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## Community Safety Committee

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### ESSB 5436

**Brief Description:** Interfering with access to a place of religious worship.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Salomon, Valdez, Wellman, Braun, Chapman, Cortes, Dhingra, Hasegawa, Orwall, Saldaña and Schoesler).

<p style="text-align: center;"><b>Brief Summary of Engrossed Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Creates a new offense related to interfering with a place of worship or disrupting the normal functioning of religious services.</li><li>• Provides civil remedies for persons aggrieved by the prohibited acts.</li></ul>
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**Hearing Date:** 2/19/26

**Staff:** Lena Langer (786-7192).

**Background:**

Religious Freedom.

The First Amendment of the United States Constitution prohibits Congress from making laws respecting an establishment of religion or prohibiting the free exercise of religion. Article I, Section 11 of the Washington Constitution guarantees all individuals absolute freedom of conscience in matters of religious sentiment, belief, and worship; and provides that no person or their property may be disturbed on account of their religion, although this freedom does not excuse acts of licentiousness or threats to peace and safety.

Freedom of Access to Clinic Entrances Act.

The 1994 Freedom of Access to Clinic Entrances Act (Act) prohibits the use or threat of force and physical obstruction that injures, intimidates, or interferes with a person seeking to obtain or

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provide reproductive health services or to exercise the First Amendment right of religious freedom at a place of religious worship. It also prohibits intentional property damage of a facility providing reproductive health services or a place of religious worship. There are both criminal and civil penalties under the Act.

#### Interference with Health Care Facilities.

The state also prohibits interference with health care facilities or providers. Under state law, it is unlawful for a person, alone or in concert with others, to willfully or recklessly interfere with access to or from a health care facility or willfully or recklessly disrupt the normal functioning of such a facility by:

- physically obstructing or impeding the free passage of a person seeking to enter or depart from the facility or from the common area of the real property upon which the facility is located;
- making noise that unreasonably disturbs the peace within the facility;
- trespassing on the facility or the common areas of the real property upon which the facility is located;
- telephoning the facility repeatedly, or knowingly permitting any telephone under the person's control to be used for such purpose; or
- threatening to inflict injury on the owners, agents, patients, employees, or property of the facility or knowingly permitting any telephone under the person's control to be used for such purpose.

Interference with a Health Care Facility is a gross misdemeanor, and has the following mandatory minimum sentences:

- for a first offense, a \$250 fine and one day in jail;
- for a second offense, a \$500 fine and seven consecutive days in jail; and
- for a third or subsequent offense, a \$1,000 fine and 30 consecutive days in jail.

In addition to actual damages, a person aggrieved by the prohibited actions may, in a civil suit, recover up to \$500 per day that the actions occurred, or up to \$5,000 for each day that the actions occurred if the aggrieved plaintiff is a health care facility.

#### **Summary of Bill:**

A new offense is created providing that it is unlawful for a person, alone or in concert with others, to willfully or recklessly interfere with access to or from a place of worship immediately prior to, during, or immediately after religious services, or willfully or recklessly disrupt the normal functioning of the religious services of a place of worship by:

- physically obstructing the free passage of a person seeking to enter or depart from a place of worship or from the common areas of the real property upon which the place of worship is located;
- trespassing on the place of worship or the common areas of the real property upon which the facility is located;
- telephoning the place of worship repeatedly or causing electronic communications to be

- sent to the place of worship repeatedly, or knowingly permitting any telephone or electronic communication device under the person's control to be used for such purpose; or
- threatening to inflict injury on the owners, agents, attendees, employees, or property of the place of worship or knowingly permitting any telephone or electronic communication devices under the person's control to be used for such purpose.

Interference with a Place of Worship is a gross misdemeanor.

"Place of worship" is defined as a location where persons regularly assemble for religious worship and which is maintained or controlled by a religious organization.

"Physically obstruct" is to render impassable ingress to or egress from a place of worship, or to render passage to or from a place of worship unreasonably difficult or hazardous.

An aggrieved person may seek civil damages from those who commit the prohibited actions and those who act in concert with them. A person does not have to be convicted of the offense to be held civilly liable. In addition to actual damages, an aggrieved person may recover costs, attorneys' fees, and up to \$500 per each day the prohibited actions occurred, or \$1,500 per each day the prohibited actions occurred if the aggrieved party is a place of worship. When appropriate, a superior court that has personal jurisdiction over one or more defendants may enjoin the original defendants and persons acting in concert with them.

An "aggrieved person" is:

- a person, physically present at the premises of a place of worship when the prohibited actions occur, whose access to the place of worship is physically obstructed;
- the religious organization or its employees or agents who control or maintain the place of worship where the prohibited actions occur; or
- the owner of the premises of the place of worship where the prohibited actions occur.

Courts must take all steps reasonably necessary to safeguard the individual privacy and prevent harassment of the agents or employees of a religious organization who are a party or witness in a criminal or civil action.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 9, 2026.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.