

TITLE 7. PUBLIC PEACE, MORALS, AND WELFARE

Chapter 7.8

BURGLARY AND TRESPASS

Sections:

- 7.8.1 Definitions.
- 7.8.2 Burglary in the First Degree.
- 7.8.3 Burglary in the Second Degree.
- 7.8.4 Inference of Intent.
- 7.8.5 Other Crime in Committing Burglary Punishable.
- 7.8.6 Making or Having Burglar Tools.
- 7.8.7 Criminal Trespass in the First Degree.
- 7.8.8 Criminal Trespass in the Second Degree.
- 7.8.9 Vehicle Prowling.

7.8.1. Definitions. The following definitions apply in this title:

(a) "Premises" includes any building, dwelling, or any real property.

(b) "Enter." The word "enter," when constituting an element or part of a crime, shall include the entrance of the person or the insertion of any part of his or her body or any instrument or weapon held in his or her hand and used or intended to be used to threaten or intimidate a person or to detach or remove property.

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

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him or her by the owner of the land or some other authorized person or unless notice is given by posting in a conspicuous manner. (Res. 93-025 (part), passed Mar. 8, 1993)

7.8.2. Burglary in the First Degree. (a) A person is guilty of burglary in the first degree if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a dwelling and if in entering or while in the dwelling or in immediate flight therefrom, the actor or another participant in the crime:

(1) Is armed with a deadly weapon; or

(2) Assaults any person therein.

(b) Burglary in the first degree is a felony. (Res. 93-025 (part), passed Mar. 8, 1993)

7.8.3. Burglary in the Second Degree. (a) A person is guilty of burglary in the second degree if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a building other than a vehicle.

(b) Burglary in the second degree is a felony. (Res. 93-025 (part), passed Mar. 8, 1993)

7.8.4. Inference of Intent. In any prosecution for burglary, any person who enters or remains unlawfully in a building may be inferred to have acted with intent to commit a crime against a person or property therein, unless such entering or remaining shall be explained by evidence satisfactory to the trier of fact to have been made without such criminal intent. (Res. 93-025 (part), passed Mar. 8, 1993)

7.8.5. Other Crime in Committing Burglary Punishable. Every person who in the commission of a burglary shall commit any other crime may be punished therefor as well as for the burglary, and may be prosecuted for each crime separately. (Res. 93-025 (part), passed Mar. 8, 1993)

7.8.6. Making or Having Burglar Tools. (a) Every person who shall make or mend or cause to be made or mended, or have in his or her possession any engine, machine, tool, false key, pick lock, bit, nippers, or implement adapted, designed, or commonly used for the commission of burglary under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of a burglary, or knowing that the same is intended to be so used shall be guilty of making or having burglar tools.

(b) Making or having burglar tools is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

7.8.7. Criminal Trespass in the First Degree. (a) A person is guilty of criminal trespass in the first degree if he or she knowingly enters or unlawfully remains in lands or buildings of another which are posted, fenced, or otherwise enclosed in a manner designed to exclude intruders.

(b) A person is guilty of criminal trespass in the first degree if he or she knowingly enters or unlawfully remains in lands or buildings of another after being put on notice by the owner, occupant, or caretaker of the property that the person's presence is not allowed.

(c) A person is guilty of criminal trespass in the first degree if he or she enters the Port Madison Indian Reservation in violation of the terms of an exclusion order issued pursuant to Suquamish Tribal Code Title 5, Chapter 3.

(d) A person is guilty of criminal trespass in the first degree if he or she enters or remains unlawfully in a building or on lands owned by the Suquamish Tribe, in fee or as the holder of a beneficial interest in land held in trust by the federal government, without the express or implied permission of the Suquamish Tribal Council; provided that Suquamish Tribal members, their spouses, and their children may enter any tribal building or real property not posted, locked, fenced, or otherwise enclosed in a manner designed to exclude intruders unless they are put on notice by a duly authorized agent of the Suquamish Tribe that their presence is not allowed.

(e) Criminal trespass in the first degree is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993; amended by Res. 97-002 (part), passed Jan. 25, 1997; amended by Res. 97-106, passed Oct. 20, 1997)

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

(b) Criminal trespass in the second degree is a misdemeanor. (Res. 97-002, passed Jan. 27, 1997)

7.8.9. Vehicle Prowling. (a) A person is guilty of vehicle prowling if with intent to commit a crime against a person or property therein he or she enters or remains unlawfully in a vehicle.

(b) Vehicle prowling is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

Note 1: Sections in this chapter have been renumbered for consistency, dropping leading zeroes in sections 7.8.01-7.8.07, renumbering section 7.8.075 to 7.8.8, and renumbering section 7.8.08 to 7.8.9. (Res. 2016-090, Jun. 20, 2016)

Note 2: All subsections in this chapter have been renumbered for consistency, as follows. The example also reflects renumbering of the sections in this chapter. (Res. 2016-090, Jun. 20, 2016)

All Arabic numerals (1, 2, 3, etc.) used as subsection headings have been changed to lower case letters (a, b, c, etc.)

All lower case letters have been changed to Arabic numerals

Example: What was previously 7.8.02(1)(a) is now 7.8.2(a)(1)