

Panhandling

SUMMARY

The United States and Washington State Constitutions have strong protections for speech, even if it is distasteful or offensive, as long as it does not harm other people. Consistent with protecting these rights, courts have made it clear that asking for money verbally or through signs — often called “panhandling” — does not violate the law.

BACKGROUND

The United States is well known for its First Amendment freedom of speech protections, and Washington’s constitution offers even more protections than the federal constitution. Throughout this country’s history, courts have consistently upheld free speech rights so long as the speech takes place where a person has a lawful right to be, such as a public sidewalk, street corner, highway ramp, etc.

This protection may also extend to private businesses that hold themselves out to the general public as open to everyone. For example, if a grocery store has a policy of allowing charities, petitioners, buskers, or others to solicit their customers on store property, that policy could be deemed to extend to people who are panhandling. Store management sets these policies and are responsible for interpreting and enforcing them.

Local government jurisdictions are allowed to address unlawful conduct connected to panhandling. For instance, city police officers may get involved if a panhandler obstructs traffic or prevents other people from walking on the sidewalk in a safe manner. However, these instances are very fact specific. In general, if a business has its own policy on solicitation activity, it is up to them to enforce that policy on their private property.

CURRENT STATUS

Panhandling can negatively impact cities, neighborhoods, businesses, and public safety. It is often perceived to be linked to homelessness, but studies have shown that many panhandlers are not actually homeless. The City of Sequim works with the Sequim Health and Housing Collaborative (SHHC) to address this and many other complicated issues in the community.

While we are not able to regulate panhandling in public places because it is constitutionally protected, we are able to enforce unlawful activity that may occur (see examples below). Private businesses have more control on their property; they have their own policies and it is up to them to enforce them.

SCENARIOS/EXAMPLES

- People who ask for money on publicly owned property, regardless of how they appear, are not breaking the law.
- People who ask for money in front of a private business, regardless of how they appear, *might not* be violating store policy.
- People who are blocking traffic or sidewalks or creating other safety hazards *may* be in violation of the law. Please contact law enforcement if you see this happening.
- Drivers who stop or block traffic to give money or other items to someone *may* be in violation of the law. The person asking for money is not responsible for the driver's choice to delay traffic. Drivers who want to give something should pull over in a safe location and avoid obstructing traffic.
- People who are blocking or preventing access to a business *may be* violating the business's policy. Please contact store management if you see this happening. If the store manager considers the matter to be in violation of store policy or the law, the manager will contact law enforcement.

SOURCES – CASE LAW

2014—Town of Gilbert restricted signs for religious services. The court ruled that any government regulations to decrease free speech must be as narrow as possible and must fulfill a “compelling government interest.” *Reed v. Town of Gilbert*, U.S. Supreme Court.

2015—City of Grand Junction's ordinance prohibited panhandling at night, within 20 feet of an ATM or bus stop, next to an outdoor patio, or within a public parking facility. Court found that

prohibiting solicitation at specified times was a content-based prohibition on speech and was therefore unconstitutional. *Browne v. City of Grand Junction*, Colorado Federal District Court.

[MRSC – Nuisances on Public Property and Public Ways](#)

For additional information, please see the City’s other “Fact Sheets” related to this issue.