
SENATE BILL 5007

State of Washington**53rd Legislature****1993 Regular Session****By** Senators Nelson and Hochstatter

Read first time 01/11/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to administrative searches; adding a new section to
2 Title 4 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the privacy of
5 Washington residents is protected by both the state and federal
6 Constitutions, but local governments might violate the privacy rights
7 of citizens with administrative searches.

8 NEW SECTION. **Sec. 2.** A new section is added to Title 4 RCW to
9 read as follows:

10 A court in this state shall not issue an administrative search
11 warrant for a private residence, except with probable cause of a
12 specific violation in a specific residence. This requirement applies
13 to all noncriminal searches. The person or agency applying for the
14 warrant shall give notice of an application for a warrant to the owner
15 and occupant of a residence at least twenty days before the warrant is
16 issued. The owner or occupant is entitled to a hearing before issuance
17 of the warrant, if a hearing is requested. Without a warrant, an
18 administrative search of a residence may only be conducted with the

1 fully informed consent of the occupant. The consent must be in
2 writing, with full knowledge that consent to the search is voluntary,
3 that no warrant can be issued, and if a complaint-based inspection
4 program is available, that fact must be disclosed.

5 "Residence" as used in this section means a dwelling unit, whether
6 the unit is separate or part of a multi-unit dwelling, including the
7 land on which the dwelling stands. The term also includes a share
8 ownership in a cooperative housing association, corporation, or
9 partnership if the person can establish that his or her share
10 represents the specific unit or portion of the structure in which he or
11 she resides.

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