
HOUSE BILL 1104

State of Washington

65th Legislature

2017 Regular Session

By Representatives Taylor, Shea, Short, McCaslin, Condotta, Pike, Holy, and Buys

Read first time 01/11/17. Referred to Committee on Judiciary.

1 AN ACT Relating to unlawful entry onto private property; adding a
2 new section to chapter 9A.52 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.52
5 RCW to read as follows:

6 (1) A person is guilty of trespassing to unlawfully collect
7 resource data from private land if he or she:

8 (a) Enters onto private land for the purpose of collecting
9 resource data; and

10 (b) Does not have: (i) An ownership interest in the real property
11 or statutory, contractual, or other legal authorization to enter the
12 private land to collect the specified resource data; or (ii) written
13 or verbal permission of the owner, lessee, or agent of the owner to
14 enter the private land to collect the specified resource data.

15 (2) A person is guilty of unlawfully collecting resource data if
16 he or she enters onto private land and collects resource data from
17 private land without:

18 (a) An ownership interest in the real property or statutory,
19 contractual, or other legal authorization to enter the private land
20 to collect the specified resource data; or

1 (b) Written or verbal permission of the owner, lessee, or agent
2 of the owner to enter the private land to collect the specified
3 resource data.

4 (3) A person is guilty of trespassing to access adjacent or
5 proximate land if he or she:

6 (a) Crosses private land to access adjacent or proximate land
7 where he or she collects resource data; and

8 (b) Does not have: (i) An ownership interest in the real property
9 or statutory, contractual, or other legal authorization to cross the
10 private land; or (ii) written or verbal permission of the owner,
11 lessee, or agent of the owner to cross the private land.

12 (4)(a) Except as provided in (b) of this subsection, a violation
13 of subsection (1), (2), or (3) of this section is a misdemeanor
14 punishable under chapter 9A.20 RCW.

15 (b) A second or subsequent violation of this section is a gross
16 misdemeanor punishable under chapter 9A.20 RCW.

17 (c) A person who commits multiple violations of this section may
18 be prosecuted and punished for each violation separately.

19 (5) For the purposes of this section:

20 (a) "Collect" means to take a sample of material, acquire,
21 gather, photograph, or otherwise preserve information in any form,
22 and the recording of a legal description or geographical coordinates
23 of the location of the collection;

24 (b) "Peace officer" means a general authority Washington peace
25 officer or a limited authority Washington peace officer as those
26 terms are defined in RCW 10.93.020;

27 (c) "Resource data" means data relating to land or land use
28 including, but not limited to, data regarding agriculture, minerals,
29 geology, history, cultural artifacts, archaeology, air, water, soil,
30 conservation, habitat, vegetation, or animal species. "Resource data"
31 does not include data: (i) For surveying to determine property
32 boundaries or the location of survey monuments; (ii) used by a state
33 or local governmental entity to assess property values; or (iii)
34 collected or intended to be collected by a peace officer while
35 engaged in the lawful performance of his or her official duties.

36 (6) No resource data collected on private land in violation of
37 this section is admissible in evidence in any civil, criminal, or
38 administrative proceeding, other than a prosecution for violation of
39 this section or a civil action against the violator.

1 (7) Resource data collected on private land in violation of this
2 section in the possession of any state or local governmental entity
3 shall be destroyed by the entity from all files and databases, and it
4 shall not be considered in determining any agency action.

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