
SUBSTITUTE HOUSE BILL 1380

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Ericksen, Sump, Mielke, Ahern, Clements, Hatfield, Pearson, Buck, Sullivan and Carrell)

READ FIRST TIME 02/20/03.

1 AN ACT Relating to creating the crime of mineral trespass; adding
2 new sections to chapter 78.44 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** (1) A person commits the crime of mineral
5 trespass if the person:

6 (a) Intentionally and without the permission of the claim holder:

7 (i) Enters a mining claim posted as required in chapter 78.08 RCW
8 and disturbs, removes, or attempts to remove any mineral from the claim
9 site;

10 (ii) Tampers with or disturbs a flume, rocker box, bedrock sluice,
11 sluice box, dredge, quartz mill, or other mining equipment at a posted
12 claim site; or

13 (iii) Defaces a location stake, side post, corner post, landmark,
14 monument, or posted written notice within a posted mining claim;

15 (b) Intentionally interferes with a lawful small scale mining
16 operation that is in full compliance with state and federal laws; or

17 (c) Intentionally stops, or causes to be stopped, a lawful small
18 scale mining operation that is in full compliance with state and
19 federal laws.

1 (2) Mineral trespass is a gross misdemeanor.

2 NEW SECTION. **Sec. 2.** (1) Section 1 of this act does not apply to
3 conduct that would otherwise constitute an offense when it is required
4 or authorized by law or judicial decree or is performed by a public
5 servant in the reasonable exercise of official powers, duties, or
6 functions.

7 (2) As used in subsection (1) of this section, "law or judicial
8 decree" includes but is not limited to:

9 (a) Laws defining duties and functions of public servants;

10 (b) Laws defining duties of private citizens to assist public
11 servants in the performance of certain of their functions; and

12 (c) Judgments and orders of courts.

13 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act are each added
14 to chapter 78.44 RCW.

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