

Washington State Laws Most Relevant to Demonstrations & Protests

The following criminal statutes may be available to law enforcement when protesters cross the line from engaging in protected First Amendment conduct and begin engaging in criminal activity.

The terms misdemeanor, gross misdemeanor, and class B, or C felony correlate with the authorized maximum sentence available for each offense. A misdemeanor carries a maximum punishment of 90 days in jail, a fine of up to \$1,000, or both. A gross misdemeanor carries a maximum punishment of up to 364 days in jail, a fine of up to \$5,000, or both. A class C felony carries punishment of up to five years in prison, a fine of up to \$10,000, or both. A class B felony carries punishment of up to ten years in prison, a fine of up to \$20,000, or both.

Disorderly conduct, RCW 9A.84.030. (misdemeanor) A person is guilty of disorderly conduct if the person: (a) Uses abusive language and thereby intentionally creates a risk of assault; (b) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; (c) Intentionally obstructs vehicular or pedestrian traffic without lawful authority; or (d)(i) Intentionally engages in fighting or in tumultuous conduct or makes unreasonable noise, within five hundred feet of: (A) The location where a funeral or burial is being performed; (B) A funeral home during the viewing of a deceased person; (C) A funeral procession, if the person described in this subsection (1)(d) knows that the funeral procession is taking place; or (D) A building in which a funeral or memorial service is being conducted; and (ii) Knows that the activity adversely affects the funeral, burial, viewing, funeral procession, or memorial service.

Obstructing a law enforcement officer, RCW 9A.76.020. (gross misdemeanor) Obstructing a law enforcement officer occurs when a person willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.

Failure to disperse, RCW 9A.84.020. (misdemeanor) Failure to disperse occurs when: 1) three or more persons congregate; 2) there is conduct that creates a substantial risk of injury to any person; 3) a peace officer or other public servant who is enforcing or executing the law orders them to disperse; and 4) the person refuses or fails to disperse.

Criminal mischief, RCW 9A.84.010. (gross misdemeanor) Criminal mischief occurs when a person: 1) acts with three or more people; and 2) knowingly or unlawfully uses or threatens to use force. It also occurs if a person participates in any way in the use of such force against a person or property.

Intimidating a public servant, RCW 9A.76.180. (class B felony) Intimidating a public servant occurs when they use a threat to influence, or attempt to influence, a public servant's vote, opinion, decision, or other official action as a public servant. Public servant means, among other things, any person who presently occupies the position of any officer or employee of government. A threat can occur in a number of ways including, but not limited to, direct or indirect communication of the intent: 1) to immediately use force against any person who is present when the threat is made; or 2) to subject the person threatened or any other person to physical confinement or restraint. Indirect communication might include conduct such as blocking a person when they attempt to leave.

Coercion, RCW 9A.36.070. (gross misdemeanor) Coercion occurs if a person: 1) by use of threat (see definition above); 2) compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or abstain from conduct which he or she has a legal right to engage in.

Unlawful imprisonment, RCW 9A.40.040. (class C felony) Unlawful imprisonment occurs if a person knowingly restrains another person. Restrain means to restrict a person's movement without consent and without legal authority in a manner which interferes substantially with his or her liberty. Restraint is "without consent" if it is accomplished by physical force, intimidation, or deception.

Assault in the fourth degree, RCW 9A.36.041 (gross misdemeanor) (1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, or custodial assault, he or she assaults another. An assault is an intentional touching, striking, or cutting of another person that is harmful or offensive regardless of whether any physical injury is done to the person. It is not necessary that bodily injury be inflicted for an assault to occur. An assault can also be committed when a person, with the intent to create in another apprehension and fear of bodily injury, and which in fact creates in another a reasonable apprehension and imminent fear of bodily injury even though the actor did not actually intend to inflict bodily injury.

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