

# SENATE BILL REPORT

## ESHB 2505

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As Reported By Senate Committee On:  
Judiciary, February 26, 2002

**Title:** An act relating to instruction in civil disorder.

**Brief Description:** Providing criminal penalties for training in furtherance of civil disorders.

**Sponsors:** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Ballasiotes, Lantz, Haigh, Lovick, Ruderman, Schual-Berke, Crouse, Campbell, Delvin, Hurst, Lisk, Buck, Benson and Bush).

**Brief History:**

**Committee Activity:** Judiciary: 2/25/02, 2/26/02 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, McCaslin, Poulsen and Thibaudeau.

**Staff:** Lisa Ellis (786-7421)

**Background:** Under federal law, the Civil Obedience Act of 1968 (Act) provides for criminal penalties for those fostering civil disorder training through various actions involving forms of instruction, transportation and interference. Subsequent to enactment of the Act, many states have created laws related to civil disorder and anti-paramilitary training. Washington currently does not have a criminal statute relating to civil disorder training.

**Summary of Bill:** It is a class B felony (seriousness level VII) for a person to:

- Teach or demonstrate to another person the use, application, or making of any device or technique capable of causing significant injury or death to people, knowing, having reason to know, or intending that the device or technique will be unlawfully used for the use in, or in furtherance of, a civil disorder; or
- Assemble with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any device or technique capable of causing significant injury or death to persons, intending to unlawfully employ the device or technique for use in, or in furtherance of, a civil disorder.

The term "civil disorder" means a public disturbance involving acts of violence that are intended to cause an immediate danger of, or to result in, significant injury to any other individual.

The actions of law enforcement officers engaged in the lawful performance of his or her official duties, firearms training, target shooting, or other firearms training not in furtherance of a civil disorder are not subject to provisions of the act.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** This bill requires specific training with intent to cause serious injury. The scope of this bill does not include public demonstrations or acts of civil disobedience. "Peaceful protest" can constitute a civil disorder only if the protest involves training to commit violent acts. Washington State is vulnerable to anarchist groups since, unlike surrounding states, Washington lacks a statute to prevent this type of activity. This bill is narrowly drawn to minimize the infringements to civil liberties and free speech.

**Testimony Against:** This bill criminalizes speech and rights to assemble and associate. The language of this bill is not narrowly targeted enough to prevent misuses such as passive resistance. Liability for a civil disorder could incur if a person teaches or demonstrates through the internet. Existing state laws involving conspiracy, attempt, and solicitation and federal statutes are sufficient to punish this kind of behavior. Persons and their associates who attend a meeting could be subject to liability under this bill.

**Testified:** PRO: Representative Al O'Brien, prime sponsor; Reverend Paul B. Benz, Lutheran Public Policy; Murray B. Meld, Anti-Defamation League; Rebecca Jacobs, Anti-Defamation League; CON: Mark Muenster, Washington Association of Criminal Defense Lawyers.