

CERTIFICATION OF ENROLLMENT

SENATE BILL 6357

Chapter 69, Laws of 2004

58th Legislature
2004 Regular Session

TRESPASS--LICENSE TO ENTER IMPROVED LAND

EFFECTIVE DATE: 6/10/04

Passed by the Senate February 17, 2004
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 4, 2004
YEAS 89 NAYS 6

FRANK CHOPP

Speaker of the House of Representatives

Approved March 22, 2004.

GARY F. LOCKE
Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SENATE BILL 6357 as passed by the
Senate and the House of
Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

March 22, 2004 - 5:15 p.m.

**Secretary of State
State of Washington**

SENATE BILL 6357

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senators Johnson, Keiser, Esser, Eide, Prentice, McCaslin,
Rasmussen, Winsley and Oke

Read first time 01/19/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to enhancements to criminal trespass law; and
2 amending RCW 9A.52.010.

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

4 **Sec. 1.** RCW 9A.52.010 and 1985 c 289 s 1 are each amended to read
5 as follows:

6 The following definitions apply in this chapter:

7 (1) "Premises" includes any building, dwelling, structure used for
8 commercial aquaculture, or any real property;

9 (2) "Enter". The word "enter" when constituting an element or part
10 of a crime, shall include the entrance of the person, or the insertion
11 of any part of his body, or any instrument or weapon held in his hand
12 and used or intended to be used to threaten or intimidate a person or
13 to detach or remove property;

14 (3) "Enters or remains unlawfully". A person "enters or remains
15 unlawfully" in or upon premises when he is not then licensed, invited,
16 or otherwise privileged to so enter or remain.

17 A license or privilege to enter or remain in a building which is
18 only partly open to the public is not a license or privilege to enter
19 or remain in that part of a building which is not open to the public.

1 A person who enters or remains upon unimproved and apparently unused
2 land, which is neither fenced nor otherwise enclosed in a manner
3 designed to exclude intruders, does so with license and privilege
4 unless notice against trespass is personally communicated to him by the
5 owner of the land or some other authorized person, or unless notice is
6 given by posting in a conspicuous manner. Land that is used for
7 commercial aquaculture or for growing an agricultural crop or crops,
8 other than timber, is not unimproved and apparently unused land if a
9 crop or any other sign of cultivation is clearly visible or if notice
10 is given by posting in a conspicuous manner. Similarly, a field fenced
11 in any manner is not unimproved and apparently unused land. A license
12 or privilege to enter or remain on improved and apparently used land
13 that is open to the public at particular times, which is neither fenced
14 nor otherwise enclosed in a manner to exclude intruders, is not a
15 license or privilege to enter or remain on the land at other times if
16 notice of prohibited times of entry is posted in a conspicuous manner;

17 (4) "Data" means a representation of information, knowledge, facts,
18 concepts, or instructions that are being prepared or have been prepared
19 in a formalized manner and are intended for use in a computer;

20 (5) "Computer program" means an ordered set of data representing
21 coded instructions or statements that when executed by a computer cause
22 the computer to process data;

23 (6) "Access" means to approach, instruct, communicate with, store
24 data in, retrieve data from, or otherwise make use of any resources of
25 a computer, directly or by electronic means.

Passed by the Senate February 17, 2004.

Passed by the House March 4, 2004.

Approved by the Governor March 22, 2004.

Filed in Office of Secretary of State March 22, 2004.