
HOUSE BILL 2353

State of Washington

64th Legislature

2016 Regular Session

By Representatives S. Hunt, Stokesbary, Gregerson, Johnson, Haler, Pollet, Kilduff, and Appleton; by request of Attorney General

Prefiled 01/05/16. Read first time 01/11/16. Referred to Committee on State Government.

1 AN ACT Relating to civil penalties for knowing attendance by a
2 member of a governing body at a meeting held in violation of the open
3 public meetings act; amending RCW 42.30.120; and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 42.30.120 and 2012 c 117 s 126 are each amended to
7 read as follows:

8 (1) Each member of the governing body who attends a meeting of
9 such governing body where action is taken in violation of any
10 provision of this chapter applicable to him or her, with knowledge of
11 the fact that the meeting is in violation thereof, shall be subject
12 to personal liability in the form of a civil penalty in the amount of
13 ~~((one))~~ five hundred dollars for the first violation.

14 (2) Each member of the governing body who attends a meeting of a
15 governing body where action is taken in violation of any provision of
16 this chapter applicable to him or her, with knowledge of the fact
17 that the meeting is in violation thereof, and who was previously
18 assessed a penalty under subsection (1) of this section in a final
19 court judgment, shall be subject to personal liability in the form of
20 a civil penalty in the amount of one thousand dollars for any
21 subsequent violation.

1 (3) The civil penalty shall be assessed by a judge of the
2 superior court and an action to enforce this penalty may be brought
3 by any person. A violation of this chapter does not constitute a
4 crime and assessment of the civil penalty by a judge shall not give
5 rise to any disability or legal disadvantage based on conviction of a
6 criminal offense.

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

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