

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5388**

65th Legislature  
2017 Regular Session

Passed by the Senate April 20, 2017  
Yeas 49 Nays 0

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**President of the Senate**

Passed by the House April 20, 2017  
Yeas 96 Nays 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5388** as passed by Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 5388

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AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

**State of Washington**                      **65th Legislature**                      **2017 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Zeiger, Sheldon, Kuderer, Padden, Wilson, Conway, Fortunato, Hobbs, Becker, Warnick, and Honeyford)

READ FIRST TIME 02/09/17.

1            AN ACT Relating to the removal of unauthorized persons from  
2 certain premises; adding new sections to chapter 9A.52 RCW; and  
3 adding a new section to 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) Subject to subsections (2) and (3) of this section and upon  
8 the receipt of a declaration signed under penalty of perjury, in the  
9 form prescribed in section 2 of this act, declaring the truth of all  
10 of the required elements set forth in subsection (4) of this section,  
11 a peace officer shall have the authority to:

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

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

16            (2) Only a peace officer having probable cause to believe that a  
17 person is guilty of criminal trespass under RCW 9A.52.070 for  
18 knowingly entering or remaining unlawfully in a building considered  
19 residential real property, as defined in RCW 61.24.005, has the  
20 authority and discretion to make an arrest or exclude anyone under  
21 penalty of criminal trespass.

1 (3) While a peace officer can take into account a declaration  
2 from the property owner signed under penalty of perjury containing  
3 all of the required elements and in the form prescribed in section 2  
4 of this act, the peace officer must provide the occupant or occupants  
5 with a reasonable opportunity to secure and present any credible  
6 evidence provided by the person or persons on the premises, which the  
7 peace officer must consider, showing that the person or persons are  
8 tenants, legal occupants, or the guests or invitees of tenants or  
9 legal occupants.

10 (4) The declaration must include the following elements:

11 (a) That the declarant is the owner of the premises or the  
12 authorized agent of the owner of the premises;

13 (b) That an unauthorized person or persons have entered and are  
14 remaining unlawfully on the premises;

15 (c) That the person or persons were not authorized to enter or  
16 remain;

17 (d) That the person or persons are not a tenant or tenants and  
18 have not been a tenant or tenants, or a homeowner or homeowners who  
19 have been on title, within the last twelve months on the property;

20 (e) That the declarant has demanded that the unauthorized person  
21 or persons vacate the premises but they have not done so;

22 (f) That the premises were not abandoned at the time the  
23 unauthorized person or persons entered;

24 (g) That the premises were not open to members of the public at  
25 the time the unauthorized person or persons entered;

26 (h) That the declarant understands that a person or persons  
27 removed from the premises pursuant to this section may bring a cause  
28 of action under section 3 of this act against the declarant for any  
29 false statements made in the declaration, and that as a result of  
30 such action the declarant may be held liable for actual damages,  
31 costs, and reasonable attorneys' fees;

32 (i) That the declarant understands and acknowledges the  
33 prohibitions in RCW 59.18.230 and 59.18.290 against taking or  
34 detaining an occupant's personal property or removing or excluding an  
35 occupant from a dwelling unit or rental premises without an  
36 authorizing court order; and

37 (j) That the declarant agrees to indemnify and hold harmless law  
38 enforcement for its actions or omissions made in good faith pursuant  
39 to the declaration.

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

4 (6) This section may not be construed to in any way limit rights  
5 under RCW 61.24.060 or to allow a peace officer to remove or exclude  
6 an occupant who is entitled to occupy a dwelling unit under a rental  
7 agreement or the occupant's guests or invitees.

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

10 The owner of premises, or his or her authorized agent, may  
11 initiate the investigation and request the removal of an unauthorized  
12 person or persons from the premises by providing to law enforcement a  
13 declaration containing all of the following required elements and in  
14 substantially the following form:

15 REQUEST TO REMOVE TRESPASSER(S) FORM

16 The undersigned owner, or authorized agent of the owner, of the  
17 premises located at ..... hereby represents and declares under  
18 the penalty of perjury that (initial each box):

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

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

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

25 (4) [ ] The person or persons are not a tenant or tenants and  
26 have not been a tenant or tenants, or a homeowner or homeowners who  
27 have been on title, within the last twelve months on the property;

28 (5) [ ] The declarant has demanded that the unauthorized person  
29 or persons vacate the premises but they have not done so;

30 (6) [ ] The premises were not abandoned at the time the  
31 unauthorized person or persons entered;

32 (7) [ ] The premises were not open to members of the public at  
33 the time the unauthorized person or persons entered;

34 (8) [ ] The declarant understands that a person or persons  
35 removed from the premises pursuant to section 1 of this act may bring  
36 a cause of action under section 3 of this act against the declarant  
37 for any false statements made in this declaration, and that as a

1 result of such action the declarant may be held liable for actual  
2 damages, costs, and reasonable attorneys' fees;

3 (9) [ ] The declarant understands and acknowledges the  
4 prohibitions in RCW 59.18.230 and 59.18.290 against taking or  
5 detaining an occupant's personal property or removing or excluding an  
6 occupant from a dwelling unit or rental premises without an  
7 authorizing court order;

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

11 (11) [ ] Additional Optional Explanatory Comments:  
12 .....  
13 .....

14 A declarant of premises who falsely swears on a declaration  
15 provided under this section may be guilty of false swearing under RCW  
16 9A.72.040 or of making a false or misleading statement to a public  
17 servant under RCW 9A.76.175, both of which are gross misdemeanors.

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

20 All persons removed from premises pursuant to section 1 of this  
21 act on the basis of false statements made by a declarant pursuant to  
22 section 2 of this act shall have a cause of action to recover from  
23 the declarant for actual damages, together with costs and reasonable  
24 attorneys' fees.

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