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**SENATE BILL 5028**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Wagoner, Christian, and McCune

Prefiled 12/10/24. Read first time 01/13/25. Referred to Committee on Law & Justice.

1 AN ACT Relating to statewide policy prohibiting unlawful camping  
2 in the response to *Grants Pass v. Johnson*, 603 U.S.\_\_\_(2024); adding a  
3 new section to chapter 9A.52 RCW; creating a new section; and  
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The state of Washington intends to  
7 maintain a statewide policy on camping on public rights-of-way based  
8 on the supreme court decision in *Grants Pass v. Johnson*, 603  
9 U.S.\_\_\_(2024). The legislature intends to maintain reasonable  
10 penalties that are neither cruel, nor unusual. The legislature  
11 recognizes that a reasonable statewide policy on camping and  
12 homelessness requires adequate shelter space in communities across  
13 Washington state.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.52  
15 RCW to read as follows:

16 (1) No person may camp in or upon any public property unless  
17 specifically authorized by the public body with authority over the  
18 property.

19 (2) At all times, regardless of the availability of shelter, it  
20 is unlawful to camp on public property where such activity poses: (a)

1 A substantial danger to any person; (b) an immediate threat or an  
2 unreasonable risk of harm to public health or safety; or (c) a  
3 disruption to vital government services.

4 (3) At all times, regardless of the availability of shelter space  
5 or beds, it is unlawful to camp or store personal property, including  
6 camp facilities and camp paraphernalia, or to have unauthorized  
7 encampments, at any time in the following locations: (a) Within three  
8 blocks of any congregate shelter provided that signs are posted  
9 prohibiting camping that are clearly visible to pedestrians; and (b)  
10 in public within 1,000 feet of the perimeter of the grounds of a  
11 park, a day care center or child care facility, as defined in RCW  
12 35.63.170, or a public school defined in RCW 28A.150.010, or a  
13 private school approved under RCW 28A.195.010.

14 (4) Penalties for violating this section shall be as follows:

15 (a) A first violation of this section is a class 3 civil  
16 infraction, punishable by a fine up to \$50;

17 (b) A second violation of this section is a class 1 civil  
18 infraction punishable by a fine up to \$250 and the violator shall be  
19 ordered barred from the public place where the violation occurred for  
20 a period of no less than 180 days;

21 (c) A third violation of this section is a misdemeanor.  
22 Violations of orders issued under this section constitutes criminal  
23 trespass under RCW 9A.52.080;

24 (d) Unless otherwise subject to custodial arrest on a warrant or  
25 probable cause for another crime, individuals subject to enforcement  
26 under this section shall be cited and released rather than being  
27 booked into jail. With the exception of those who do not meet the  
28 criteria for acceptance into a therapeutic court under chapter 2.30  
29 RCW, individuals subject to enforcement under this section shall be  
30 referred to a therapeutic court by officer citation.

31 (5) Law enforcement officers shall not issue a criminal citation  
32 to enforce unauthorized camping under this section when an individual  
33 is on public property at a time when there is no available overnight  
34 shelter. Prior to issuing a citation to a homeless person who is  
35 sleeping, lying, sitting, or camping outdoors, the police officer  
36 must first confirm that a nearby 24/7 low-barrier shelter had  
37 available space during the previous 24 hours that could have been  
38 utilized by that individual. Confirmation of overnight shelter  
39 availability may come from data provided through an approved data  
40 system or through direct contact with a nearby low-barrier shelter,

1 and shall consist of the following: (a) Whether a shelter has  
2 available space for sleeping; (b) the number of available spaces; and  
3 (c) the guests each shelter will accept (i.e., men, women, families  
4 with children, etc.).

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