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SUBSTITUTE SENATE BILL 6117

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State of Washington

64th Legislature

2016 Regular Session

By Senate Law & Justice (originally sponsored by Senator Sheldon)

1       AN ACT Relating to notice against trespass; reenacting and  
2       amending RCW 9A.52.010; creating a new section; and providing an  
3       effective date.

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

5       **Sec. 1.** RCW 9A.52.010 and 2011 c 336 s 369 are each reenacted  
6       and amended to read as follows:

7       The following definitions apply in this chapter:

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

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

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

18      (4) "Enter." The word "enter" when constituting an element or  
19      part of a crime, shall include the entrance of the person, or the  
20      insertion of any part of his or her body, or any instrument or weapon

1 held in his or her hand and used or intended to be used to threaten  
2 or intimidate a person or to detach or remove property.

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

6 A license or privilege to enter or remain in a building which is  
7 only partly open to the public is not a license or privilege to enter  
8 or remain in that part of a building which is not open to the public.  
9 A person who enters or remains upon unimproved and apparently unused  
10 land, which is neither fenced nor otherwise enclosed in a manner  
11 designed to exclude intruders, does so with license and privilege  
12 unless notice against trespass is personally communicated to him or  
13 her by the owner of the land or some other authorized person, or  
14 unless notice is given by posting in a conspicuous manner. Land that  
15 is used for commercial aquaculture or for growing an agricultural  
16 crop or crops, other than timber, is not unimproved and apparently  
17 unused land if a crop or any other sign of cultivation is clearly  
18 visible or if notice is given by posting in a conspicuous manner.  
19 Similarly, a field fenced in any manner is not unimproved and  
20 apparently unused land. A license or privilege to enter or remain on  
21 improved and apparently used land that is open to the public at  
22 particular times, which is neither fenced nor otherwise enclosed in a  
23 manner to exclude intruders, is not a license or privilege to enter  
24 or remain on the land at other times if notice of prohibited times of  
25 entry is posted in a conspicuous manner.

26 (6) "Posting in a conspicuous manner" includes posting a sign or  
27 signs reasonably likely to come to the attention of intruders,  
28 indicating that entry is restricted or, if the property is located  
29 outside of urban growth areas and incorporated cities or towns, the  
30 placement of identifying fluorescent orange paint marks on trees or  
31 posts on property. Both signs and paint may be used.

32 (a) Identifying fluorescent orange marks must be:

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

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

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

1        (b) Paint may not be used for posting in a conspicuous manner on  
2 a road or driveway approved by the owner for motorized access where  
3 vehicles can enter the property.

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

6        NEW SECTION.    **Sec. 2.**    The department of fish and wildlife, the  
7 department of natural resources, and the parks and recreation  
8 commission are encouraged to use their web sites and appropriate  
9 publications to inform the public that vertical orange marks on trees  
10 or posts may indicate a private boundary line and crossing it without  
11 first securing the owner's permission is trespassing.

12        NEW SECTION.    **Sec. 3.**    This act takes effect July 1, 2017.

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