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**SENATE BILL 5028**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senator Wagoner

AN ACT Relating to statewide policy prohibiting unlawful camping in the response to Grants Pass v. Johnson, 603 U.S.\_\_(2024); adding a new section to chapter 9A.52 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. **Sec.**  The state of Washington intends to maintain a statewide policy on camping on public rights-of-way based on the supreme court decision in *Grants Pass v. Johnson, 603 U.S.\_\_(2024)*. The legislature intends to maintain reasonable penalties that are neither cruel, nor unusual. The legislature recognizes that a reasonable statewide policy on camping and homelessness requires adequate shelter space in communities across Washington state.

NEW SECTION. **Sec.**  A new section is added to chapter 9A.52 RCW to read as follows:

(1) No person may camp in or upon any public property unless specifically authorized by the public body with authority over the property.

(2) At all times, regardless of the availability of shelter, it is unlawful to camp on public property where such activity poses: (a) A substantial danger to any person; (b) an immediate threat or an unreasonable risk of harm to public health or safety; or (c) a disruption to vital government services.

(3) At all times, regardless of the availability of shelter space or beds, it is unlawful to camp or store personal property, including camp facilities and camp paraphernalia, or to have unauthorized encampments, at any time in the following locations: (a) Within three blocks of any congregate shelter provided that signs are posted prohibiting camping that are clearly visible to pedestrians; and (b) in public within 1,000 feet of the perimeter of the grounds of a park, a day care center or child care facility, as defined in RCW 35.63.170, or a public school defined in RCW 28A.150.010, or a private school approved under RCW 28A.195.010.

(4) Penalties for violating this section shall be as follows:

(a) A first violation of this section is a class 3 civil infraction, punishable by a fine up to $50;

(b) A second violation of this section is a class 1 civil infraction punishable by a fine up to $250 and the violator shall be ordered barred from the public place where the violation occurred for a period of no less than 180 days;

(c) A third violation of this section is a misdemeanor. Violations of orders issued under this section constitutes criminal trespass under RCW 9A.52.080;

(d) Unless otherwise subject to custodial arrest on a warrant or probable cause for another crime, individuals subject to enforcement under this section shall be cited and released rather than being booked into jail. With the exception of those who do not meet the criteria for acceptance into a therapeutic court under chapter 2.30 RCW, individuals subject to enforcement under this section shall be referred to a therapeutic court by officer citation.

(5) Law enforcement officers shall not issue a criminal citation to enforce unauthorized camping under this section when an individual is on public property at a time when there is no available overnight shelter. Prior to issuing a citation to a homeless person who is sleeping, lying, sitting, or camping outdoors, the police officer must first confirm that a nearby 24/7 low-barrier shelter had available space during the previous 24 hours that could have been utilized by that individual. Confirmation of overnight shelter availability may come from data provided through an approved data system or through direct contact with a nearby low-barrier shelter, and shall consist of the following: (a) Whether a shelter has available space for sleeping; (b) the number of available spaces; and (c) the guests each shelter will accept (i.e., men, women, families with children, etc.).

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