

FINAL BILL REPORT

SB 6357

C 69 L 04

Synopsis as Enacted

Brief Description: Modifying criminal trespass law.

Sponsors: Senators Johnson, Keiser, Esser, Eide, Prentice, McCaslin, Rasmussen, Winsley and Oke.

Senate Committee on Judiciary

House Committee on Judiciary

Background: Criminal trespass is committed if a person knowingly enters or remains unlawfully in a building or upon the premises of another. Defenses to a charge of criminal trespass include: (1) the building was abandoned; (2) the premises were open to the public and the defendant complied with any conditions imposed; (3) the defendant reasonably believed he or she had a license to enter or would have had license to enter; and (4) the defendant was attempting to serve legal process.

A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner. Land that is used for commercial aquaculture or for growing an agricultural crop or crops, other than timber, is not unimproved and apparently unused land if a crop or any other sign of cultivation is clearly visible or if notice is given by posting in a conspicuous manner. Similarly, a field fenced in any manner is not unimproved and apparently unused land.

Summary: A person who enters or remains upon improved and apparently used land that is open to the public at particular times, and is not fenced or enclosed in a manner to exclude intruders, does so with license and privilege unless notice of prohibited times of entry are posted in a conspicuous manner.

Votes on Final Passage:

Senate 48 0

House 89 6

Effective: June 10, 2004