

INITIATIVE 760

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 760 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to protecting civil liberties; and adding a new
2 section to Title 7 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to Title 7 RCW to
5 read as follows:

6 (1) Every person who, under color of any statute, ordinance,
7 regulation, custom, or usage, of the state of Washington or any
8 political subdivision of the state, subjects, or causes to be
9 subjected, any citizen of the state of Washington or other person
10 within the jurisdiction of the state to the deprivation of any rights,
11 privileges, or immunities secured by the Constitution and laws of the
12 state of Washington, is liable to the party injured in an action at
13 law, suit in equity, or other proper proceeding for redress, except
14 that in any action brought against a judicial officer for an act or
15 omission taken in such officer's judicial capacity, injunctive relief
16 shall not be granted unless a declaratory decree was violated or
17 declaratory relief was unavailable.

18 (2) In any action or proceeding to enforce this section, the court
19 may allow the prevailing party, other than the state of Washington or

1 any political subdivision of the state, reasonable attorneys' fees and
2 experts' fees as part of the costs, except that in any action brought
3 against a judicial officer for an act or omission taken in such
4 officer's judicial capacity, such officer shall not be held liable for
5 any costs, including attorneys' fees, unless such action was clearly in
6 excess of such officer's jurisdiction.

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