

ESSB 6239 - H AMD 907

By Representative Smith

WITHDRAWN 02/08/2012

1 On page 1, after line 10, insert the following:

2 NEW SECTION. Sec. 1. A new section is added to chapter 26.04 RCW
3 to read as follows:

4 (1) The legislature recognizes that the First Amendment to the
5 United States Constitution applies to the states and provides that
6 "Congress shall make no law...abridging the freedom of speech...." and
7 Article I, section 5 of the Washington state Constitution provides
8 that "Every person may freely speak, write and publish on all
9 subjects, being responsible for the abuse of that right."

10 (2) The legislature finds that pure free speech, that is, mere
11 written or spoken words alone, that lawfully expresses a person's
12 opinions or beliefs regarding marriage between a man and a woman, or
13 between two persons of the same gender, should not subject the person
14 to civil or criminal liability.

15 (3) The legislature further finds that such lawful expressions of
16 opinions or beliefs are not based on a view of a person's sexual
17 orientation but are based on a view of the institution of marriage,
18 regardless of a person's sexual orientation.

19

20 NEW SECTION. Sec. 2. A new section is added to chapter 1.12 RCW
21 to read as follows:

22 Chapter . . . , Laws of 2012 (this act), chapter 521, Laws of 2009,
23 chapter 6, Laws of 2008, chapter 156, Laws of 2007, chapter 4, Laws of
24 2006, chapter 127, Laws of 1993, and any other provisions of this
25 code, are not intended, nor shall they be construed, to prevent,
26 burden, hinder, or otherwise interfere with any person in the lawful
27 exercise of his or her rights of free speech, or subject any person to

1 civil or criminal liability for the lawful exercise of his or her
2 rights of free speech, to express his or her opinions or beliefs
3 regarding marriage between a man and a woman or between persons of the
4 same gender."

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6 Renumber the remaining sections consecutively, correct any
7 internal references accordingly, and correct the title.

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EFFECT: Makes the following legislative findings: (1) written or spoken words alone lawfully expressing a person's opinions or beliefs about marriage should not subject the person to civil or criminal liability; and (2) lawful expressions of opinions or beliefs regarding marriage are not based on a view of a person's sexual orientation but rather are based on a view of the institution of marriage.

Provides that nothing in the bill, the domestic partnership statutes, and the malicious harassment statute shall be construed to prevent, burden, hinder, or interfere with any person's lawful exercise of free speech, or subject a person to civil or criminal liability for the lawful exercise of free speech to express opinions and beliefs about marriage between a man and a woman or between two persons of the same gender.

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