

1 **ESSB 5629** - H AMD TO AG COMM AMD (H2804.2) **542 WITHDRAWN 4-18-91**
2 By Representative Rayburn

3 On page 2 of the committee amendment, strike lines 19
4 through 23 and insert:

5 "(2) Any person or organization that plans or assists in
6 the development of a plan to commit an intentional tort covered
7 by subsection (1) of this section is liable for damages to the
8 same extent as a person who has committed the tort. However, a
9 person or organization that assists in the development of a plan
10 is not liable under this subsection, if, at the time of providing
11 the assistance the person or organization does not know, or have
12 reason to know, that the assistance is promoting the commission
13 of the tort. Membership in a liable organization does not in
14 itself establish the member's liability under this subsection.
15 The common law defense of prior renunciation is allowed in
16 actions brought under this subsection."

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19 On page 3 of the committee amendment, strike lines 9 through
20 13 and insert:

21 "(2) Any person or organization that plans or assists in the
22 development of a plan to commit an intentional tort covered by
23 subsection (1) of this section is liable for damages to the same

1 extent as a person who has committed the tort. However, a person
2 or organization that assists in the development of a plan is not
3 liable under this subsection, if, at the time of providing the
4 assistance the person or organization does not know, or have
5 reason to know, that the assistance is promoting the commission
6 of the tort. Membership in a liable organization does not in
7 itself establish the member's liability under this subsection.
8 The common law defense of prior renunciation is allowed in
9 actions brought under this subsection."

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12 On page 4 of the committee amendment, line 3, after "out"
13 strike all material through "other" on line 6 and insert: ",
14 which is knowingly made for the purpose of stopping or modifying
15 the use of animals, and which either (1) would cause injury to
16 the person or property of the recipient, or result in the
17 recipient's physical confinement or restraint, or (2) is a
18 malicious threat to do any"

EFFECT: The first two amendments clarify liability and
insulate from liability persons who do not knowingly
participate in planning the intentional tort. The last
amendment corrects faulty grammar.