

5108-S

Sponsor(s): Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, Stevens, Morton, Honeyford, Swecker, McCaslin and Parlette)

Brief Description: Removing statutory authority for access to private property for governmental purposes. Revised for 1st Substitute: Limiting statutory authority for access to private property for governmental purposes.

SB 5108-S - DIGEST

(SEE ALSO PROPOSED 2ND SUB)

Declares that the people of this state have a right to a reasonable expectation of privacy on their private property.

Finds, however, that over time statutory authority for entry onto private property has expanded to the point where the people no longer feel secure from the unreasonable intrusion of government officials and others who have been granted special immunity from prosecution for trespass.

Declares an intent, with certain limited and necessary exceptions, that all persons, whether government employees or private persons, be made subject to the same restrictions with regard to entering upon the property of another. It is the intent to eliminate special immunities from prosecution for trespass, whether those immunities have been legislatively granted to government or to private persons or entities.

Declares it is not the intent to change the elements of the crime of trespass, but only to make all persons subject to the same law with exceptions from uniform application of that law only for the kinds of entries onto property by law enforcement officers that are lawful as of the effective date of this act and those entries onto property by government personnel that are specified in this act.