

# SENATE BILL REPORT

## SB 6537

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As of February 1, 1996

**Title:** An act relating to the civil rights act of 1996.

**Brief Description:** Proposing the civil rights act of 1996.

**Sponsors:** Senators Roach, Hargrove, Kohl, Heavey, McCaslin, Schow, Hochstatter, Haugen, Fairley, Oke and Winsley.

**Brief History:**

**Committee Activity:** Law & Justice: 2/1/96.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Lidia Mori (786-7755)

**Background:** The federal Civil Rights Act of 1871, which is codified in 42 U.S.C. Sec. 1983, provides redress for deprivation, under color of state law, of rights secured by the Constitution. There is no comparable Washington State statute. Case law has interpreted the purpose of Sec. 1983 to be deterrence of state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights and to provide relief to victims if such deterrence fails. There is a belief that such deterrence and relief should be expressed in Washington State laws.

**Summary of Bill:** A governmental entity or person who, under color of any statute, ordinance, regulation, custom, or in any manner prohibited by the state Constitution deprives a resident of the state of Washington of any right, privilege, or immunity secured by the state Constitution is liable to the injured person. The court may award attorneys' fees and costs, including expert witness fees, to the prevailing party and must award the attorneys' fees unless the award would be unjust. Attorneys' fees may be awarded to a prevailing defendant only when the underlying claim is frivolous or totally without merit. This legislation is construed liberally and provides no fewer remedies than are available under the Civil Rights Act of 1871.

**Appropriation:** None.

**Fiscal Note:** Requested on January 30, 1996.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.