
HOUSE BILL 1305

State of Washington 65th Legislature 2017 Regular Session

By Representatives Barkis, Kirby, Klippert, Stambaugh, and Haler

Read first time 01/16/17. Referred to Committee on Judiciary.

1 AN ACT Relating to unlawful entry on certain properties; adding
2 new sections to chapter 9A.52 RCW; and adding a new section to
3 chapter 4.24 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.52
6 RCW to read as follows:

7 (1) Upon the receipt of a declaration signed under penalty of
8 perjury and containing all of the required information and in the
9 form prescribed in section 2 of this act, a peace officer shall have
10 the authority to:

11 (a) Remove the person or persons from the premises, with or
12 without arresting the person or persons; and

13 (b) Order the person or persons to remain off the premises or be
14 subject to arrest for criminal trespass.

15 (2) Neither the peace officer nor his or her law enforcement
16 agency shall be held liable for actions or omissions made in good
17 faith under this section.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.52
19 RCW to read as follows:

1 The owner of premises, or his or her authorized agent, may
2 initiate the investigation and request the removal of an unauthorized
3 person or persons from the premises by providing to law enforcement a
4 declaration containing all of the following required information and
5 in substantially the following form:

6 REQUEST TO REMOVE TRESPASSER(S) FORM

7 The undersigned owner, or authorized agent of the owner, of the
8 premises located at hereby represents and declares under
9 the penalty of perjury that (initial each box):

10 (1) [] The declarant is the owner of the premises or the
11 authorized agent of the owner of the premises;

12 (2) [] An unauthorized person or persons have entered and are
13 remaining unlawfully on the premises;

14 (3) [] The person or persons were not authorized to enter or
15 remain;

16 (4) [] The declarant has demanded that the unauthorized person
17 or persons vacate the premises but they have not done so;

18 (5) [] The premises were not abandoned at the time the
19 unauthorized person or persons entered;

20 (6) [] The premises were not open to members of the public at
21 the time the unauthorized person or persons entered;

22 (7) [] The declarant understands that a person or persons
23 removed from the premises pursuant to section 1 of this act may bring
24 a cause of action under section 3 of this act against the declarant
25 for any false statements made in this declaration, and that as a
26 result of such action the declarant may be held liable for actual
27 damages, costs, and reasonable attorneys' fees;

28 (8) [] The declarant agrees to indemnify and hold harmless law
29 enforcement for its actions or omissions made in good faith pursuant
30 to this declaration; and

31 (9) [] Additional Optional Explanatory Comments:
32
33

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 4.24 RCW
35 to read as follows:

36 All persons removed from premises pursuant to section 1 of this
37 act on the basis of false statements made by a declarant pursuant to
38 section 2 of this act shall have a cause of action to recover from

1 the declarant for the full amount of damages caused thereby, together
2 with costs and reasonable attorneys' fees.

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