
SUBSTITUTE SENATE BILL 5572

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen, Matson, Thorsness and Stratton)

Read first time 02/07/92.

1 AN ACT Relating to administrative searches; adding a new section to
2 Title 4 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the privacy
5 of Washington residents is protected by both the state and federal
6 Constitutions, but local governments might violate the privacy rights
7 of citizens with administrative searches.

8 NEW SECTION. **Sec. 2.** A new section is added to Title 4 RCW to
9 read as follows:

10 A court in this state shall not issue an administrative search
11 warrant for a private residence, except with probable cause of a
12 specific violation in a specific residence. This requirement applies
13 to all noncriminal searches. The person or agency applying for the

1 warrant shall give notice of an application for a warrant to the owner
2 and occupant of a residence at least twenty days before the warrant is
3 issued. The owner or occupant is entitled to a hearing before issuance
4 of the warrant, if a hearing is requested. Without a warrant, an
5 administrative search of a residence may only be conducted with the
6 fully informed consent of the occupant. The consent must be in
7 writing, with full knowledge that consent to the search is voluntary,
8 that no warrant can be issued, and if a complaint-based inspection
9 program is available, that fact must be disclosed.

10 "Residence" as used in this section means a dwelling unit, whether
11 the unit is separate or part of a multi-unit dwelling, including the
12 land on which the dwelling stands. The term also includes a share
13 ownership in a cooperative housing association, corporation, or
14 partnership if the person can establish that his or her share
15 represents the specific unit or portion of the structure in which he or
16 she resides.