
SENATE BILL 5941

State of Washington 65th Legislature 2017 1st Special Session
By Senator Honeyford

1 AN ACT Relating to prohibiting the use of a mask, hood, or device
2 under certain conditions; adding a new section to chapter 9.91 RCW;
3 creating a new section; prescribing penalties; providing an effective
4 date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that a threat to the
7 public safety and welfare exists due to recent actions by organized
8 groups whose members wear masks while committing criminal acts. Under
9 the guise of political speech, acts of vandalism and violence have
10 occurred, which impact the health, safety, and welfare of citizens of
11 the state. While the legislature applauds and affirms the
12 constitutional rights of peaceful protesters, it has become necessary
13 to protect the property and persons of its citizens and to aid law
14 enforcement in the investigation and prosecution of a small but
15 dangerous group of individuals who conceal their identities while
16 committing illegal acts under the guise of political protest. In
17 furtherance of this goal, the state of Washington finds it is
18 necessary to have a law that limits people from appearing masked in
19 public. The legislature finds that several states and the District of
20 Columbia have such laws that have withstood constitutional
21 challenges. Similar common sense legislation is necessary in order to

1 strike a balance between the use of masks for ordinary, legitimate,
2 noncriminal, legal, and reasonable purposes, and those who would use
3 them in order to conceal their identities to facilitate crimes.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.91 RCW
5 to read as follows:

6 (1) Except as otherwise provided in this section, any person,
7 while wearing any mask, hood, or device whereby any portion of the
8 face is so covered as to conceal the identity of the wearer, may not:

9 (a) Enter or remain upon any walk, alley, street, road, highway,
10 or other thoroughfare dedicated to public use;

11 (b) Enter or remain in any trading area, concourse, waiting room,
12 lobby, or foyer open to, used by, or frequented by the general
13 public;

14 (c) Enter or remain upon or within any of the grounds or
15 buildings owned, leased, maintained, or operated by the state or any
16 political subdivision thereof;

17 (d) Attend or participate in any meeting upon private property of
18 another unless written permission for the meeting has first been
19 obtained from the owner or occupant thereof.

20 (2) This section does not apply to any person:

21 (a) Under sixteen years of age;

22 (b) Wearing a head covering or veil pursuant to religious beliefs
23 or customs;

24 (c) Wearing a traditional holiday costume;

25 (d) Engaged in a trade or employment where a mask, hood, or
26 device is worn for the purpose of ensuring the physical safety of the
27 wearer;

28 (e) Using a mask, hood, or device in theatrical productions,
29 including use in mardi gras celebrations or similar masquerade balls;

30 (f) Wearing a mask, hood, or device prescribed for civil defense
31 drills, exercises, or emergencies;

32 (g) Wearing a mask, hood, or device for the sole purpose of
33 protection from the elements or while participating in a sport.

34 (3) A person in violation of this section is guilty of a gross
35 misdemeanor.

36 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
37 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect July 1, 2017.

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