

5154-S

Sponsor(s): Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Roach, Constantine, Kohl-Welles and Winsley)

Brief Description: Creating the Washington state civil rights act of 2001.

**SB 5154-S - DIGEST**

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares 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 person injured in an action at law, suit in equity, or other proper proceeding for the redress.

Provides that a person deeming himself or herself injured by any act in violation of this chapter may recover all damages sustained including, but not limited to, damages or remedies made available under the civil rights act of 1871 (42 U.S.C. Sec. 1983). Punitive damages, however, may not be recovered unless there is a separate statutory basis.

Declares that the common law doctrine of qualified immunity may not be applied to shield any governmental entity from an action under this act.

Provides that, if a person has recovered damages, under the civil rights act of 1871 (42 U.S.C. Sec. 1983), for the conduct or actions of a governmental entity, he or she may not also recover under this act.

Declares an intent that persons who are injured by a violation of the state Constitution are eligible for redress, that future violations of the state Constitution be deterred thereby, and that this statute be construed liberally for the accomplishment of its declared purpose in this act.