
ENGROSSED SUBSTITUTE SENATE BILL 5436

State of Washington

69th Legislature

2025 Regular Session

By Senate Law & Justice (originally sponsored by Senators Salomon, Valdez, Wellman, Braun, Chapman, Cortes, Dhingra, Hasegawa, Orwall, Saldaña, and Schoesler)

READ FIRST TIME 02/14/25.

1 AN ACT Relating to interfering with access to a place of
2 religious worship; adding a new chapter to Title 9A RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that access to
6 places of worship is imperative to the free exercise of religion in
7 the state of Washington and that impaired access to places of worship
8 raises substantial concerns regarding public safety and congestion of
9 public thoroughfares. Ensuring the safety and unobstructed access of
10 individuals entering and exiting places of worship is therefore a
11 compelling government interest and essential for the immediate
12 preservation of public peace, health, and safety. Toward that end,
13 this chapter is aimed at making unlawful conduct that would interfere
14 with a person's lawful exercise of that person's religious freedom
15 under the state Constitution and United States Constitution. The
16 legislature further finds that the protection of such persons from
17 such interference can be accomplished without infringing on
18 constitutionally protected speech or activity and affirms that its
19 intent is to not seek to favor one viewpoint over another or to limit
20 speech regarding any specific topic.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires
3 otherwise.

4 (1) "Aggrieved person" means any of the following:

5 (a) A person, physically present at the premises of a place of
6 worship when the prohibited actions occur, whose access to the place
7 of worship is physically obstructed;

8 (b) The religious organization or its employees or agents who
9 control or maintain the place of worship where the prohibited actions
10 occur; or

11 (c) The owner of the premises of the place of worship where the
12 prohibited actions occur.

13 (2) "Harass" has the same meaning as RCW 9A.46.020.

14 (3) "Interfere with" means to stop or to restrict a person's
15 freedom of movement.

16 (4) "Physically obstruct" means to render impassable ingress to
17 or egress from a place of worship, or to render passage to or from a
18 place of worship unreasonably difficult or hazardous.

19 (5) "Place of worship" means a location wherein persons regularly
20 assemble for religious worship and which is maintained or controlled
21 by a religious organization.

22 (6) "Premises of a place of worship" means any building that is
23 used as a place of worship and is maintained or controlled by a
24 religious organization.

25 (7) "Prohibited actions" mean any conduct referenced in section 3
26 of this act.

27 (8) "Religious organizations" include, but are not limited to,
28 churches, mosques, synagogues, gurudwara, temples, nondenominational
29 ministries, interdenominational and ecumenical organizations, mission
30 organizations, faith-based social agencies, and other entities whose
31 principal purpose is the study, practice, or advancement of religion.

32 (9) "Religious service" means a gathering of people organized by
33 a religious organization for the purpose of worship, religious
34 teaching, or other religious activities.

35 NEW SECTION. **Sec. 3.** (1) It is unlawful for a person except as
36 otherwise protected by state or federal law, alone or in concert with
37 others, to willfully or recklessly interfere with access to or from a
38 place of worship immediately prior to, during, or immediately after

1 religious services or willfully or recklessly disrupt the normal
2 functioning of the religious services of a place of worship by:

3 (a) Physically obstructing the free passage of a person seeking
4 to enter or depart from a place of worship or from the common areas
5 of the real property upon which the place of worship is located;

6 (b) Trespassing on the place of worship or the common areas of
7 the real property upon which the facility is located;

8 (c) Telephoning the place of worship repeatedly or causing
9 electronic communications to be sent to the place of worship
10 repeatedly, or knowingly permitting any telephone or electronic
11 communication device under his or her control to be used for such
12 purpose; or

13 (d) Threatening to inflict injury on the owners, agents,
14 attendees, employees, or property of the place of worship or
15 knowingly permitting any telephone or electronic communication
16 devices under his or her control to be used for such purpose.

17 (2) A violation of this section is a gross misdemeanor.

18 NEW SECTION. **Sec. 4.** (1) An aggrieved person may seek civil
19 damages from those who committed the actions prohibited by section 3
20 of this act and those acting in concert with them. A plaintiff in an
21 action brought under this chapter shall not recover more than the
22 plaintiff's actual damages and additional sums authorized in section
23 5 of this act. Once a plaintiff recovers the plaintiff's actual
24 damages and any additional sums authorized under this chapter,
25 additional damages shall not be recovered. A person does not have to
26 be criminally convicted of violating section 3 of this act to be held
27 civilly liable under this section. It is not necessary to prove
28 actual damages to recover the additional sums authorized under
29 section 5 of this act, costs, and attorneys' fees. The prevailing
30 party is entitled to recover costs and attorneys' fees.

31 (2) The superior courts of this state shall have authority to
32 grant temporary, preliminary, and permanent injunctive relief to
33 enjoin violations of this chapter.

34 (3) In appropriate circumstances, any superior court having
35 personal jurisdiction over one or more defendants may issue
36 injunctive relief that shall have binding effect on the original
37 defendants and persons acting in concert with the original
38 defendants, in any county in the state.

1 (4) Due to the nature of the harm involved, injunctive relief may
2 be issued without bond in the discretion of the court,
3 notwithstanding any other requirement imposed by statute.

4 (5) The state and its political subdivisions shall cooperate in
5 the enforcement of court injunctions that seek to protect against
6 acts prohibited by this chapter.

7 NEW SECTION. **Sec. 5.** In a civil action brought under this
8 chapter, an individual plaintiff aggrieved by the actions prohibited
9 by section 3 of this act may be entitled to recover up to \$500 for
10 each day that the prohibited actions occurred, or up to \$1,500 for
11 each day that the actions occurred if the plaintiff aggrieved by the
12 actions prohibited under section 3 of this act is a place of worship.

13 NEW SECTION. **Sec. 6.** Nothing in section 3 of this act shall
14 prohibit either lawful picketing or other publicity for the purpose
15 of providing the public with information.

16 NEW SECTION. **Sec. 7.** Nothing in this chapter shall be construed
17 to limit the right to seek other available criminal or civil
18 remedies. The remedies provided in this chapter are cumulative, not
19 exclusive.

20 NEW SECTION. **Sec. 8.** A court having jurisdiction over a
21 criminal or civil proceeding under this chapter shall take all steps
22 reasonably necessary to safeguard the individual privacy and prevent
23 harassment of the agents or employees of a religious organization who
24 are a party or witness in a proceeding, including granting protective
25 orders and orders in limine.

26 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act
27 constitute a new chapter in Title 9A RCW.

28 NEW SECTION. **Sec. 10.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

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