

SENATE BILL REPORT

SB 5859

As Reported By Senate Committee On:
Natural Resources, Energy & Water, March 5, 2003

Title: An act relating to creating the crime of mineral trespass.

Brief Description: Criminalizing interference with certain mining rights and activities.

Sponsors: Senator Benton.

Brief History:

Committee Activity: Natural Resources, Energy & Water: 2/27/03, 3/5/03 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: That Substitute Senate Bill No. 5859 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Staff: Vic Moon (786-7469)

Background: Under current law, mineral claims and mineral equipment are considered personal property. There is no specific statute to deal with the crime of mineral trespass. Trespass under existing law occurs in two forms. Second degree trespass relates to activities on the land, and illegal activities are punishable as a misdemeanor, which is up to 90 days in jail and a fine of up to \$1,000. First degree trespass involves entering a building, and a penalty for first degree trespass, a gross misdemeanor, is up to a year in jail and a \$5,000 fine.

Specific theft provisions relate to livestock, leased property, automobiles, television cable service, and other activities.

Summary of Substitute Bill: A person commits the crime of mineral trespass if the person intentionally and without the permission of the claim holder enters a posted mining claim and disturbs, removes, or attempts to remove any mineral from the claim site, tampers with equipment, or defaces location stakes and landmarks of a posted mining claim. If a person interferes with a mining operation or stops an operation, the crime of mineral trespass applies. Mineral trespass is a class C felony and is ranked on the adult and juvenile sentencing grids.

The crime of mineral trespass does not apply to conduct that is related to a public servant acting in the reasonable exercise of official powers.

Substitute Bill Compared to Original Bill: Technical terms are defined, the felony penalty is made uniform and is ranked under the sentencing guideline grids for adult and juvenile

offenders. The meaning of mineral trespass is clarified so that it applies to all claims under uniform procedures.

Appropriation: None.

Fiscal Note: Requested on March 3, 2003.

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

Testimony For: The state needs a method to prosecute for trespass on mining claims where the claims are under federal law. Protection of mine equipment and sites is possible but very difficult under federal law, and a mining trespass law at the state level would be useful in addition to existing theft statutes.

Testimony Against: None.

Testified: Senator Don Benton, prime sponsor; Greg Christensen, Resources Coalition (pro).