

1 **ESSB 5629** - H AMD TO AG COMM AMD (H2804.2) **612 ADOPTED 4-19-91**
2 By Representatives Rayburn and Anderson

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."

17 **ESSB 5629** - H AMD TO AG COMM AMD (H2804.2)
18 By Representative Rayburn

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

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

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12 By Representative Rayburn

13 On page 4 of the committee amendment, line 3, after "out"
14 strike all material through "safety." on line 7 and insert: ",
15 which is knowingly made for the purpose of stopping or modifying
16 the use of animals, and which either (1) would cause injury to
17 the person or property of the recipient, or result in the
18 recipient's physical confinement or restraint, or (2) is a
19 malicious threat to do any other act intended to substantially
20 cause harm to the recipient's mental health or safety. In
21 deciding a request for injunctive relief under this section, the
22 court shall give full consideration to the constitutional rights
23 of persons to speak freely, to picket, and to conduct other
24 lawful protest activities."

5629-S.E AMH RAYB BURK2

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 and requires the court to consider First Amendment rights when deciding a request for injunctive relief.