

FINAL BILL REPORT

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.).

Senate Committee on Law & Justice

House Committee on Community Safety, Justice, & Reentry

Background: Criminal Trespass. A person commits criminal trespass in the first degree, a gross misdemeanor, when the person knowingly enters or remains unlawfully in a building. A person commits criminal trespass in the second degree, a misdemeanor, when the person knowingly enters or remains unlawfully in or upon the premises of another under circumstance not constituting criminal trespass in the first degree.

Burglary in the First Degree. A person commits burglary in the first degree, a class A felony, 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, 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 Second Degree. A person commits burglary in the second degree, a class B felony, 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.

Vehicle Prowling in the Second Degree. A person commits the crime of vehicle prowling in the second degree, a gross misdemeanor, if, with the intent to commit a crime against a person or property therein, the person enters or remains 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.

Richard Lenhart. Richard Lenhart was born, raised, and spent most of his life in Pasco, Washington. In 1970, Mr. Lenhart enlisted in the Air Force Reserves and obtained the specialty of Jet and Aircraft Specialist. After being honorably discharged, Mr. Lenhart

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transitioned to the Army National Guard and worked as a certified dental technician for nearly 40 years. Upon retiring, Mr. Lenhart began working as a school bus driver. Mr. Lenhart was loved by the children who rode his bus and would often read books aloud to them when he had a layover stop on his route. Tragically, on September 24th, 2021, Mr. Lenhart passed away protecting the 35 students riding his bus when a man armed with knife entered the bus. Due to Mr. Lenhart's actions, none of the children were harmed.

Summary: The Richard Lenhart act is created.

The gross misdemeanor 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 that creates a substantial risk of harm to passengers or the driver, and causes a substantial interruption or impairment to services rendered by the school bus.

School bus means any vehicle owned, leased, or operated by a public school district, a private entity contracted with a school district, or education institution for the purpose of transporting students to and from school or school-related activities.

School bus trespass does not apply to any of the following:

- students enrolled in the school which is being serviced by the school bus;
- 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 well-being of students or others.

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 emphasizing the potential consequences of school bus trespassing. Subject to funding school districts and educational institutions must post signage warning of the consequences of school bus trespass.

Votes on Final Passage:

Senate	46	3	
House	94	0	(House amended)
Senate	49	0	(Senate concurred)

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