

## Deprivation of Rights under Color of Law

**To any law enforcement official who attempts to enforce Governor Inslee's mask proclamation 20-25.6 and the subsequent Order of the Secretary of Health 20-03 as if it is law:**

Please be advised that:

1. Because the WA State Department of Health Mask Order is not law, and because it explicitly provides for exemptions as required by both state and federal anti-discrimination statutes, any attempt to enforce it as if it is law is a violation of **18 USC Section 242 - Deprivation of Rights under Color of Law**, which carries criminal penalties. (See below)
2. And such an attempted enforcement action also violates provisions of the US Constitution's First and Fourth Amendments.
3. Any attempt to enforce this non-law will be reported to the U.S. Department of Justice.

**Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.** For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim. **The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.**

### TITLE 18, U.S.C., SECTION 242

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.