

# SENATE BILL REPORT

## SB 6340

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As of January 23, 2004

**Title:** An act relating to freedom from discrimination based upon religious beliefs.

**Brief Description:** Protecting the right to freedom from discrimination based upon religious beliefs.

**Sponsors:** Senators Prentice, Kline and McAuliffe.

**Brief History:**

**Committee Activity:** Financial Services, Insurance & Housing: 1/27/04.

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### SENATE COMMITTEE ON FINANCIAL SERVICES, INSURANCE & HOUSING

**Staff:** Joanne Conrad (786-7472)

**Background:** Washington State has laws to protect against discrimination based on race, creed, color, national origin, religion, gender, sexual orientation, ancestry and disability. In addition to certain legal protections found in the state's Constitution, there are statutes against unfair practices of employers (Title 49 RCW), and promoting freedom from discrimination (sometimes called the "human rights" or "civil rights" law), also in Title 49 RCW.

Washington State also has a "hate crimes" statute, to protect against malicious harassment (Title 9A).

These laws do not specifically address a statutory right to religious conscientious objection. Some constitutional legal scholars and others believe that such a right is implicit in the First Amendment to the U.S. Constitution, and Article 1 of the Washington State Constitution.

**Summary of Substitute Bill:** It is an unfair employment practice and a violation of Washington State civil rights law to coerce or attempt to coerce an employee or church to perform an act in contravention of a bona fide doctrinal religious belief.

It is a crime to use the judicial process in an attempt to coerce an individual or church to act in contravention of a bona fide doctrinal religious belief.

"Church" is defined as a "church or qualified church-controlled organization" under 26 U.S.C. Sec. 3121, the definition relied upon by the Internal Revenue Service.

**Substitute Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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