
SENATE BILL 5072

State of Washington

54th Legislature

1995 Regular Session

By Senators Haugen and Winsley

Read first time 01/09/95. Referred to Committee on Government Operations.

1 AN ACT Relating to open public meetings; amending RCW 42.30.120;
2 and prescribing penalties.

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

4 **Sec. 1.** RCW 42.30.120 and 1985 c 69 s 1 are each amended to read
5 as follows:

6 (1) Each member of the governing body who attends a meeting of such
7 governing body where action is taken in violation of any provision of
8 this chapter applicable to him or her, with knowledge of the fact that
9 the meeting is in violation thereof, shall be subject to personal
10 liability in the form of a civil penalty in the amount of one hundred
11 dollars for the first violation. For a second violation of this
12 section by the same person associated with the same governing body, a
13 civil fine of up to one thousand dollars may be imposed. Upon a third
14 violation of this section by the same person connected with the same
15 governing body, the person shall forfeit any further right to serve on
16 the governing body or in any other capacity with the public body for a
17 period of time equal to the term of office the person was then serving.
18 The civil penalty shall be assessed by a judge of the superior court
19 and an action to enforce this penalty may be brought by any person. A

1 violation of this chapter does not constitute a crime and assessment of
2 the civil penalty by a judge shall not give rise to any disability or
3 legal disadvantage based on conviction of a criminal offense.

4 (2) Any person who prevails against a public agency in any action
5 in the courts for a violation of this chapter shall be awarded all
6 costs, including reasonable attorney fees, incurred in connection with
7 such legal action. Pursuant to RCW 4.84.185, any public agency who
8 prevails in any action in the courts for a violation of this chapter
9 may be awarded reasonable expenses and attorney fees upon final
10 judgment and written findings by the trial judge that the action was
11 frivolous and advanced without reasonable cause.

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