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SENATE BILL 6170

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State of Washington

56th Legislature

2000 Regular Session

By Senators Fairley and Franklin

Read first time 01/10/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to actions against churches; adding a new section  
2 to chapter 4.08 RCW; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. The legislature finds  
5 that a church is not liable for the intentional or criminal acts of a  
6 third party unless the church has either a duty to control the third  
7 party or a duty to protect the victim. Recent court decisions, such as  
8 *Funkhouser v. Wilson*, 138 Wash.2d 699, 985 P.2d 262 (1999), have  
9 confused these theories of liability. It is the intent of the  
10 legislature to clarify when an action in tort based on the intentional  
11 or criminal act of a third party may be maintained against a church.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.08 RCW  
13 to read as follows:

14 ACTION AGAINST CHURCHES. An action in tort based on the  
15 intentional or criminal act of a third party may not be maintained  
16 against a church unless the act occurred while:

17 (1) The third party was working in a paid or a volunteer position  
18 for the church;

1           (2) The victim was on the premises of the church;  
2           (3) The victim was in the custody of the church; or  
3           (4) The victim was participating in an activity sponsored or  
4 organized by the church.

5           NEW SECTION. **Sec. 3.** CAPTIONS. Captions used in this act are not  
6 any part of the law.

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