

SENATE BILL REPORT

SHB 1380

As Reported By Senate Committee On:
Natural Resources, Energy & Water, March 28, 2003

Title: An act relating to creating the crime of mineral trespass.

Brief Description: Criminalizing interference with certain mining rights and activities.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Ericksen, Sump, Mielke, Ahern, Clements, Hatfield, Pearson, Buck, Sullivan and Carrell).

Brief History:

Committee Activity: Natural Resources, Energy & Water: 3/21/03, 3/28/03 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Staff: Vic Moon (786-7469)

Background: Regulations on mining are administered by both the state and federal governments. On certain federal land, a person may file a mining claim for mineral deposits, such as gold and silver. Mining claims on federal land also must comply with state regulations. Under Washington law, a federal mining claim must be recorded with the county auditor, and the claim site must have a posted notice of the claim. The posting must comply with specific requirements, including marking the boundaries of the claim and clearing brush or trees that interfere with the posting. State land is not subject to the federal mining claim system. Instead, Washington leases land for prospecting purposes and enters into contracts for mining on state land.

Summary of Amended Bill: A person commits the crime of mineral trespass if the person intentionally and without the permission of the claim holder enters a posted mining claim and disturbs, removes, or attempts to remove any mineral from the claim site, tampers with equipment, or defaces location stakes and landmarks of a posted mining claim. If a person interferes with a mining operation or stops an operation, the crime of mineral trespass applies. Mineral trespass is a class C felony and is ranked on the adult and juvenile sentencing grids.

The crime of mineral trespass does not apply to conduct that is related to a public servant acting in the reasonable exercise of official powers.

Amended Bill Compared to Original Bill: The striking amendment is the same as SSB 5859, which passed the Senate on March 16, 2003. The amendment is broader than the original House bill and applies to all mining claims not just small recreational mining.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Mining claims are being damaged, and they need to have clear, strict penalties to discourage vandalism and theft.

Testimony Against: None.

Testified: Representative Doug Ericksen, prime sponsor (pro).