

HOUSE BILL REPORT

SB 6357

As Passed House:

March 4, 2004

Title: An act relating to enhancements to criminal trespass law.

Brief Description: Modifying criminal trespass law.

Sponsors: By Senators Johnson, Keiser, Esser, Eide, Prentice, McCaslin, Rasmussen, Winsley and Oke.

Brief History:

Committee Activity:

Judiciary: 2/24/04, 2/26/04 [DP].

Floor Activity:

Passed House: 3./4/04, 89-6.

Brief Summary of Bill

- Amends the definition of when a person "enters or remains unlawfully" on improved and apparently used land for the purposes of the criminal trespass and burglary statutes.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

For the purposes of criminal trespass and burglary, a person "enters or remains unlawfully" upon a premises when the person is not licensed, invited, or otherwise privileged to enter or remain.

A person has license and privilege to enter or remain on unimproved and apparently unused land that is not fenced or enclosed in a manner to exclude intruders, unless the person has notice not to trespass either by personal communication or by posted signs. Land that is used for commercial aquaculture or for growing an agricultural crop, other than timber, is not unimproved and apparently unused land if a crop or other sign of cultivation is clearly visible

or if notice is posted. Similarly, a field fenced in any manner is not unimproved and apparently unused land.

A person commits criminal trespass if he or she knowingly enters or remains unlawfully in a building (first degree) or upon the premises of another (second degree). Defenses to criminal trespass include: (a) the building was abandoned; (b) the premises was at the time open to the public and the person complied with all lawful conditions imposed on accessing or remaining on the premises; (c) the person believed he or she had or would have had license to enter or remain; and (d) the person was attempting to serve legal process.

Summary of Bill:

A license or privilege to enter or remain on improved and apparently used land that is open to the public at particular times and that is not fenced or enclosed in a manner to exclude intruders, is not a license or privilege to enter or remain on the land at other times if notice of prohibited times of entry is posted in a conspicuous manner.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Business owners do not have the same protections under the current trespass law as owners of agricultural land. This is a modest change to the law to give businesses the right to exclude trespassers from their property at certain times. This will help reduce the problem of street racers, who often congregate in store parking lots. There was no opposition in the Senate.

Testimony Against: None.

Persons Testifying: Pat Fitzpatrick, City of Kent.

Persons Signed In To Testify But Not Testifying: None.