
SENATE BILL 5859

State of Washington

58th Legislature

2003 Regular Session

By Senator Benton

Read first time 02/17/2003. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to creating the crime of mineral trespass; adding
2 new sections to chapter 78.44 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** (1) A person commits the crime of mineral
5 trespass if the person intentionally and without the permission of the
6 claim holder:

7 (a) Enters a mining claim posted as required in chapter 78.08 RCW
8 and disturbs, removes, or attempts to remove any mineral from the claim
9 site;

10 (b) Tampers with or disturbs a flume, rocker box, bedrock sluice,
11 sluice box, dredge, quartz mill, or other mining equipment at a posted
12 mining claim; or

13 (c) Defaces a location stake, side post, corner post, landmark,
14 monument, or posted written notice within a posted mining claim.

15 (2) Mineral trespass is a gross misdemeanor.

16 NEW SECTION. **Sec. 2.** (1) A person commits the crime of
17 interfering with a lawful small scale mining operation that is in full
18 compliance with state and federal laws if the person intentionally:

1 (a) Interferes with a lawful small scale mining operation; or
2 (b) Stops, or causes to be stopped, a lawful small scale mining
3 operation.

4 (2) Interfering with a lawful small scale mining operation is a
5 gross misdemeanor.

6 NEW SECTION. **Sec. 3.** (1) Sections 1 and 2 of this act do not
7 apply to conduct that would otherwise constitute an offense when it is
8 required or authorized by law or judicial decree or is performed by a
9 public servant in the reasonable exercise of official powers, duties,
10 or functions.

11 (2) As used in subsection (1) of this section, "laws or judicial
12 decrees" includes but is not limited to:

- 13 (a) Laws defining duties and functions of public servants;
- 14 (b) Laws defining duties of private citizens to assist public
15 servants in the performance of certain of their functions; and
- 16 (c) Judgments and orders of courts.

17 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each
18 added to chapter 78.44 RCW.

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