

SSB 5745 - S AMD 348
By Senator O'Ban

NOT CONSIDERED 12/23/2019

1 On page 4, after line 24, insert the following:

2 "NEW SECTION. **Sec. 2.** A new section is added to chapter 7.94
3 RCW to read as follows:

4 A respondent to a petition for an extreme risk protection order
5 may bring a civil cause of action for damages against a petitioner or
6 other person upon whose statements the petitioner relied in filing
7 the petition if the petitioner or person is found to have made false
8 statements regarding any threat pursuant to RCW 7.94.040(3)(n). The
9 petitioner or person may be liable to the respondent for actual
10 damages, punitive damages up to two thousand dollars, and reasonable
11 attorneys' fees and costs incurred in bringing the action. A law
12 enforcement officer or agency is not liable for damages under this
13 section unless the officer or agency knew or should have known the
14 statement was false."

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15 On page 1, beginning on line 1 of the title, after "orders;"
16 strike all material through "7.94.040" on line 2 and insert "amending
17 RCW 7.94.040; and adding a new section to chapter 7.94 RCW"

EFFECT: Allows a person falsely accused of threatening a hate crime to bring a civil cause of action for damages against the accuser if the accusation was used as grounds for a petition for an extreme risk protection order.

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