
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4184.1/14 **[Lias] on Gold**
ATTY/TYPIST: ML:lel
BRIEF DESCRIPTION: Encouraging private landowners to allow public access to their land.

PSSB 6508 (Recreational Access on Private Land)(Sen. Lias): Directs the Department of Fish and Wildlife to administer the program created in the underlying bill, in cooperation with the State Conservation Commission regarding outreach to and communication with landowners.

1 AN ACT Relating to encouraging private landowners to allow public
2 access to their land; amending RCW 4.24.210 and 9A.52.090; reenacting
3 and amending RCW 77.08.010; adding a new section to chapter 82.04 RCW;
4 adding a new chapter to Title 77 RCW; and prescribing penalties.

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

6 **Sec. 1.** RCW 77.08.010 and 2012 c 176 s 4 are each reenacted and
7 amended to read as follows:

8 The definitions in this section apply throughout this title or
9 rules adopted under this title unless the context clearly requires
10 otherwise.

11 (1) "Anadromous game fish buyer" means a person who purchases or
12 sells steelhead trout and other anadromous game fish harvested by
13 Indian fishers lawfully exercising fishing rights reserved by federal
14 statute, treaty, or executive order, under conditions prescribed by
15 rule of the director.

16 (2) "Angling gear" means a line attached to a rod and reel capable
17 of being held in hand while landing the fish or a hand-held line
18 operated without rod or reel.

1 (3) "Aquatic invasive species" means any invasive, prohibited,
2 regulated, unregulated, or unlisted aquatic animal or plant species as
3 defined under subsections (4), (34), (49), (53), (70), and (71) of this
4 section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),
5 and aquatic nuisance species as defined under RCW 77.60.130(1).

6 (4) "Aquatic plant species" means an emergent, submersed, partially
7 submersed, free-floating, or floating-leaving plant species that grows
8 in or near a body of water or wetland.

9 (5) "Bag limit" means the maximum number of game animals, game
10 birds, or game fish which may be taken, caught, killed, or possessed by
11 a person, as specified by rule of the commission for a particular
12 period of time, or as to size, sex, or species.

13 (6) "Building" means a private domicile, garage, barn, or public or
14 commercial building.

15 (7) "Closed area" means a place where the hunting of some or all
16 species of wild animals or wild birds is prohibited.

17 (8) "Closed season" means all times, manners of taking, and places
18 or waters other than those established by rule of the commission as an
19 open season. "Closed season" also means all hunting, fishing, taking,
20 or possession of game animals, game birds, game fish, food fish, or
21 shellfish that do not conform to the special restrictions or physical
22 descriptions established by rule of the commission as an open season or
23 that have not otherwise been deemed legal to hunt, fish, take, harvest,
24 or possess by rule of the commission as an open season.

25 (9) "Closed waters" means all or part of a lake, river, stream, or
26 other body of water, where fishing or harvesting is prohibited.

27 (10) "Commercial" means related to or connected with buying,
28 selling, or bartering.

29 (11) "Commission" means the state fish and wildlife commission.

30 (12) "Concurrent waters of the Columbia river" means those waters
31 of the Columbia river that coincide with the Washington-Oregon state
32 boundary.

33 (13) "Contraband" means any property that is unlawful to produce or
34 possess.

35 (14) "Deleterious exotic wildlife" means species of the animal
36 kingdom not native to Washington and designated as dangerous to the
37 environment or wildlife of the state.

38 (15) "Department" means the department of fish and wildlife.

1 (16) "Director" means the director of fish and wildlife.

2 (17) "Endangered species" means wildlife designated by the
3 commission as seriously threatened with extinction.

4 (18) "Ex officio fish and wildlife officer" means:

5 (a) A commissioned officer of a municipal, county, or state agency
6 having as its primary function the enforcement of criminal laws in
7 general, while the officer is acting in the respective jurisdiction of
8 that agency;

9 (b) An officer or special agent commissioned by one of the
10 following: The national marine fisheries service; the Washington state
11 parks and recreation commission; the United States fish and wildlife
12 service; the Washington state department of natural resources; the
13 United States forest service; or the United States parks service, if
14 the agent or officer is in the respective jurisdiction of the primary
15 commissioning agency and is acting under a mutual law enforcement
16 assistance agreement between the department and the primary
17 commissioning agency;

18 (c) A commissioned fish and wildlife peace officer from another
19 state who meets the training standards set by the Washington state
20 criminal justice training commission pursuant to RCW 10.93.090,
21 43.101.080, and 43.101.200, and who is acting under a mutual law
22 enforcement assistance agreement between the department and the primary
23 commissioning agency; or

24 (d) A Washington state tribal police officer who successfully
25 completes the requirements set forth under RCW 43.101.157, is employed
26 by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b),
27 and is acting under a mutual law enforcement assistance agreement
28 between the department and the tribal government.

29 (19) "Fish" includes all species classified as game fish or food
30 fish by statute or rule, as well as all fin fish not currently
31 classified as food fish or game fish if such species exist in state
32 waters. The term "fish" includes all stages of development and the
33 bodily parts of fish species.

34 (20) "Fish and wildlife officer" means a person appointed and
35 commissioned by the director, with authority to enforce this title and
36 rules adopted pursuant to this title, and other statutes as prescribed
37 by the legislature. Fish and wildlife officer includes a person

1 commissioned before June 11, 1998, as a wildlife agent or a fisheries
2 patrol officer.

3 (21) "Fish broker" means a person whose business it is to bring a
4 seller of fish and shellfish and a purchaser of those fish and
5 shellfish together.

6 (22) "Fish buyer" means a person engaged by a wholesale fish dealer
7 to purchase food fish or shellfish from a licensed commercial fisher.

8 (23) "Fishery" means the taking of one or more particular species
9 of fish or shellfish with particular gear in a particular geographical
10 area.

11 (24) "Food, food waste, or other substance" includes human and pet
12 food or other waste or garbage that could attract large wild
13 carnivores.

14 (25) "Freshwater" means all waters not defined as saltwater
15 including, but not limited to, rivers upstream of the river mouth,
16 lakes, ponds, and reservoirs.

17 (26) "Fur-bearing animals" means game animals that shall not be
18 trapped except as authorized by the commission.

19 (27) "Fur dealer" means a person who purchases, receives, or
20 resells raw furs for commercial purposes.

21 (28) "Game animals" means wild animals that shall not be hunted
22 except as authorized by the commission.

23 (29) "Game birds" means wild birds that shall not be hunted except
24 as authorized by the commission.

25 (30) "Game farm" means property on which wildlife is held,
26 confined, propagated, hatched, fed, or otherwise raised for commercial
27 purposes, trade, or gift. The term "game farm" does not include
28 publicly owned facilities.

29 (31) "Game reserve" means a closed area where hunting for all wild
30 animals and wild birds is prohibited.

31 (32) "Illegal items" means those items unlawful to be possessed.

32 (33)(a) "Intentionally feed, attempt to feed, or attract" means to
33 purposefully or knowingly provide, leave, or place in, on, or about any
34 land or building any food, food waste, or other substance that attracts
35 or could attract large wild carnivores to that land or building.

36 (b) "Intentionally feed, attempt to feed, or attract" does not
37 include keeping food, food waste, or other substance in an enclosed

1 garbage receptacle or other enclosed container unless specifically
2 directed by a fish and wildlife officer or animal control authority to
3 secure the receptacle or container in another manner.

4 (34) "Invasive species" means a plant species or a nonnative animal
5 species that either:

6 (a) Causes or may cause displacement of, or otherwise threatens,
7 native species in their natural communities;

8 (b) Threatens or may threaten natural resources or their use in the
9 state;

10 (c) Causes or may cause economic damage to commercial or
11 recreational activities that are dependent upon state waters; or

12 (d) Threatens or harms human health.

13 (35) "Large wild carnivore" includes wild bear, cougar, and wolf.

14 (36) "License year" means the period of time for which a
15 recreational license is valid. The license year begins April 1st, and
16 ends March 31st.

17 (37) "Limited-entry license" means a license subject to a license
18 limitation program established in chapter 77.70 RCW.

19 (38) "Money" means all currency, script, personal checks, money
20 orders, or other negotiable instruments.

21 (39) "Natural person" means a human being.

22 (40)(a) "Negligently feed, attempt to feed, or attract" means to
23 provide, leave, or place in, on, or about any land or building any
24 food, food waste, or other substance that attracts or could attract
25 large wild carnivores to that land or building, without the awareness
26 that a reasonable person in the same situation would have with regard
27 to the likelihood that the food, food waste, or other substance could
28 attract large wild carnivores to the land or building.

29 (b) "Negligently feed, attempt to feed, or attract" does not
30 include keeping food, food waste, or other substance in an enclosed
31 garbage receptacle or other enclosed container unless specifically
32 directed by a fish and wildlife officer or animal control authority to
33 secure the receptacle or container in another manner.

34 (41) "Nonresident" means a person who has not fulfilled the
35 qualifications of a resident.

36 (42) "Offshore waters" means marine waters of the Pacific Ocean
37 outside the territorial boundaries of the state, including the marine
38 waters of other states and countries.

1 (43) "Open season" means those times, manners of taking, and places
2 or waters established by rule of the commission for the lawful hunting,
3 fishing, taking, or possession of game animals, game birds, game fish,
4 food fish, or shellfish that conform to the special restrictions or
5 physical descriptions established by rule of the commission or that
6 have otherwise been deemed legal to hunt, fish, take, harvest, or
7 possess by rule of the commission. "Open season" includes the first
8 and last days of the established time.

9 (44) "Owner" means the person in whom is vested the ownership
10 dominion, or title of the property.

11 (45) "Person" means and includes an individual; a corporation; a
12 public or private entity or organization; a local, state, or federal
13 agency; all business organizations, including corporations and
14 partnerships; or a group of two or more individuals acting with a
15 common purpose whether acting in an individual, representative, or
16 official capacity.

17 (46) "Personal property" or "property" includes both corporeal and
18 incorporeal personal property and includes, among other property,
19 contraband and money.

20 (47) "Personal use" means for the private use of the individual
21 taking the fish or shellfish and not for sale or barter.

22 (48) "Predatory birds" means wild birds that may be hunted
23 throughout the year as authorized by the commission.

24 (49) "Prohibited aquatic animal species" means an invasive species
25 of the animal kingdom that has been classified as a prohibited aquatic
26 animal species by the commission.

27 (50) "Protected wildlife" means wildlife designated by the
28 commission that shall not be hunted or fished.

29 (51) "Raffle" means an activity in which tickets bearing an
30 individual number are sold for not more than twenty-five dollars each
31 and in which a permit or permits are awarded to hunt or for access to
32 hunt big game animals or wild turkeys on the basis of a drawing from
33 the tickets by the person or persons conducting the raffle.

34 (52) "Recreational and commercial watercraft" includes the boat, as
35 well as equipment used to transport the boat, and any auxiliary
36 equipment such as attached or detached outboard motors.

37 (53) "Regulated aquatic animal species" means a potentially

1 invasive species of the animal kingdom that has been classified as a
2 regulated aquatic animal species by the commission.

3 (54) "Resident" has the same meaning as defined in RCW 77.08.075.

4 (55) "Retail-eligible species" means commercially harvested salmon,
5 crab, and sturgeon.

6 (56) "Saltwater" means those marine waters seaward of river mouths.

7 (57) "Seaweed" means marine aquatic plant species that are
8 dependent upon the marine aquatic or tidal environment, and exist in
9 either an attached or free floating form, and includes but is not
10 limited to marine aquatic plants in the classes Chlorophyta,
11 Phaeophyta, and Rhodophyta.

12 (58) "Senior" means a person seventy years old or older.

13 (59) "Shark fin" means a raw, dried, or otherwise processed
14 detached fin or tail of a shark.

15 (60)(a) "Shark fin derivative product" means any product intended
16 for use by humans or animals that is derived in whole or in part from
17 shark fins or shark fin cartilage.

18 (b) "Shark fin derivative product" does not include a drug approved
19 by the United States food and drug administration and available by
20 prescription only or medical device or vaccine approved by the United
21 States food and drug administration.

22 (61) "Shellfish" means those species of marine and freshwater
23 invertebrates that have been classified and that shall not be taken
24 except as authorized by rule of the commission. The term "shellfish"
25 includes all stages of development and the bodily parts of shellfish
26 species.

27 (62) "State waters" means all marine waters and fresh waters within
28 ordinary high water lines and within the territorial boundaries of the
29 state.

30 (63) "Taxidermist" means a person who, for commercial purposes,
31 creates lifelike representations of fish and wildlife using fish and
32 wildlife parts and various supporting structures.

33 (64) "To fish," "to harvest," and "to take," and their derivatives
34 means an effort to kill, injure, harass, or catch a fish or shellfish.

35 (65) "To hunt" and its derivatives means an effort to kill, injure,
36 capture, or harass a wild animal or wild bird.

37 (66) "To process" and its derivatives mean preparing or preserving
38 fish, wildlife, or shellfish.

1 (67) "To trap" and its derivatives means a method of hunting using
2 devices to capture wild animals or wild birds.

3 (68) "Trafficking" means offering, attempting to engage, or
4 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
5 deleterious exotic wildlife.

6 (69) "Unclaimed" means that no owner of the property has been
7 identified or has requested, in writing, the release of the property to
8 themselves nor has the owner of the property designated an individual
9 to receive the property or paid the required postage to effect delivery
10 of the property.

11 (70) "Unlisted aquatic animal species" means a nonnative animal
12 species that has not been classified as a prohibited aquatic animal
13 species, a regulated aquatic animal species, or an unregulated aquatic
14 animal species by the commission.

15 (71) "Unregulated aquatic animal species" means a nonnative animal
16 species that has been classified as an unregulated aquatic animal
17 species by the commission.

18 (72) "Wholesale fish dealer" means a person who, acting for
19 commercial purposes, takes possession or ownership of fish or shellfish
20 and sells, barter, or exchanges or attempts to sell, barter, or
21 exchange fish or shellfish that have been landed into the state of
22 Washington or entered the state of Washington in interstate or foreign
23 commerce.

24 (73) "Wild animals" means those species of the class Mammalia whose
25 members exist in Washington in a wild state. The term "wild animal"
26 does not include feral domestic mammals or old world rats and mice of
27 the family Muridae of the order Rodentia.

28 (74) "Wild birds" means those species of the class Aves whose
29 members exist in Washington in a wild state.

30 (75) "Wildlife" means all species of the animal kingdom whose
31 members exist in Washington in a wild state. This includes but is not
32 limited to mammals, birds, reptiles, amphibians, fish, and
33 invertebrates. The term "wildlife" does not include feral domestic
34 mammals, old world rats and mice of the family Muridae of the order
35 Rodentia, or those fish, shellfish, and marine invertebrates classified
36 as food fish or shellfish by the director. The term "wildlife"
37 includes all stages of development and the bodily parts of wildlife
38 members.

1 (76) "Wildlife meat cutter" means a person who packs, cuts,
2 processes, or stores wildlife for consumption for another for
3 commercial purposes.

4 (77) "Youth" means a person fifteen years old for fishing and under
5 sixteen years old for hunting.

6 (78) "Participating landowner" means a private landowner who has
7 contractually agreed with the department under section 3 of this act to
8 allow public recreational access on private land.

9 NEW SECTION. Sec. 2. (1) The department, in cooperation with the
10 state conservation commission, must conduct outreach with private
11 landowners in an attempt to establish a network of private landholdings
12 upon which the public is invited by the owners to pursue recreational
13 activities, including hunting and fishing, consistent with this
14 chapter.

15 (2) Upon receiving commitments of participation by a number of
16 landowners representing a number of acres determined by the department
17 to be significant enough to move forward, the department must initiate
18 and manage public access on the participating private lands consistent
19 with this chapter.

20 (3) In initiating and managing public access, the department must
21 work in cooperation with the state conservation commission regarding
22 outreach to and communication with participating landowners.

23 NEW SECTION. Sec. 3. (1) Landowners participating in public
24 access under this section must sign a contract with the department
25 outlining the responsibilities and expectations of the landowner and
26 the department.

27 (2) Participating landowners are expected to allow public
28 recreational access on portions of landholdings specifically identified
29 for this purpose. Landowners are not required to allow access on all
30 contiguous lands in order to participate under this chapter and may
31 close otherwise included parcels on a temporary basis when the
32 landowner's use of the land is incompatible with public access or on a
33 seasonal basis.

34 (3) Except as otherwise provided in this chapter, the agreement
35 between a participating landowner and the department must allow for
36 unlimited recreational access on all included landholdings.

1 (4) Participating landowners are entitled to a share of revenue
2 generated by permit sales under section 4 of this act in consideration
3 for allowing public access. However, the landowner may not implement
4 any other access-for-fee agreements.

5 (5) Participation in the public access program is voluntary and no
6 landowner may be compelled to participate.

7 NEW SECTION. **Sec. 4.** (1) Only individuals in possession of a
8 valid annual public-private access permit may access private lands
9 identified for public access by the department under this section for
10 the purposes of recreation.

11 (2) Annual public-private access permits must be made available for
12 purchase through the department's automated licensing system consistent
13 with RCW 77.32.050. The cost of a public-private access permit is
14 thirty-five dollars.

15 (3) All revenue collected from the sales of public-private access
16 permits must be deposited into the public-private recreational access
17 account created in section 5 of this act.

18 NEW SECTION. **Sec. 5.** (1) The public-private recreational access
19 account is created in the state treasury. All receipts from the sales
20 of public-private access permits under section 4 of this act must be
21 deposited in the account. Moneys in the account may be spent only
22 after appropriation.

23 (2) Expenditures from the account may only be used as follows:

24 (a) Twenty percent of revenue in the account may be used by the
25 department, in cooperation with the state conservation commission, to
26 reach out to additional landowners for participation in the program
27 created in this chapter and to manage all related contract management
28 issues;

29 (b) Twenty percent of revenue in the account may be used by the
30 department for enforcement efforts on land owned by private landowners
31 participating in the program created under this chapter; and

32 (c) Sixty percent of revenue in the account may be used by the
33 department to reimburse landowners participating in the access program
34 created by this chapter in consideration for the use of their land by
35 public recreationalists.

1 (3) The department must determine by rule how reimbursement amounts
2 to participating landowners will be determined.

3 NEW SECTION. **Sec. 6.** (1) The department may specify rules or
4 policies for public recreationists to follow when recreating on land
5 owned by a participating landowner. The rules and policies must be
6 applicable to all lands included for public access under this section
7 and, to the degree practicable, be developed in coordination with the
8 participating landowners and the state conservation commission.

9 (2) Any violation of a rule or policy developed under this section
10 is a natural resources infraction subject to the provisions of chapter
11 7.84 RCW.

12 NEW SECTION. **Sec. 7.** (1) Any person who is found recreating on
13 the land of a participating landowner without a valid public-private
14 access permit is guilty of criminal trespass in the second degree as
15 provided in RCW 9A.52.080.

16 (2) Any person who is found liable under RCW 4.24.630 or who
17 commits a violation of any of the following while on the land of a
18 participating landowner shall have his or her public-private access
19 permit immediately confiscated and is prohibited from possessing
20 another public-private access permit for five years:

21 (a) Any violation of Title 77 RCW;

22 (b) Any violation of RCW 70.93.060;

23 (c) Any violation of chapter 9A.48 RCW;

24 (d) Any violation of RCW 9.91.150; or

25 (e) Any rule or policy developed by the department under section 6
26 of this act.

27 (3) This chapter may be enforced by the department and any local
28 law enforcement agency.

29 **Sec. 8.** RCW 4.24.210 and 2012 c 15 s 1 are each amended to read as
30 follows:

31 (1) Except as otherwise provided in subsection (3) (~~(or (4))~~) of
32 this section, any public or private landowners, hydroelectric project
33 owners, or others in lawful possession and control of any lands whether
34 designated resource, rural, or urban, or water areas or channels and
35 lands adjacent to such areas or channels, who allow members of the

1 public to use them for the purposes of outdoor recreation, which term
2 includes, but is not limited to, the cutting, gathering, and removing
3 of firewood by private persons for their personal use without
4 purchasing the firewood from the landowner, hunting, fishing, camping,
5 picnicking, swimming, hiking, bicycling, skateboarding or other
6 nonmotorized wheel-based activities, aviation activities including, but
7 not limited to, the operation of airplanes, ultra-light airplanes, hang
8 gliders, parachutes, and paragliders, rock climbing, the riding of
9 horses or other animals, clam digging, pleasure driving of off-road
10 vehicles, snowmobiles, and other vehicles, boating, kayaking, canoeing,
11 rafting, nature study, winter or water sports, viewing or enjoying
12 historical, archaeological, scenic, or scientific sites, without
13 charging a fee of any kind therefor, shall not be liable for
14 unintentional injuries to such users.

15 (2) Except as otherwise provided in subsection (3) (~~(or (4))~~) of
16 this section, any public or private landowner or others in lawful
17 possession and control of any lands whether rural or urban, or water
18 areas or channels and lands adjacent to such areas or channels, who
19 offer or allow such land to be used for purposes of a fish or wildlife
20 cooperative project, or allow access to such land for cleanup of litter
21 or other solid waste, shall not be liable for unintentional injuries to
22 any volunteer group or to any other users.

23 ~~(3) ((Any public or private landowner, or others in lawful
24 possession and control of the land, may charge an administrative fee of
25 up to twenty five dollars for the cutting, gathering, and removing of
26 firewood from the land.~~

27 ~~(4)(a))~~ Nothing in this section shall prevent the liability of a
28 landowner or others in lawful possession and control for injuries
29 sustained to users by reason of a known dangerous artificial latent
30 condition for which warning signs have not been conspicuously posted(~~(-~~
31 ~~(+))~~) or written notice has not been provided to the user.

32 However:

33 (a) A fixed anchor used in rock climbing and put in place by
34 someone other than a landowner is not a known dangerous artificial
35 latent condition and a landowner under subsection (1) of this section
36 shall not be liable for unintentional injuries resulting from the
37 condition or use of such an anchor(~~(-~~

38 ~~(+))~~);

1 **(b)** Releasing water or flows and making waterways or channels
2 available for kayaking, canoeing, or rafting purposes pursuant to and
3 in substantial compliance with a hydroelectric license issued by the
4 federal energy regulatory commission, and making adjacent lands
5 available for purposes of allowing viewing of such activities, does not
6 create a known dangerous artificial latent condition and hydroelectric
7 project owners under subsection (1) of this section shall not be liable
8 for unintentional injuries to the recreational users and observers
9 resulting from such releases and activities.

10 ~~((b))~~ **(4)** Nothing in RCW 4.24.200 and this section limits or
11 expands in any way the doctrine of attractive nuisance.

12 ~~((e))~~ **(5)** Usage by members of the public, volunteer groups, or
13 other users is permissive and does not support any claim of adverse
14 possession.

15 ~~((5))~~ **(6)** Nothing in this section prevents a landowner from
16 excluding access to individuals who violate rules or conditions of
17 access established by the landowner.

18 **(7)** A landowner who allows recreational access consistent with
19 chapter 77.-- RCW (the new chapter created in section 11 of this act)
20 is not liable to a third party for the intentional, reckless, or
21 negligent acts of recreational users granted access to the property.

22 **(8)** For purposes of this section, the following are not fees:

23 (a) A license or permit issued for statewide use under authority of
24 chapter 79A.05 RCW or Title 77 RCW;

25 (b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
26 79A.80.040; ~~((and))~~

27 (c) A daily charge not to exceed twenty dollars per person, per
28 day, for access to a publicly owned ORV sports park, as defined in RCW
29 46.09.310, or other public facility accessed by a highway, street, or
30 nonhighway road for the purposes of off-road vehicle use;

31 **(d)** Payments from state or local governments to a landowner to
32 facilitate or manage public access, including distributions from the
33 public-private recreational access account created in section 5 of this
34 act; and

35 **(e)** A daily charge of up to twenty-five dollars for the cutting,
36 gathering, and removing of firewood.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 82.04 RCW
2 to read as follows:

3 This chapter does not apply to amounts received by businesses from
4 the department of fish and wildlife through the public-private
5 recreational access account created in section 5 of this act in
6 consideration for providing public recreational access under chapter
7 77.-- RCW (the new chapter created in section 11 of this act).

8 **Sec. 10.** RCW 9A.52.090 and 2011 c 336 s 374 are each amended to
9 read as follows:

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

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

14 (2) The premises were at the time open to members of the public and
15 the actor complied with all lawful conditions imposed on access to or
16 remaining in the premises, including the possession of a valid public-
17 private access permit issued under section 4 of this act; or

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

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

28 NEW SECTION. **Sec. 11.** Sections 2 through 7 of this act constitute
29 a new chapter in Title 77 RCW.

--- END ---