

# SENATE BILL REPORT

## EHB 1550

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As Reported By Senate Committee On:  
Law & Justice, March 28, 1995

**Title:** An act relating to authority of police to arrest without a warrant.

**Brief Description:** Allowing warrantless arrest for criminal trespass.

**Sponsors:** Representatives Smith, Scott, Blanton, Benton, Campbell, Mielke, Huff, Lambert, Sheahan, Robertson, Carrell, McMahan, Padden, Delvin, Thompson and Kremen.

**Brief History:** Passed House 3/10/95, 98-0.

**Committee Activity:** Law & Justice: 3/23/95, 3/28/95 [DP].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long and McCaslin.

**Staff:** Susan Carlson (786-7418)

**Background:** A police officer may not arrest a person without a warrant for committing a misdemeanor or gross misdemeanor, unless the crime is committed in the presence of the officer or the crime is one that has been exempted by statute from the warrant requirement. The misdemeanor and gross misdemeanor crimes that are exempt from the warrant requirement are those involving physical harm or threats of harm to any person or property, theft, use or possession of marijuana, and consumption of alcohol by persons under the age of 21 years.

Criminal trespass in the first degree is a gross misdemeanor, and criminal trespass in the second degree is a misdemeanor. Under current law, a police officer must obtain a warrant to arrest a person for either degree of criminal trespass, unless the crime is committed in the officer's presence.

**Summary of Bill:** A police officer who has probable cause to believe that a person has committed criminal trespass first degree or second degree has authority to arrest the person without a warrant. It is not necessary that the crime be committed in the presence of the officer.

The act takes effect January 1, 1996. Prior to that date, law enforcement agencies, prosecutors, and local governments are encouraged to develop and adopt arrest and charging guidelines regarding criminal trespass.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect on January 1, 1996.

**Testimony For:** The bill provides law enforcement an important tool to protect citizens when responding to criminal trespass incidents.

**Testimony Against:** Law enforcement officers should be required to obtain a warrant before arresting a person for criminal trespass.

**Testified:** PRO: Doug Levy, Mike Weight, City of Everett; Mike Campbell, Everett Police Dept.; James Kelly WA State Commission on African/American Affairs; CON: David Reynard, citizen.