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RCW 9A.52.080

Criminal trespass in the second degree.

(1) A person is guilty of criminal trespass in the second degree if he or she knowingly enters or remains unlawfully in or upon premises of another under circumstances not constituting criminal trespass in the first degree.

(2) Criminal trespass in the second degree is a misdemeanor.

[2011 c 336 § 373; 1979 ex.s. c 244 § 13; 1975 1st ex.s. c 260 § 9A.52.080.]

NOTES:

Effective date—1979 ex.s. c 244: See RCW 9A.44.902.

<https://app.leg.wa.gov/rcw/default.aspx?cite=9A.52.080>

RCW 9A.52.070

Criminal trespass in the first degree.

(1) A person is guilty of criminal trespass in the first degree if he or she knowingly enters or remains unlawfully in a building.

(2) Criminal trespass in the first degree is a gross misdemeanor.

[2011 c 336 § 372; 1979 ex.s. c 244 § 12; 1975 1st ex.s. c 260 § 9A.52.070.]

NOTES:

Effective date—1979 ex.s. c 244: See RCW 9A.44.902.

<https://apps.leg.wa.gov/RCW/default.aspx?cite=9A.52.070>

RCW 9A.52.090

Criminal trespass—Defenses.

In any prosecution under RCW 9A.52.070 and 9A.52.080, it is a defense that:

(1) A building involved in an offense under RCW 9A.52.070 was abandoned; or

(2) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(3) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him or her to enter or remain; or

(4) The actor was attempting to serve legal process which includes any document required or allowed to be served upon persons or property, by any statute, rule, ordinance, regulation, or court order, excluding delivery by the mails of the United States. This defense applies only if the actor did not enter into a private residence or other building not open to the public and the entry onto the premises was reasonable and necessary for service of the legal process.

[2011 c 336 § 374; 1986 c 219 § 2; 1975 1st ex.s. c 260 § 9A.52.090.]

<https://app.leg.wa.gov/rcw/default.aspx?cite=9A.52.090>

WAC 468-300-806

No trespass warnings.

(1) This chapter shall be enforced so as to emphasize voluntary compliance with all applicable laws, rules, regulations, statutes, and policies, and so that inadvertent and/or minor violations of all applicable laws, rules, regulations, statutes, and policies can be corrected without resort to the issuance of a no trespass warning notice. Therefore, prior to issuing a no trespass warning notice to an individual, an authorized officer may choose, in his or her discretion, to first issue a verbal warning and/or a "warning letter" to an individual who exhibits "unacceptable behavior" which does not rise to the level of criminal conduct and/or does not constitute a safety risk.

(2) An authorized officer may issue a no trespass warning notice, which shall be valid and enforceable for a period of sixty days from the date of its issuance, to any individual when he or she has good cause to issue such a no trespass warning notice, which shall conform to the requirements of subsection (4) of this section. Violation of any term of a no trespass warning notice shall constitute the crime of criminal trespass under chapter 9A.52 RCW.

(3) Should an individual:

(a) Violate the terms of the no trespass warning notice; or

(b) Receive two no trespass warning notices within a one-year period, then the individual shall be issued a third no trespass warning notice by an authorized officer, which shall be valid and enforceable for a period of one year from the date of the issuance of the third no trespass warning notice.

(4) A no trespass warning notice shall:

(a) Be in writing and signed by the individual authorized officer issuing it;

(b) Contain the date of issuance, the violation that the person is alleged to have committed, and a citation to the code, statute, or rule violated;

(c) Specify the places where the individual will be expelled from and the length during the period in which the no trespass warning notice is valid and enforceable;

(d) Set out the method for appealing the notice, which shall also include the address where the appeal should be sent;

(e) Prominently display a warning of the consequences for failure to comply with the notice and state that a violation of the terms of the notice will constitute criminal trespass under chapter 9A.52 RCW.

(5) The person being expelled need not be charged, tried, or convicted of any crime or be issued an infraction or have an infraction found committed in order for a no trespass warning notice to be issued or effective. The authorized officer need only establish that good cause existed to support the issuance of the no trespass warning notice.

[Statutory Authority: RCW 47.56.030 and 47.60.010. WSR 13-16-010, § 468-300-806, filed 7/25/13, effective 8/25/13.]

<https://apps.leg.wa.gov/WAC/default.aspx?cite=468-300-806>