
SENATE BILL 6105

State of Washington 60th Legislature 2007 Regular Session

By Senators Weinstein, Kline and Spanel

Read first time 02/21/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to authorizing the issuance of civil inspection
2 warrants; adding a new section to chapter 2.08 RCW; adding a new
3 section to chapter 3.02 RCW; adding a new section to chapter 3.46 RCW;
4 adding a new section to chapter 3.50 RCW; adding a new section to
5 chapter 3.66 RCW; and adding a new section to chapter 35.20 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.08 RCW
8 to read as follows:

9 (1) A judge of a superior court, upon a proper oath or affirmation
10 showing probable cause, shall have the power to issue a civil
11 inspection warrant directed to a state or local official commanding the
12 official to conduct an inspection, examination, test, or sampling
13 pursuant to or to determine compliance with a state or local law, rule,
14 or code protecting the public health, safety, or welfare including, but
15 not limited to, the uniform building, health, fire, mechanical,
16 electrical, or plumbing code, laws authorizing abatement of unfit or
17 dangerous buildings, or environmental or zoning laws.

18 (2) A warrant shall be issued only upon application of a designated
19 officer or employee of a prosecuting or regulatory authority supported

1 by declaration or affidavit made under oath or upon sworn testimony
2 before the judge, establishing probable cause for the issuance of the
3 warrant, and particularly describing the place, dwelling, building,
4 structure, premises, or vehicle to be inspected and the purpose for
5 which the inspection, examination, test, or sampling is made. For
6 purposes of this section, probable cause exists if either:

7 (a) The inspection, examination, test, or sampling is pursuant to
8 reasonable legislative or administrative standards for conducting an
9 area-wide inspection to determine compliance with a state or local law
10 or rule; or

11 (b) There is reasonable cause to believe that a violation of a
12 state or local building, health, safety, fire, plumbing, electrical,
13 environmental, labor, or zoning law or rule, or other laws or rules
14 protecting the public health, safety, or welfare, has occurred or is
15 occurring in or upon the particular place, dwelling, building,
16 structure, premises, or vehicle to be inspected.

17 (3) If the judge is satisfied that the standard for issuing a
18 warrant has been met, the judge shall issue the warrant. The warrant
19 must particularly describe the place, dwelling, building, structure,
20 premises, or vehicle to be inspected and designate the purpose of the
21 inspection, including any books, records, or other property that may be
22 inspected, examined, or seized, and any tests or samples that may be
23 conducted or taken.

24 (4) A warrant issued pursuant to this section must be executed and
25 returned within ten days unless, upon a showing of a need for
26 additional time, the period is extended or renewed upon by a judge upon
27 a finding that such extension or renewal is in the public's interest.
28 A copy of the warrant and a receipt for any property seized pursuant to
29 the warrant shall be given to the person whose property is inspected
30 or, if the person is not at the property, the copy shall be left in or
31 on the property that was inspected or from which the property was
32 taken. The return of the warrant shall be promptly made accompanied by
33 a written inventory of any property taken.

34 (5) A copy of the return shall be attached to the warrant and filed
35 with the clerk of the court.

36 NEW SECTION. **Sec. 2.** A new section is added to chapter 3.02 RCW
37 to read as follows:

1 (1) A judge of a court of limited jurisdiction, upon a proper oath
2 or affirmation showing probable cause, shall have the power to issue a
3 civil inspection warrant directed to a state or local official
4 commanding the official to conduct an inspection, examination, test, or
5 sampling pursuant to or to determine compliance with a state or local
6 law, rule, or code protecting the public health, safety, or welfare
7 including, but not limited to, the uniform building, health, fire,
8 mechanical, electrical, or plumbing code, laws authorizing abatement of
9 unfit or dangerous buildings, or environmental or zoning laws.

10 (2) A warrant shall be issued only upon application of a designated
11 officer or employee of a prosecuting or regulatory authority supported
12 by declaration or affidavit made under oath or upon sworn testimony
13 before the judge, establishing probable cause for the issuance of the
14 warrant, and particularly describing the place, dwelling, building,
15 structure, premises, or vehicle to be inspected and the purpose for
16 which the inspection, examination, test, or sampling is made. For
17 purposes of this section, probable cause exists if either:

18 (a) The inspection, examination, test, or sampling is pursuant to
19 a general administrative plan to determine compliance with a state or
20 local law or rule; or

21 (b) There is reasonable cause to believe that a violation of a
22 state or local building, health, safety, fire, plumbing, electrical,
23 environmental, labor, or zoning law or rule, or other laws or rules
24 protecting the public health, safety, or welfare, has occurred or is
25 occurring in or upon the particular place, dwelling, building,
26 structure, premises, or vehicle to be inspected.

27 (3) If the judge is satisfied that the standard for issuing a
28 warrant has been met, the judge shall issue the warrant. The warrant
29 must particularly describe the place, dwelling, building, structure,
30 premises, or vehicle to be inspected and designate the purpose of the
31 inspection, including any books, records, or other property that may be
32 inspected, examined, or seized, and any tests or samples that may be
33 conducted or taken.

34 (4) A warrant issued pursuant to this section must be executed and
35 returned within ten days unless, upon a showing of a need for
36 additional time, the period is extended or renewed upon by a judge upon
37 a finding that such extension or renewal is in the public's interest.
38 A copy of the warrant and a receipt for any property seized pursuant to

1 the warrant shall be given to the person whose property is inspected
2 or, if the person is not at the property, the copy shall be left in or
3 on the property that was inspected or from which the property was
4 taken. The return of the warrant shall be promptly made accompanied by
5 a written inventory of any property taken.

6 (5) A copy of the return shall be attached to the warrant and filed
7 with the clerk of the court.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 3.46 RCW
9 to read as follows:

10 (1) A judge of a municipal department, upon a proper oath or
11 affirmation showing probable cause, shall have the power to issue a
12 civil inspection warrant directed to a state or local official
13 commanding the official to conduct an inspection, examination, test, or
14 sampling pursuant to or to determine compliance with a state or local
15 law, rule, or code protecting the public health, safety, or welfare
16 including, but not limited to, the uniform building, health, fire,
17 mechanical, electrical, or plumbing code, laws authorizing abatement of
18 unfit or dangerous buildings, or environmental or zoning laws.

19 (2) A warrant shall be issued only upon application of a designated
20 officer or employee of a prosecuting or regulatory authority supported
21 by declaration or affidavit made under oath or upon sworn testimony
22 before the judge, establishing probable cause for the issuance of the
23 warrant, and particularly describing the place, dwelling, building,
24 structure, premises, or vehicle to be inspected and the purpose for
25 which the inspection, examination, test, or sampling is made. For
26 purposes of this section, probable cause exists if either:

27 (a) The inspection, examination, test, or sampling is pursuant to
28 a general administrative plan to determine compliance with a state or
29 local law or rule; or

30 (b) There is reasonable cause to believe that a violation of a
31 state or local building, health, safety, fire, plumbing, electrical,
32 environmental, labor, or zoning law or rule, or other laws or rules
33 protecting the public health, safety, or welfare, has occurred or is
34 occurring in or upon the particular place, dwelling, building,
35 structure, premises, or vehicle to be inspected.

36 (3) If the judge is satisfied that the standard for issuing a
37 warrant has been met, the judge shall issue the warrant. The warrant

1 must particularly describe the place, dwelling, building, structure,
2 premises, or vehicle to be inspected and designate the purpose of the
3 inspection, including any books, records, or other property that may be
4 inspected, examined, or seized, and any tests or samples that may be
5 conducted or taken.

6 (4) A warrant issued pursuant to this section must be executed and
7 returned within ten days unless, upon a showing of a need for
8 additional time, the period is extended or renewed upon by a judge upon
9 a finding that such extension or renewal is in the public's interest.
10 A copy of the warrant and a receipt for any property seized pursuant to
11 the warrant shall be given to the person whose property is inspected
12 or, if the person is not at the property, the copy shall be left in or
13 on the property that was inspected or from which the property was
14 taken. The return of the warrant shall be promptly made accompanied by
15 a written inventory of any property taken.

16 (5) A copy of the return shall be attached to the warrant and filed
17 with the clerk of the court.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 3.50 RCW
19 to read as follows:

20 (1) A judge of a municipal court, upon a proper oath or affirmation
21 showing probable cause, shall have the power to issue a civil
22 inspection warrant directed to a state or local official commanding the
23 official to conduct an inspection, examination, test, or sampling
24 pursuant to or to determine compliance with a state or local law, rule,
25 or code protecting the public health, safety, or welfare including, but
26 not limited to, the uniform building, health, fire, mechanical,
27 electrical, or plumbing code, laws authorizing abatement of unfit or
28 dangerous buildings, or environmental or zoning laws.

29 (2) A warrant shall be issued only upon application of a designated
30 officer or employee of a prosecuting or regulatory authority supported
31 by declaration or affidavit made under oath or upon sworn testimony
32 before the judge, establishing probable cause for the issuance of the
33 warrant, and particularly describing the place, dwelling, building,
34 structure, premises, or vehicle to be inspected and the purpose for
35 which the inspection, examination, test, or sampling is made. For
36 purposes of this section, probable cause exists if either:

1 (a) The inspection, examination, test, or sampling is pursuant to
2 a general administrative plan to determine compliance with a state or
3 local law or rule; or

4 (b) There is reasonable cause to believe that a violation of a
5 state or local building, health, safety, fire, plumbing, electrical,
6 environmental, labor, or zoning law or rule, or other laws or rules
7 protecting the public health, safety, or welfare, has occurred or is
8 occurring in or upon the particular place, dwelling, building,
9 structure, premises, or vehicle to be inspected.

10 (3) If the judge is satisfied that the standard for issuing a
11 warrant has been met, the judge shall issue the warrant. The warrant
12 must particularly describe the place, dwelling, building, structure,
13 premises, or vehicle to be inspected and designate the purpose of the
14 inspection, including any books, records, or other property that may be
15 inspected, examined, or seized, and any tests or samples that may be
16 conducted or taken.

17 (4) A warrant issued pursuant to this section must be executed and
18 returned within ten days unless, upon a showing of a need for
19 additional time, the period is extended or renewed upon by a judge upon
20 a finding that such extension or renewal is in the public's interest.
21 A copy of the warrant and a receipt for any property seized pursuant to
22 the warrant shall be given to the person whose property is inspected
23 or, if the person is not at the property, the copy shall be left in or
24 on the property that was inspected or from which the property was
25 taken. The return of the warrant shall be promptly made accompanied by
26 a written inventory of any property taken.

27 (5) A copy of the return shall be attached to the warrant and filed
28 with the clerk of the court.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 3.66 RCW
30 to read as follows:

31 (1) A judge of a district court, upon a proper oath or affirmation
32 showing probable cause, shall have the power to issue a civil
33 inspection warrant directed to a state or local official commanding the
34 official to conduct an inspection, examination, test, or sampling
35 pursuant to or to determine compliance with a state or local law, rule,
36 or code protecting the public health, safety, or welfare including, but

1 not limited to, the uniform building, health, fire, mechanical,
2 electrical, or plumbing code, laws authorizing abatement of unfit or
3 dangerous buildings, or environmental or zoning laws.

4 (2) A warrant shall be issued only upon application of a designated
5 officer or employee of a prosecuting or regulatory authority supported
6 by declaration or affidavit made under oath or upon sworn testimony
7 before the judge, establishing probable cause for the issuance of the
8 warrant, and particularly describing the place, dwelling, building,
9 structure, premises, or vehicle to be inspected and the purpose for
10 which the inspection, examination, test, or sampling is made. For
11 purposes of this section, probable cause exists if either:

12 (a) The inspection, examination, test, or sampling is pursuant to
13 a general administrative plan to determine compliance with a state or
14 local law or rule; or

15 (b) There is reasonable cause to believe that a violation of a
16 state or local building, health, safety, fire, plumbing, electrical,
17 environmental, labor, or zoning law or rule, or other laws or rules
18 protecting the public health, safety, or welfare, has occurred or is
19 occurring in or upon the particular place, dwelling, building,
20 structure, premises, or vehicle to be inspected.

21 (3) If the judge is satisfied that the standard for issuing a
22 warrant has been met, the judge shall issue the warrant. The warrant
23 must particularly describe the place, dwelling, building, structure,
24 premises, or vehicle to be inspected and designate the purpose of the
25 inspection, including any books, records, or other property that may be
26 inspected, examined, or seized, and any tests or samples that may be
27 conducted or taken.

28 (4) A warrant issued pursuant to this section must be executed and
29 returned within ten days unless, upon a showing of a need for
30 additional time, the period is extended or renewed upon by a judge upon
31 a finding that such extension or renewal is in the public's interest.
32 A copy of the warrant and a receipt for any property seized pursuant to
33 the warrant shall be given to the person whose property is inspected
34 or, if the person is not at the property, the copy shall be left in or
35 on the property that was inspected or from which the property was
36 taken. The return of the warrant shall be promptly made accompanied by
37 a written inventory of any property taken.

1 (5) A copy of the return shall be attached to the warrant and filed
2 with the clerk of the court.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.20 RCW
4 to read as follows:

5 (1) A judge of a municipal court, upon a proper oath or affirmation
6 showing probable cause, shall have the power to issue a civil
7 inspection warrant directed to a state or local official commanding the
8 official to conduct an inspection, examination, test, or sampling
9 pursuant to or to determine compliance with a state or local law, rule,
10 or code protecting the public health, safety, or welfare including, but
11 not limited to, the uniform building, health, fire, mechanical,
12 electrical, or plumbing code, laws authorizing abatement of unfit or
13 dangerous buildings, or environmental or zoning laws.

14 (2) A warrant shall be issued only upon application of a designated
15 officer or employee of a prosecuting or regulatory authority supported
16 by declaration or affidavit made under oath or upon sworn testimony
17 before the judge, establishing probable cause for the issuance of the
18 warrant, and particularly describing the place, dwelling, building,
19 structure, premises, or vehicle to be inspected and the purpose for
20 which the inspection, examination, test, or sampling is made. For
21 purposes of this section, probable cause exists if either:

22 (a) The inspection, examination, test, or sampling is pursuant to
23 a general administrative plan to determine compliance with a state or
24 local law or rule; or

25 (b) There is reasonable cause to believe that a violation of a
26 state or local building, health, safety, fire, plumbing, electrical,
27 environmental, labor, or zoning law or rule, or other laws or rules
28 protecting the public health, safety, or welfare, has occurred or is
29 occurring in or upon the particular place, dwelling, building,
30 structure, premises, or vehicle to be inspected.

31 (3) If the judge is satisfied that the standard for issuing a
32 warrant has been met, the judge shall issue the warrant. The warrant
33 must particularly describe the place, dwelling, building, structure,
34 premises, or vehicle to be inspected and designate the purpose of the
35 inspection, including any books, records, or other property that may be
36 inspected, examined, or seized, and any tests or samples that may be
37 conducted or taken.

1 (4) A warrant issued pursuant to this section must be executed and
2 returned within ten days unless, upon a showing of a need for
3 additional time, the period is extended or renewed upon by a judge upon
4 a finding that such extension or renewal is in the public's interest.
5 A copy of the warrant and a receipt for any property seized pursuant to
6 the warrant shall be given to the person whose property is inspected
7 or, if the person is not at the property, the copy shall be left in or
8 on the property that was inspected or from which the property was
9 taken. The return of the warrant shall be promptly made accompanied by
10 a written inventory of any property taken.

11 (5) A copy of the return shall be attached to the warrant and filed
12 with the clerk of the court.

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