

1 **SHB 1338** - H AMD TO H AMD 194 000219 LOST 3-16-93

2 By Representative Fuhrman

3 On page 1, line 30, after "located" insert "; and

4 (e) Any person lawfully exercising his or her right of free
5 speech and assembly on the facility or the common area of the real
6 property upon which the facility is located"

7 On page 2, after line 30, insert the following:

8 "NEW SECTION. **Sec. 5.** (1) It is unlawful for a person, alone
9 or in concert with others, to willfully or recklessly interfere
10 with a person:

11 (a) Who is not in violation of section 3 or 4 of this act; and

12 (b) Who is otherwise lawfully exercising his or her right of
13 free speech and assembly on the facility or the common area of the
14 real property upon which the facility is located.

15 (2) Interference includes the following:

16 (a) Assaulting, endangering, or maliciously harassing the
17 person in violation of chapter 9A.36 RCW;

18 (b) Restraining the person in violation of RCW 9A.40.040;

19 (c) Harassing the person in violation of chapter 9A.46 RCW;

20 (d) Maliciously causing physical damage to the property of the
21 person in violation of chapter 9A.48 RCW;

22 (e) Making telephone calls to the person in violation of
23 chapter 9.61 RCW; and

24 (f) Creating a public disturbance in violation of chapter
25 9A.84 RCW.

26 (3) A violation of this section is a gross misdemeanor
27 punishable as follows:

28 (a) For a first offense, a fine of not less than two hundred
29 fifty dollars and a jail term of not less than twenty-four
30 consecutive hours;

31 (b) For a second offense, a fine of not less than five hundred
32 dollars and a jail term of not less than seven consecutive days;

1 and

2 (c) For a third or subsequent offense, a fine of not less than
3 one thousand dollars and a jail term of not less than thirty
4 consecutive days."

5 On page 3, line 1, after "through (~~(+8)~~)" strike "(9)" and
6 insert "(10)"

7 On page 5, line 1, after "section" strike "3 or 4" and insert
8 "3, 4, or 5"

9 On page 5, line 10, after "section" strike "3 or 4" and insert
10 "3, 4, or 5"

11 On page 5, line 18, after "section" strike "3 or 4" and insert
12 "3, 4, or 5"

13 On page 6, line 3, after "section" strike "3 or 4" and insert
14 "3, 4, or 5"

15 On page 6, line 6, after "section" strike "3 or 4" and insert
16 "3, 4, or 5"

17 On page 6, line 8, after "Section 3" insert "and 4"

18 On page 6, line 20, after "section 3" insert "or 4"

19 On page 7, line 9, after "section" strike "3 or 4" and insert
20 "3, 4, or 5"

21 Renumber the remaining sections consecutively and correct
22 internal references accordingly.

EFFECT: This amendment provides penalties for individuals who unlawfully interfere with persons who are not in violation of section 3 or 4 of this act and who are otherwise lawfully exercising their free speech and assembly rights at the health care facility or the common areas of the real property where the facility is located.

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