 conduct searches of students for drugs or weapons under the school
8 search exception. *Washington v. Meneese*, Case No. 86203-6, August 2,
9 2012. The court's analysis raised the issue of whether school resource
10 officers were clearly authorized as school officials to conduct
11 searches to enforce school rules. It is the intent of the legislature
12 to allow for the school search exception to the warrant requirement by
13 providing clear authorization for school police officers and school
14 resource officers to conduct searches of students on school grounds to
15 enforce school rules and create a safe learning environment for
16 students and school employees.

17 **Sec. 2.** RCW 28A.600.230 and 1999 c 167 s 3 are each amended to
18 read as follows:

19 (1) A school resource officer, local police school liaison officer,
20 principal, vice principal, or principal's designee may search a
21 student, the student's possessions, and the student's locker, if the
22 resource officer, local police school liaison officer, principal, vice
23 principal, or principal's designee has reasonable grounds to suspect
24 that the search will yield evidence of the student's violation of the
25 law or school rules. A search is mandatory if there are reasonable
26 grounds to suspect a student has illegally possessed a firearm in
27 violation of RCW 9.41.280.

28 (2) Except as provided in subsection (3) of this section, the scope
29 of the search is proper if the search is conducted as follows:

30 (a) The methods used are reasonably related to the objectives of
31 the search; and

32 (b) Is not excessively intrusive in light of the age and sex of the
33 student and the nature of the suspected infraction.

34 (3) A school resource officer, local police school liaison officer,
35 principal, or vice principal or anyone acting under their direction may
36 not subject a student to a strip search or body cavity search as those
37 terms are defined in RCW 10.79.070.

1 **Sec. 3.** RCW 28A.600.240 and 1990 c 33 s 504 are each amended to
2 read as follows:

3 (1) In addition to the provisions in RCW 28A.600.230, the school
4 resource officer, local police school liaison officer, principal, vice
5 principal, or principal's designee may search all student lockers at
6 any time without prior notice and without a reasonable suspicion that
7 the search will yield evidence of any particular student's violation of
8 the law or school rule.

9 (2) If the school resource officer, local police school liaison
10 officer, principal, vice principal, or principal's designee, as a
11 result of the search, develops a reasonable suspicion that a certain
12 container or containers in any student locker contain evidence of a
13 student's violation of the law or school rule, the resource officer,
14 local police school liaison officer, principal, vice principal, or
15 principal's designee may search the container or containers according
16 to the provisions of RCW 28A.600.230(2).

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.600
18 RCW to read as follows:

19 At the point that a school resource officer makes an actual,
20 lawful, custodial arrest, the school resource officer is no longer
21 acting under school authority to enforce violations of school rules.

22 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2014.

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