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**SENATE BILL 5941**

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**State of Washington 65th Legislature 2017 1st Special Session**

**By** Senator Honeyford

AN ACT Relating to prohibiting the use of a mask, hood, or device under certain conditions; adding a new section to chapter 9.91 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature finds that a threat to the public safety and welfare exists due to recent actions by organized groups whose members wear masks while committing criminal acts. Under the guise of political speech, acts of vandalism and violence have occurred, which impact the health, safety, and welfare of citizens of the state. While the legislature applauds and affirms the constitutional rights of peaceful protesters, it has become necessary to protect the property and persons of its citizens and to aid law enforcement in the investigation and prosecution of a small but dangerous group of individuals who conceal their identities while committing illegal acts under the guise of political protest. In furtherance of this goal, the state of Washington finds it is necessary to have a law that limits people from appearing masked in public. The legislature finds that several states and the District of Columbia have such laws that have withstood constitutional challenges. Similar common sense legislation is necessary in order to strike a balance between the use of masks for ordinary, legitimate, noncriminal, legal, and reasonable purposes, and those who would use them in order to conceal their identities to facilitate crimes.

NEW SECTION. **Sec.**  A new section is added to chapter 9.91 RCW to read as follows:

(1) Except as otherwise provided in this section, any person, while wearing any mask, hood, or device whereby any portion of the face is so covered as to conceal the identity of the wearer, may not:

(a) Enter or remain upon any walk, alley, street, road, highway, or other thoroughfare dedicated to public use;

(b) Enter or remain in any trading area, concourse, waiting room, lobby, or foyer open to, used by, or frequented by the general public;

(c) Enter or remain upon or within any of the grounds or buildings owned, leased, maintained, or operated by the state or any political subdivision thereof;

(d) Attend or participate in any meeting upon private property of another unless written permission for the meeting has first been obtained from the owner or occupant thereof.

(2) This section does not apply to any person:

(a) Under sixteen years of age;

(b) Wearing a head covering or veil pursuant to religious beliefs or customs;

(c) Wearing a traditional holiday costume;

(d) Engaged in a trade or employment where a mask, hood, or device is worn for the purpose of ensuring the physical safety of the wearer;

(e) Using a mask, hood, or device in theatrical productions, including use in mardi gras celebrations or similar masquerade balls;

(f) Wearing a mask, hood, or device prescribed for civil defense drills, exercises, or emergencies;

(g) Wearing a mask, hood, or device for the sole purpose of protection from the elements or while participating in a sport.

(3) A person in violation of this section is guilty of a gross misdemeanor.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

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