

SENATE BILL REPORT

SB 6357

As Passed Senate, February 17, 2004

Title: An act relating to enhancements to criminal trespass law.

Brief Description: Modifying criminal trespass law.

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

Brief History:

Committee Activity: Judiciary: 2/5/04, 2/6/04 [DP].

Passed Senate: 2/17/04, 48-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline, Roach and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: Criminal trespass is committed if a person knowingly enters or remains unlawfully in a building (first degree) or upon the premises (second degree) 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 of Bill: 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.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: If land is clearly posted, this provision will fill a hole that currently allows trespassing and encourages crime. Owners should not have to patrol their property 24 hours a day if they properly post signs.

Testimony Against: None.

Testified: PRO: Senator Johnson, prime sponsor; Arthur Fitzpatrick, City of Kent.