
HOUSE BILL 2831

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Casada, Heavey, Forner, Ballard, Tate, Stevens, Foreman, Chandler and Quall

Read first time 01/26/94. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to alcohol; and amending RCW 69.50.435.

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

3 **Sec. 1.** RCW 69.50.435 and 1991 c 32 s 4 are each amended to read
4 as follows:

5 (a) Any person who violates RCW 69.50.401(a) by manufacturing,
6 selling, delivering, or possessing with the intent to manufacture,
7 sell, or deliver a controlled substance listed under that subsection or
8 who violates RCW 69.50.410 by selling for profit any controlled
9 substance or counterfeit substance classified in schedule I, RCW
10 69.50.204, except leaves and flowering tops of marihuana to a person in
11 a school or on a school bus or within one thousand feet of a school bus
12 route stop designated by the school district or within one thousand
13 feet of the perimeter of the school grounds, in a public park or on a
14 public transit vehicle, or in a public transit stop shelter may be
15 punished by a fine of up to twice the fine otherwise authorized by this
16 chapter, but not including twice the fine authorized by RCW 69.50.406,
17 or by imprisonment of up to twice the imprisonment otherwise authorized
18 by this chapter, but not including twice the imprisonment authorized by
19 RCW 69.50.406, or by both such fine and imprisonment. The provisions

1 of this section shall not operate to more than double the fine or
2 imprisonment otherwise authorized by this chapter for an offense.

3 (b) It is not a defense to a prosecution for a violation of this
4 section that the person was unaware that the prohibited conduct took
5 place while in a school or school bus or within one thousand feet of
6 the school or school bus route stop, in a public park, on a public
7 transit vehicle, or in a public transit stop shelter.

8 (c) It is not a defense to a prosecution for a violation of this
9 section or any other prosecution under this chapter that persons under
10 the age of eighteen were not present in the school, the school bus, the
11 public park, or the public transit vehicle, or at the school bus route
12 stop or the public transit vehicle stop shelter at the time of the
13 offense or that school was not in session.

14 (d) It is an affirmative defense to a prosecution for a violation
15 of this section that the prohibited conduct took place entirely within
16 a private residence, that no person under eighteen years of age or
17 younger was present in such private residence at any time during the
18 commission of the offense, and that the prohibited conduct did not
19 involve delivering, manufacturing, selling, or possessing with the
20 intent to manufacture, sell, or deliver any controlled substance in RCW
21 69.50.401(a) for profit. The affirmative defense established in this
22 section shall be proved by the defendant by a preponderance of the
23 evidence. This section shall not be construed to establish an
24 affirmative defense with respect to a prosecution for an offense
25 defined in any other section of this chapter.

26 (e) In a prosecution under this section, a map produced or
27 reproduced by any municipal, school district, county, or transit
28 authority engineer for the purpose of depicting the location and
29 boundaries of the area on or within one thousand feet of any property
30 used for a school, school bus route stop, public park, or public
31 transit vehicle stop shelter, or a true copy of such a map, shall under
32 proper authentication, be admissible and shall constitute prima facie
33 evidence of the location and boundaries of those areas if the governing
34 body of the municipality, school district, county, or transit authority
35 has adopted a resolution or ordinance approving the map as the official
36 location and record of the location and boundaries of the area on or
37 within one thousand feet of the school, school bus route stop, public
38 park, or public transit vehicle stop shelter. Any map approved under
39 this section or a true copy of the map shall be filed with the clerk of

1 the municipality or county, and shall be maintained as an official
2 record of the municipality or county. This section shall not be
3 construed as precluding the prosecution from introducing or relying
4 upon any other evidence or testimony to establish any element of the
5 offense. This section shall not be construed as precluding the use or
6 admissibility of any map or diagram other than the one which has been
7 approved by the governing body of a municipality, school district,
8 county, or transit authority if the map or diagram is otherwise
9 admissible under court rule.

10 (f)(1) It is unlawful to sell alcohol to a person in a school or a
11 school bus;

12 (2) It is unlawful to sell alcohol to a person within five hundred
13 feet of the perimeter of school grounds, or within five hundred feet of
14 a school bus route stop as designated by a school district;

15 (3) A violation of subsection (f) (1) or (2) of this section is a
16 misdemeanor, as defined under RCW 9A.20.010; and

17 (4) Nothing in subsection (f) (1) or (2) of this section shall
18 prohibit the sale of alcohol in a school building when the building is
19 rented by an organization that possesses a valid temporary liquor
20 license.

21 (g) It is unlawful for a person to sell alcohol within five hundred
22 feet of the perimeter of a church, day care center, youth home, or
23 other facility whose primary service clients are children. A person
24 found to have violated this section is guilty of a gross misdemeanor as
25 defined under RCW 9A.20.021.

26 (h) As used in this section the following terms have the meanings
27 indicated unless the context clearly requires otherwise:

28 (1) "School" has the meaning under RCW 28A.150.010 or 28A.150.020.
29 The term "school" also includes a private school approved under RCW
30 28A.195.010;

31 (2) "School bus" means a school bus as defined by the
32 superintendent of public instruction by rule which is owned and
33 operated by any school district and all school buses which are
34 privately owned and operated under contract or otherwise with any
35 school district in the state for the transportation of students. The
36 term does not include buses operated by common carriers in the urban
37 transportation of students such as transportation of students through
38 a municipal transportation system;

1 (3) "School bus route stop" means a school bus stop as designated
2 on maps submitted by school districts to the office of the
3 superintendent of public instruction;

4 (4) "Public park" means land, including any facilities or
5 improvements on the land, that is operated as a park by the state or a
6 local government;

7 (5) "Public transit vehicle" means any motor vehicle, street car,
8 train, trolley vehicle, or any other device, vessel, or vehicle which
9 is owned or operated by a transit authority and which is used for the
10 purpose of carrying passengers on a regular schedule;

11 (6) "Transit authority" means a city, county, or state
12 transportation system, transportation authority, public transportation
13 benefit area, public transit authority, or metropolitan municipal
14 corporation within the state that operates public transit vehicles;

15 (7) "Stop shelter" means a passenger shelter designated by a
16 transit authority.

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