**5233 AMH JUDI H2507.2 - NOT FOR FLOOR USE**

**SB 5233** - H COMM AMD

By Committee on Judiciary

Strike everything after the enacting clause and insert the following:

"**Sec.**  RCW 9A.52.010 and 2011 c 336 s 369 are each reenacted and amended to read as follows:

The following definitions apply in this chapter:

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

(2) "Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.

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

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

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

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced, gated, 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 or her 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. A license or privilege to enter or remain on improved and apparently used land that is open to the public at particular times, which is neither fenced nor otherwise enclosed in a manner to exclude intruders, is not a license or privilege to enter or remain on the land at other times if notice of prohibited times of entry is posted in a conspicuous manner.

(6) "Posting in a conspicuous manner" may include: Posting a sign or signs reasonably likely to come to the attention of intruders, indicating that entry is restricted; if the property is located outside of urban growth areas and incorporated cities or towns, the placement of identifying fluorescent orange paint marks on trees or posts on property; or a combination of signs and identifying fluorescent orange paint marks.

(a) Identifying fluorescent orange paint marks must be:

(i) Vertical lines approximately twelve inches in length and not less than one inch in width;

(ii) Placed so that the bottom of the mark is between three and five feet from the ground; and

(iii) Placed at locations that are readily visible to any person approaching the property and no more than one hundred feet apart on forest land, as defined in RCW 76.09.020, or one thousand feet apart on land other than forest land.

(b) Identifying fluorescent orange paint marks alone may not be used for posting in a conspicuous manner on a road or driveway approved by the owner for motorized access where vehicles can enter the property.

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

NEW SECTION. **Sec.**  The department of fish and wildlife, the department of natural resources, and the state parks and recreation commission are encouraged to use their web sites and appropriate publications to inform the public that as of July 1, 2016, vertical orange marks on trees or posts may indicate a private boundary line and that crossing that line without first securing the owner's permission could constitute trespassing.

NEW SECTION. **Sec.**  Section 1 of this act takes effect July 1, 2016."

Correct the title.

EFFECT: The striking amendment retains the provisions of the underlying bill with the following changes:

(1) Provides that a license to be on unimproved and apparently unused land, absent notice against trespass, does not apply to land that is gated (in addition to land that is fenced or otherwise enclosed to exclude intruders).

(2) Adds that a combination of signs and paint marks may be used to post in a conspicuous manner.

(3) Modifies the length of the orange paint marks that may be used to post in a conspicuous manner, from at least eight inches to approximately twelve inches.

(4) Replaces the requirement that a landowner use signage to post in a conspicuous manner on access roads with language stating that paint marks alone cannot be used on a road or driveway approved by the owner for motorized access where vehicles can enter the property.

(5) Delays the effective date until July 1, 2016.

(6) Encourages the department of fish and wildlife, the department of natural resources, and the state parks and recreation commission to use their web sites and publications to inform the public about the meaning of vertical orange paint marks.