

# FINAL BILL REPORT

## EHB 1550

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**C 184 L 95**

Synopsis as Enacted

**Brief Description:** Allowing warrantless arrest for criminal trespass.

**Sponsors:** Representatives Smith, Scott, Blanton, Benton, Campbell, Mielke, Huff, Lambert, Sheahan, Robertson, Carrell, McMahan, Padden, Delvin, Thompson and Kremen.

**House Committee on Law & Justice**  
**Senate Committee on Law & Justice**

**Background:** A person is guilty of criminal trespass in the first degree if he or she knowingly enters or remains unlawfully in a building. A person is guilty of criminal trespass in the second degree if he or she knowingly enters or remains unlawfully in or upon premises, other than a building, that belong to another. Criminal trespass in the first degree is a gross misdemeanor, and criminal trespass in the second degree is a misdemeanor.

A police officer requires a warrant to arrest a person without a warrant for committing a misdemeanor or gross misdemeanor, unless the crime is committed in the presence of the officer or is exempted from the warrant requirement by statute. Even if no warrant is required, the officer must still have probable cause before making an arrest.

Under current law, a police officer must obtain a warrant to arrest a person for the commission of criminal trespass in the first or second degree.

**Summary:** Misdemeanors and gross misdemeanors involving criminal trespass in the first and second degree are added to the list of crimes for which police officers do not need a warrant to make an arrest, so long as probable cause exists. Law enforcement agencies and local governments are encouraged to develop arrest and charging guidelines for criminal trespass.

**Votes on Final Passage:**

House	98 0
Senate	40 2

**Effective:** January 1, 1996