5108-S2
Sponsor(s): Senate Committee on Ways & Means (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-S2 - DIGEST

<u>(DIGEST OF PROPOSED 2ND SUBSTITUTE)</u>

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 that, for the purposes of this act, a state public official or employee of the state "enters or remains unlawfully" under the same circumstances as any other person, except that it is not unlawful for such an official or employee to enter or remain in a building: (1) When necessary to do so in response to a law enforcement, fire, or medical emergency;

(2) When acting under authority of a warrant or other court order that was obtained after a reasonable attempt to notify the owner and after a reasonable attempt to obtain the consent of such owner or the resident agent of any nonresident owner to allow the official or the employee to enter or remain in the building; or

(3) When the state public official, employee of the state, or law enforcement officer enters or remains in a building in a manner and under circumstances that are lawful pursuant to statutory authority or applicable case law. Even if such legal authority exists, prior to carrying out the purpose for which entry is made, the official or employee making such entry or someone on his or her behalf shall make a reasonable attempt to notify the owner of the building as to the purpose and need for the entry.