
SENATE BILL 5233

State of Washington 64th Legislature 2015 Regular Session

By Senators Sheldon, Dassel, Dammeier, Becker, Schoesler, and Honeyford

Read first time 01/16/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to notice against trespass; and reenacting and
2 amending RCW 9A.52.010.

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

4 **Sec. 1.** RCW 9A.52.010 and 2011 c 336 s 369 are each reenacted
5 and amended to read as follows:

6 The following definitions apply in this chapter:

7 (1) "Access" means to approach, instruct, communicate with, store
8 data in, retrieve data from, or otherwise make use of any resources
9 of a computer, directly or by electronic means.

10 (2) "Computer program" means an ordered set of data representing
11 coded instructions or statements that when executed by a computer
12 cause the computer to process data.

13 (3) "Data" means a representation of information, knowledge,
14 facts, concepts, or instructions that are being prepared or have been
15 prepared in a formalized manner and are intended for use in a
16 computer.

17 (4) "Enter." The word "enter" when constituting an element or
18 part of a crime, shall include the entrance of the person, or the
19 insertion of any part of his or her body, or any instrument or weapon
20 held in his or her hand and used or intended to be used to threaten
21 or intimidate a person or to detach or remove property.

1 (5) "Enters or remains unlawfully." A person "enters or remains
2 unlawfully" in or upon premises when he or she is not then licensed,
3 invited, or otherwise privileged to so enter or remain.

4 A license or privilege to enter or remain in a building which is
5 only partly open to the public is not a license or privilege to enter
6 or remain in that part of a building which is not open to the public.
7 A person who enters or remains upon unimproved and apparently unused
8 land, which is neither fenced nor otherwise enclosed in a manner
9 designed to exclude intruders, does so with license and privilege
10 unless notice against trespass is personally communicated to him or
11 her by the owner of the land or some other authorized person, or
12 unless notice is given by posting in a conspicuous manner. Land that
13 is used for commercial aquaculture or for growing an agricultural
14 crop or crops, other than timber, is not unimproved and apparently
15 unused land if a crop or any other sign of cultivation is clearly
16 visible or if notice is given by posting in a conspicuous manner.
17 Similarly, a field fenced in any manner is not unimproved and
18 apparently unused land. A license or privilege to enter or remain on
19 improved and apparently used land that is open to the public at
20 particular times, which is neither fenced nor otherwise enclosed in a
21 manner to exclude intruders, is not a license or privilege to enter
22 or remain on the land at other times if notice of prohibited times of
23 entry is posted in a conspicuous manner.

24 (6) "Posting in a conspicuous manner" includes posting a sign or
25 signs reasonably likely to come to the attention of intruders,
26 indicating that entry is restricted or, if the property is located
27 outside of urban growth areas and incorporated cities or towns, the
28 placement of identifying fluorescent orange paint marks on trees or
29 posts on property.

30 (a) Identifying fluorescent orange marks must be:

31 (i) Vertical lines not less than eight inches in length and not
32 less than one inch in width;

33 (ii) Placed so that the bottom of the mark is between three and
34 five feet from the ground; and

35 (iii) Placed at locations that are readily visible to any person
36 approaching the property and no more than one hundred feet apart on
37 forest land, as defined in RCW 76.09.020, or one thousand feet apart
38 on land other than forest land.

39 (b) A landowner must use signs for posting in a conspicuous
40 manner on access roads.

1 (7) "Premises" includes any building, dwelling, structure used
2 for commercial aquaculture, or any real property.

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