

SB 5894 - H COMM AMD
By Committee on Judiciary

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.52
4 RCW to read as follows:

5 (1) Upon the receipt of a declaration signed under penalty of
6 perjury and containing all of the required information and in the
7 form prescribed in section 2 of this act, a peace officer shall have
8 the authority to:

9 (a) Remove the person or persons from the premises, with or
10 without arresting the person or persons; and

11 (b) Order the person or persons to remain off the premises or be
12 subject to arrest for criminal trespass.

13 (2) Neither the peace officer nor his or her law enforcement
14 agency shall be held liable for actions or omissions made in good
15 faith under this section.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.52
17 RCW to read as follows:

18 The owner of premises, or his or her authorized agent, may
19 initiate the investigation and request the removal of an unauthorized
20 person or persons from the premises by providing to law enforcement a
21 declaration containing all of the following required information and
22 in substantially the following form:

23 REQUEST TO REMOVE TRESPASSER(S) FORM

24 The undersigned owner, or authorized agent of the owner, of the
25 premises located at hereby represents and declares under
26 the penalty of perjury that (initial each box):

27 (1) [] The declarant is the owner of the premises or the
28 authorized agent of the owner of the premises;

29 (2) [] An unauthorized person or persons have entered and are
30 remaining unlawfully on the premises;

31 (3) [] The person or persons were not authorized to enter or
32 remain;

1 (4) [] The declarant has demanded that the unauthorized person
2 or persons vacate the premises but they have not done so;

3 (5) [] The premises were not abandoned at the time the
4 unauthorized person or persons entered;

5 (6) [] The premises were not open to members of the public at
6 the time the unauthorized person or persons entered;

7 (7) [] The declarant understands that a person or persons
8 removed from the premises pursuant to section 1 of this act may bring
9 a cause of action under section 3 of this act against the declarant
10 for any false statements made in this declaration, and that as a
11 result of such action the declarant may be held liable for actual
12 damages, costs, and reasonable attorneys' fees;

13 (8) [] The declarant agrees to indemnify and hold harmless law
14 enforcement for its actions or omissions made in good faith pursuant
15 to this declaration; and

16 (9) [] Additional Optional Explanatory Comments:
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19 NEW SECTION. **Sec. 3.** A new section is added to chapter 4.24 RCW
20 to read as follows:

21 All persons removed from premises pursuant to section 1 of this
22 act on the basis of false statements made by a declarant pursuant to
23 section 2 of this act shall have a cause of action to recover from
24 the declarant for the full amount of damages caused thereby, together
25 with costs and reasonable attorneys' fees."

26 Correct the title.

EFFECT: Strikes the entirety of the underlying bill and provides a process for an owner or an agent of premises to provide to law enforcement a declaration under penalty of perjury stating that persons have entered the premises unlawfully. Allows law enforcement to remove such persons, with or without arresting them, and to order them to remain off the premises or be subject to arrest for criminal trespass. Provides that law enforcement shall not be held liable, and further provides that the owner or agent of the owner shall indemnify and hold harmless law enforcement. Allows a person or persons removed from property on the basis of false statements in a declaration to pursue a cause of action against the declarant and recover actual damages, together with costs and reasonable attorneys' fees.

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