

# SENATE BILL REPORT

## SB 6807

---

As of January 31, 2000

**Title:** An act relating to the civil rights act of 2000.

**Brief Description:** Creating the Washington state civil rights act of 2000.

**Sponsors:** Senators Roach, Heavey, T. Sheldon, Kline and Zarelli.

**Brief History:**

**Committee Activity:** Judiciary: 2/3/2000.

---

### SENATE COMMITTEE ON JUDICIARY

**Staff:** Aldo Melchiori (786-7439)

**Background:** The federal Civil Rights Act of 1871, 42 U.S.C. 1983, provides redress for deprivations, under color of law, of any rights, privileges and immunities secured by the Constitution and laws of the United States. There is no comparable state statute. Attorneys' fees are available under 42 U.S.C. 1988 to successful plaintiffs, and, under limited circumstances, successful defendants as well. The state itself cannot be sued in the federal court under the 11th Amendment, but that provision does not protect local governments, nor state officers or agents acting in their individual capacity, but under color of law. Several categories of officials are immune from suit under federal case law.

**Summary of Bill:** The Washington State Civil Rights Act of 2000 is enacted. A governmental entity or person, who under any statute, ordinance, regulation, custom, or usage deprives any person of any right, privilege or immunity secured by the state Constitution, is liable to the injured person. The act applies prospectively only to causes of action arising on or after the effective date of the act.

All damages and remedies available under the federal Civil Rights Act are available under this bill. The prevailing party may recover reasonable attorney's fees and costs, including expert witness fees.

In a proceeding to enforce this act, no court may impose or levy as a remedy a general or special tax, assessment, fee, toll, charge or other monetary obligation on the citizens of the state.

**Appropriation:** None.

**Fiscal Note:** Requested on January 29, 2000.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.