
SENATE BILL 5872

State of Washington

54th Legislature

1995 Regular Session

By Senator Prentice

Read first time 02/10/95. Referred to Committee on Financial Institutions & Housing.

1 AN ACT Relating to authorizing superior courts and courts of
2 limited jurisdiction to issue civil inspection warrants; adding a new
3 section to chapter 2.08 RCW; adding a new section to chapter 3.02 RCW;
4 adding a new section to chapter 3.46 RCW; adding a new section to
5 chapter 3.50 RCW; adding a new section to chapter 3.66 RCW; and adding
6 a new section to chapter 35.20 RCW.

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

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

10 (1) A judge of a superior court may issue a civil inspection
11 warrant directed to a state or local official, commanding the official
12 to conduct an inspection, investigation, or examination required or
13 authorized by a federal, state, or local law, regulation, or code
14 protecting the public health, safety, or welfare, including, without
15 limitation, the uniform building, health, fire, mechanical, electrical,
16 or plumbing code, laws authorizing abatement of unfit or dangerous
17 buildings, or environmental, zoning, or labor laws. An inspection
18 warrant authorized by this section may be issued by the court upon
19 request of the prosecuting or regulatory authority.

1 (2) A judge of a superior court may issue a civil inspection
2 warrant only upon probable cause, supported by affidavit or declaration
3 that particularly describes the place, dwelling, building, structure,
4 premises, or vehicle to be inspected, investigated, or examined and the
5 purpose for which the inspection is made. For purposes of this
6 section, probable cause exists if either:

7 (a) Reasonable legislative or administrative standards for
8 conducting a routine or area inspection, investigation, or examination
9 are satisfied with respect to the particular place, dwelling, building,
10 structure, premises, or vehicle. If a warrant is sought pursuant to
11 this subsection (2)(a), the affidavit or declaration must contain a
12 statement that consent to inspect has been sought and the agency has
13 received a refusal or has not received a response within a reasonable
14 time; or

15 (b) With respect to the particular place, dwelling, building,
16 structure, premises, or vehicle, there is reason to believe that there
17 exists a violation of a federal, state, or local law, regulation, or
18 code setting compliance standards to protect the public health, safety,
19 or welfare, including, without limitation, the uniform building,
20 health, fire, mechanical, electrical, or plumbing code, laws
21 authorizing abatement of unfit or dangerous buildings, or
22 environmental, zoning, or labor laws.

23 (3) If the judge is satisfied that the standard for issuing a
24 warrant has been met, the judge may issue the warrant. The warrant
25 must particularly describe each place, dwelling, building, structure,
26 premises, or vehicle to be inspected, investigated, or examined and
27 designate on the warrant the purpose and limitations of the inspection,
28 investigation, or examination. The judge may specify the hours during
29 which the warrant may be executed, and any other reasonable limitations
30 on its execution.

31 (4) An inspection warrant is effective for the time specified
32 therein, but not for more than fourteen days, unless the period is
33 extended or renewed by the judge who signed and issued the original
34 warrant, if that judge finds that such extension or renewal is in the
35 public interest. Such inspection warrant must be executed and returned
36 to the judge by whom it was issued within the time specified in the
37 warrant or within the extended or renewed time.

38 (5) Where a civil inspection warrant has been issued pursuant to
39 subsection (2)(a) of this section, and where the place to be inspected

1 is a residence, the inspecting agency must notify the residence's
2 occupant, or owner if there is no occupant, that a warrant has been
3 issued. The notice must be given at least three days, excluding
4 weekends and holidays, before the warrant is executed. The notice must
5 provide a telephone number and address where the occupant, or owner if
6 there is no occupant, can contact the inspecting agency to make
7 arrangements for the inspection. It must also state that, if the
8 recipient of the notice wishes to prevent execution of the warrant, he
9 or she must bring a motion to quash the warrant in the court that
10 issued the warrant. The motion must be brought before the time
11 scheduled for execution of the warrant. At the time the motion is
12 filed, copies of the motion must be served on the inspecting agency and
13 the attorney, if any, for the inspecting agency.

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

16 (1) A judge of a court of limited jurisdiction may issue a civil
17 inspection warrant directed to a state or local official, commanding
18 the official to conduct an inspection, investigation, or examination
19 required or authorized by a federal, state, or local law, regulation,
20 or code protecting the public health, safety, or welfare, including,
21 without limitation, the uniform building, health, fire, mechanical,
22 electrical, or plumbing code, laws authorizing abatement of unfit or
23 dangerous buildings, or environmental, zoning, or labor laws. An
24 inspection warrant authorized by this section may be issued by the
25 court upon request of the prosecuting or regulatory authority.

26 (2) A judge of a court of limited jurisdiction may issue a civil
27 inspection warrant only upon probable cause, supported by affidavit or
28 declaration that particularly describes the place, dwelling, building,
29 structure, premises, or vehicle to be inspected, investigated, or
30 examined and the purpose for which the inspection is made. For
31 purposes of this section, probable cause exists if either:

32 (a) Reasonable legislative or administrative standards for
33 conducting a routine or area inspection, investigation, or examination
34 are satisfied with respect to the particular place, dwelling, building,
35 structure, premises, or vehicle. If a warrant is sought pursuant to
36 this subsection (2)(a), the affidavit or declaration must contain a
37 statement that consent to inspect has been sought and the agency has

1 received a refusal or has not received a response within a reasonable
2 time; or

3 (b) With respect to the particular place, dwelling, building,
4 structure, premises, or vehicle, there is reason to believe that there
5 exists a violation of a federal, state, or local law, regulation, or
6 code setting compliance standards to protect the public health, safety,
7 or welfare, including, without limitation, the uniform building,
8 health, fire, mechanical, electrical, or plumbing code, laws
9 authorizing abatement of unfit or dangerous buildings, or
10 environmental, zoning, or labor laws.

11 (3) If the judge is satisfied that the standard for issuing a
12 warrant has been met, the judge may issue the warrant. The warrant
13 must particularly describe each place, dwelling, building, structure,
14 premises, or vehicle to be inspected, investigated, or examined and
15 designate on the warrant the purpose and limitations of the inspection,
16 investigation, or examination. The judge may specify the hours during
17 which the warrant may be executed, and any other reasonable limitations
18 on its execution.

19 (4) An inspection warrant is effective for the time specified
20 therein, but not for more than fourteen days, unless the period is
21 extended or renewed by the judge who signed and issued the original
22 warrant, if that judge finds that such extension or renewal is in the
23 public interest. Such inspection warrant must be executed and returned
24 to the judge by whom it was issued within the time specified in the
25 warrant or within the extended or renewed time.

26 (5) Where a civil inspection warrant has been issued pursuant to
27 subsection (2)(a) of this section, and where the place to be inspected
28 is a residence, the inspecting agency must notify the residence's
29 occupant, or owner if there is no occupant, that a warrant has been
30 issued. The notice must be given at least three days, excluding
31 weekends and holidays, before the warrant is executed. The notice must
32 provide a telephone number and address where the occupant, or owner if
33 there is no occupant, can contact the inspecting agency to make
34 arrangements for the inspection. It must also state that, if the
35 recipient of the notice wishes to prevent execution of the warrant, he
36 or she must bring a motion to quash the warrant in the court that
37 issued the warrant. The motion must be brought before the time
38 scheduled for execution of the warrant. At the time the motion is

1 filed, copies of the motion must be served on the inspecting agency and
2 the attorney, if any, for the inspecting agency.

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

5 A judge of a municipal department is authorized to issue an
6 inspection warrant according to the standards set forth in section 2 of
7 this act.

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

10 A judge of a municipal court is authorized to issue an inspection
11 warrant according to the standards set forth in section 2 of this act.

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

14 A judge of a district court is authorized to issue an inspection
15 warrant according to the standards set forth in section 2 of this act.

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

18 A judge of a municipal court is authorized to issue an inspection
19 warrant according to the standards set forth in section 2 of this act.

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