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SENATE BILL 6537

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State of Washington

54th Legislature

1996 Regular Session

By Senators Roach, Hargrove, Kohl, Heavey, McCaslin, Schow,  
Hochstatter, Haugen, Fairley, Oke and Winsley

Read first time 01/17/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to the civil rights act of 1996; 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 1996. 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 and to fulfill the provisions of the state Constitution. It  
10 is 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 NEW SECTION. **Sec. 2.** Every natural person, or governmental  
14 entity, that, under color of any statute, ordinance, regulation,  
15 custom, or usage, or in any manner otherwise prohibited by the state  
16 Constitution, subjects or causes to be subjected, any resident,  
17 inhabitant, or domiciliary of the state of Washington to the  
18 deprivation of any rights, privileges, or immunities secured by the

1 state Constitution, is liable to the party injured in an action at law,  
2 suit in equity, or other proper proceeding for the redress.

3 NEW SECTION. **Sec. 3.** The provisions of this chapter shall be  
4 construed liberally for the accomplishment of the purposes thereof, and  
5 shall provide no fewer remedies than those available under the civil  
6 rights act of 1871 (42 U.S.C. Sec. 1983). Nothing contained in this  
7 chapter shall be construed to deny the right of any person to institute  
8 any action or pursue any civil or criminal remedy based upon an alleged  
9 violation of his or her civil rights.

10 NEW SECTION. **Sec. 4.** In any action or proceeding to enforce a  
11 provision of this chapter the court, in its discretion, may allow the  
12 prevailing party reasonable attorneys' fees and all costs, including,  
13 but not limited to, expert witness fees. Attorneys' fees shall be  
14 awarded to the prevailing plaintiff unless special circumstances exist  
15 to render such an award unjust. A prevailing defendant may be awarded  
16 attorneys' fees under the provisions of this chapter only where the  
17 underlying claim is frivolous or totally without merit.

18 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act shall  
19 constitute a new chapter in Title 7 RCW.

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