
HOUSE BILL 1602

State of Washington

65th Legislature

2017 Regular Session

By Representatives Young, J. Walsh, McCaslin, Shea, Taylor, Harmsworth, Buys, Orcutt, Holy, Dent, Klippert, Manweller, Vick, Harris, Johnson, Hargrove, Van Werven, Kraft, McCabe, Stambaugh, Caldier, Koster, Condotta, Rodne, Irwin, Chandler, Volz, Short, Haler, Barkis, Steele, Kristiansen, Hayes, Wilcox, Muri, Schmick, Dye, Pike, McDonald, Griffey, Smith, MacEwen, DeBolt, Jenkin, Nealey, Kretz, Stokesbary, and Graves

Read first time 01/25/17. Referred to Committee on Judiciary.

1 AN ACT Relating to protecting the first amendment rights of
2 school sports coaches and others; adding a new section to chapter
3 49.60 RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) The Washington state Constitution provides in Article I,
7 section 5 that, "Every person may freely speak, write and publish on
8 all subjects, being responsible for the abuse of that right."

9 (b) The Washington state Constitution provides in Article I,
10 section 11, in part, that, "Absolute freedom of conscience in all
11 matters of religious sentiment, belief and worship, shall be
12 guaranteed to every individual, and no one shall be molested or
13 disturbed in person or property on account of religion..."

14 (c) The United States Constitution, in the first amendment of the
15 bill of rights, provides, "Congress shall make no law respecting an
16 establishment of religion, or prohibiting the free exercise thereof;
17 or abridging the freedom of speech, or of the press; or the right of
18 the people peaceably to assemble, and to petition the government for
19 a redress of grievances."

20 (2) The legislature finds that defending the fundamental rights
21 of free speech and the free exercise of religion, recognized in and

1 protected by both the state and federal Constitutions, is a
2 compelling state interest of the highest order. The legislature
3 further finds that public policy must ensure these rights are
4 safeguarded from encroachment by entities both public and private who
5 have a lack of knowledge, a misunderstanding, or a rejection of
6 constitutional history, the intent of those who drafted, debated, and
7 ratified the Constitutions, the bill of rights or declaration of
8 rights, and the plain meaning of the text of the Constitutions and
9 amendments themselves. As the Washington state Constitution boldly
10 declares in Article I, section 32, "A frequent recurrence to
11 fundamental principles is essential to the security of individual
12 right and the perpetuity of free government." John Adams, our first
13 vice president and second president, stated, "A frequent recurrence
14 to the fundamental principles of the Constitution, and a constant
15 adherence to those of piety, justice, moderation, temperance,
16 industry, and frugality, are absolutely necessary to preserve the
17 advantages of liberty, and to maintain a free government."

18 (3) The legislature finds that the freedoms of speech and
19 religious exercise are significant, substantial, long-valued rights
20 that must never be considered trivial, irrelevant, or inapplicable.
21 The legislature intends to return to these fundamental principles
22 which made our state and this nation the most free of all states and
23 nations in the history of the world and which are essential for
24 maintaining the safety of individual rights and the permanency of
25 free government.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.60
27 RCW to read as follows:

28 (1) Immediately after a school sports activity is completed or
29 finished by the call of the appropriate referee or umpire indicating
30 the official time for the event has expired, any grounds of the
31 school open to the public after the school day has ended or on a
32 weekend day, including an outdoor sports field, is a designated
33 public forum where all individuals, including school sports coaches,
34 student team players, fans, parents and other family members,
35 friends, supporters, and others, may safely assemble to talk with
36 other individuals, including praying with one another, as in other
37 public forums, without fear of prior restraint, discrimination, or
38 censorship based on the content of their speech, or any civil or
39 criminal liability for freely exercising such rights.

1 (2) A school is prohibited from imposing a sanction of any kind
2 on a school sports coach, student, or other employee or agent of the
3 school for exercising any of their rights recognized and protected
4 under subsection (1) of this section.

5 (3) Any school that complies with subsections (1) and (2) of this
6 section is immune from any civil liability based on such compliance.

7 (4) Any school that fails to comply with subsections (1) and (2)
8 of this section is subject to civil liability. Any individual who
9 alleges a violation of rights protected under subsections (1) and (2)
10 of this section by a school has a cause of action against the school
11 and the school district. A prevailing plaintiff is entitled on a
12 first violation to an award of up to ten thousand dollars, but in no
13 case less than five thousand dollars; and on a second violation to an
14 award of up to fifteen thousand dollars, but in no case less than ten
15 thousand dollars; and on a third and each subsequent violation to an
16 award of up to twenty thousand dollars, but in no case less than
17 fifteen thousand dollars; and in all cases to costs and reasonable
18 attorneys' fees.

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