
HOUSE BILL 2547

State of Washington 59th Legislature 2006 Regular Session

By Representatives Nixon, Anderson, B. Sullivan and Rodne

Read first time 01/10/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to violations of the open public meetings act;
2 amending RCW 42.30.120; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 42.30.120 and 1985 c 69 s 1 are each amended to read
5 as follows:

6 (1) ~~((Each))~~ Every member of the governing body who attends a
7 meeting of such governing body where action is taken in violation of
8 any provision of this chapter applicable to him or her, with knowledge
9 of the fact that the meeting is in violation thereof, or who otherwise
10 intentionally violates any provision of this chapter, is guilty of a
11 gross misdemeanor, punishable under RCW 9A.20.021.

12 (2) Every member of the governing body who otherwise violates any
13 provision of this chapter shall be subject to personal liability in the
14 form of a civil penalty in the amount of one hundred dollars. The
15 civil penalty shall be assessed by a judge of the superior court and an
16 action to enforce this penalty may be brought by any person. ~~((A~~
17 ~~violation of this chapter does not constitute a crime and assessment of~~
18 ~~the civil penalty by a judge shall not give rise to any disability or~~
19 ~~legal disadvantage based on conviction of a criminal offense.~~

1 ~~(2))~~ (3) Any person who prevails against a public agency in any
2 action in the courts for a violation of this chapter shall be awarded
3 all costs, including reasonable attorney fees, incurred in connection
4 with such legal action. Pursuant to RCW 4.84.185, any public agency
5 who prevails in any action in the courts for a violation of this
6 chapter may be awarded reasonable expenses and attorney fees upon final
7 judgment and written findings by the trial judge that the action was
8 frivolous and advanced without reasonable cause.

--- END ---