

HOUSE BILL REPORT

EHB 1550

As Passed House:

March 10, 1995

Title: An act relating to authority of police to arrest without a warrant.

Brief Description: Allowing warrantless arrest for criminal trespass.

Sponsors: Representatives Smith, Scott, Blanton, Benton, Campbell, Mielke, Huff, Lambert, Sheahan, Robertson, Carrell, McMahan, Padden, Delvin, Thompson and Kremen.

Brief History:

Committee Activity:

Law & Justice: 2/17/95, 2/21/95 [DP].

Floor Activity:

Passed House: 3/10/95, 98-0.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 17 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Staff: Brian Buckley (786-7291).

Background: A person is guilty of criminal trespass in the first degree if he or she knowingly enters or remains unlawfully in a building. A person is guilty of criminal trespass in the second degree if he or she knowingly enters or remains unlawfully in or upon premises, other than a building, that belong to another. Criminal trespass in the first degree is a gross misdemeanor, and criminal trespass in the second degree is a misdemeanor.

A police officer may not arrest a person without a warrant for committing a misdemeanor or gross misdemeanor, unless the crime is committed in the presence of the officer or is exempted from the warrant requirement by statute. Even if no warrant is required, the officer must still have probable cause before affecting an arrest.

Under current law, a police officer must obtain a warrant to arrest a person for the commission of criminal trespass in the first or second degree.

Summary of Bill: The bill amends RCW 10.31.100(1), which authorizes warrantless arrest if a police officer has probable cause to believe that a person has committed or is committing one of a number of specified misdemeanors and gross misdemeanors. The bill adds misdemeanors and gross misdemeanors involving criminal trespass in the first and second degree to the list of crimes for which police officers do not need an arrest warrant. The bill encourages law enforcement agencies and local governments to develop arrest and charging guidelines for criminal trespass.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Police officers need the ability to arrest criminal trespass offenders if they are to be prevented from immediately and repeatedly reoffending. Offenders who habitually commit trespass violations are wise to the current laws and leave the premises before the police arrive. Allowing warrantless arrest for trespass will insure the safety and comfort of the general public.

Testimony Against: None.

Testified: Doug Levy, City of Everett (pro); Mike Weight, Everett City Attorney (pro); Sheri Meyer, Cascade Savings Bank (pro); Maria LaMarca Anderson, Everett Mall (pro); Mike Campbell, Everett Police Department (pro); Mike Patrick, Washington State Council of Police Officers (pro); and James Kelly, Washington State Commission on African American Affairs (pro with suggestions).