
Judiciary Committee

SB 5233

Title: An act relating to notice against trespass.

Brief Description: Concerning notice against trespass.

Sponsors: Senators Sheldon, Dansel, Dammeier, Becker, Schoesler and Honeyford.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Defines "posting in a conspicuous manner," in the context of criminal trespass statutes, to include posting signs or the use of orange paint marks.

Hearing Date: 3/25/15

Staff: Omeara Harrington (786-7136).

Background:

A person commits the crime of criminal trespass if that person knowingly enters or remains unlawfully on another person's property. Knowingly entering or remaining unlawfully in a building is Criminal Trespass in the first degree, a gross misdemeanor. A person is guilty of Criminal Trespass in the second degree if he or she knowingly enters or remains unlawfully in or upon premises of another (other than a building). Second degree Criminal Trespass is a misdemeanor.

A person enters or remains unlawfully in or upon a premises when he or she is not licensed, invited, or otherwise privileged to enter or remain. A person who enters or remains upon unimproved and apparently unused land that is unfenced or not enclosed in a manner designed to exclude intruders does so with license and privilege unless notice otherwise is personally communicated to him or her, or notice against trespass is posted in a conspicuous manner. License or privilege to enter or remain on improved and apparently used land that is open to the public at particular times, and is not fenced or otherwise enclosed in a manner to exclude

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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.

Summary of Bill:

"Posting in a conspicuous manner" is defined to include posting signage that is reasonably likely to come to the attention of intruders indicating that entry is restricted, or placing identifying fluorescent orange paint marks on trees or posts on property.

The option to use of orange paint for posting in a conspicuous manner is limited to property located outside of urban growth areas and incorporated cities and towns. Marks must be:

- vertical lines not less than eight inches in length and not less than one inch width;
- placed so that the bottom of the mark is between three and five feet from the ground; and
- placed at locations that are readily visible to any person approaching the property and no more than 100 feet apart on forest land, or 1,000 feet apart on other land.

A landowner must use signs for posting in a conspicuous manner on access roads.

Appropriation: None.

Fiscal Note: Available.

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