

5896

Sponsor(s): Senators Roach, McCaslin, Kohl, Oke, Schow, Kline, Zarelli, Goings, Hargrove and Stevens

Brief Title: Creating the civil rights act of 1997.

SB 5896 - DIGEST

(SEE ALSO PROPOSED 1ST SUB)

Provides that, every governmental entity that, under color of a statute, ordinance, regulation, custom, or usage, subjects or causes to be subjected, a citizen, inhabitant, or domiciliary of the state of Washington to the deprivation of any rights, privileges, or immunities secured by the Constitution of the state of Washington, is liable to the party injured in an action at law, suit in equity, or other proper proceeding for the redress.

Declares that, in an action or proceeding to enforce a provision of this act: (1) Attorneys' fees must be awarded to the prevailing plaintiff unless special circumstances exist to render such an award unjust;

(2) attorneys' fees may be awarded to the prevailing defendant only where the underlying claim is frivolous or totally without merit;

(3) the prevailing party may recover any and all costs, including but not limited to, expert witness fees and those recoverable under RCW 49.60.030(2).