
HOUSE BILL 2051

State of Washington

54th Legislature

1995 Regular Session

By Representatives L. Thomas, Rust, R. Fisher, Valle, Patterson, Romero, Ogden, Dellwo, Cole, Morris and Chopp

Read first time 02/24/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to the civil rights act of 1995; and adding a new
2 chapter to Title 7 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature hereby declares that the
5 state Constitution embodies a public policy of the highest priority.
6 This chapter shall be known as the civil rights act of 1995. It is an
7 exercise of the police power of the state of Washington to protect the
8 public welfare, health, and peace of the people of the state of
9 Washington to fulfill the provisions of the state Constitution. It is
10 the intent of the legislature that persons who are victimized by a
11 violation of the state Constitution be eligible for all remedies and
12 that future violations of the state Constitution be deterred thereby.
13 The statute shall be construed liberally for the accomplishment of its
14 declared purpose to provide broader, and no fewer, remedies than those
15 available under comparable federal civil rights statutes.

16 NEW SECTION. **Sec. 2.** Every natural person, corporation, or
17 governmental entity which, under color of any statute, ordinance,
18 regulation, custom, or usage, subjects or causes to be subjected, any

1 citizen, inhabitant, or domiciliary of the state of Washington to the
2 deprivation of any rights, privileges, or immunities secured by the
3 state Constitution, shall be liable to the party injured in an action
4 at law, suit in equity, or other proper proceeding for the redress.

5 NEW SECTION. **Sec. 3.** In any action or proceeding to enforce a
6 provision of this chapter the court, in its discretion, may allow the
7 prevailing party reasonable attorneys' fees as part of the costs.
8 Attorneys' fees shall be awarded to the prevailing plaintiff unless
9 special circumstances exist to render such an award unjust. A
10 prevailing defendant may be awarded attorneys' fees under the terms of
11 this chapter only where the underlying claim is frivolous or totally
12 without merit.

13 NEW SECTION. **Sec. 4.** In awarding attorneys' fees, under the terms
14 of this chapter, the court, in its discretion, may include expert fees
15 as part of the attorneys' fees.

16 NEW SECTION. **Sec. 5.** Included in the costs recoverable as
17 attorneys' fees are any and all costs recoverable by the prevailing
18 party under RCW 49.60.030(2).

19 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act shall
20 constitute a new chapter in Title 7 RCW.

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