

2 **SSB 5360 - H AMD 000412 WITHDRAWN 4-12-93**

3 By Representatives R. Johnson and Ballasiotes

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5 On page 5, after line 37, insert the following:

6 "Sec. 4. RCW 9A.46.110 and 1992 c 186 s 1 are each amended to read
7 as follows:

8 (1) A person commits the crime of stalking if, without lawful
9 authority and under circumstances not amounting to a felony attempt of
10 another crime:

11 (a) He or she intentionally and repeatedly follows another person
12 to that person's home, school, place of employment, business, or any
13 other location, or follows the person while the person is in transit
14 between locations; and

15 (b) The person being followed is intimidated, harassed, or placed
16 in fear that the stalker intends to injure the person or property of
17 the person being followed or of another person. The feeling of fear,
18 intimidation, or harassment must be one that a reasonable person in the
19 same situation would experience under all the circumstances; and

20 (c) The stalker either:

21 (i) Intends to frighten, intimidate, or harass the person being
22 followed; or

23 (ii) Knows or reasonably should know that the person being followed
24 is afraid, intimidated, or harassed even if the stalker did not intend
25 to place the person in fear or intimidate or harass the person.

26 (2)(a) It is not a defense to the crime of stalking under
27 subsection (1)(c)(i) of this section that the stalker was not given
28 actual notice that the person being followed did not want the stalker
29 to contact or follow the person; and

30 (b) It is not a defense to the crime of stalking under subsection
31 (1)(c)(ii) of this section that the stalker did not intend to frighten,
32 intimidate, or harass the person being followed.

33 (3) It shall be a defense to the crime of stalking that the
34 defendant is a licensed private detective acting within the capacity of
35 his or her license as provided by chapter 18.165 RCW.

1 (4) Attempts to contact or follow the person after being given
2 actual notice that the person does not want to be contacted or followed
3 constitutes prima facie evidence that the stalker intends to intimidate
4 or harass the person.

5 (5) A person who stalks another person is guilty of a gross
6 misdemeanor except that the person is guilty of a class C felony if any
7 of the following applies: (a) The stalker has previously been
8 convicted in this state or any other state of any crime of harassment,
9 as defined in RCW 9A.46.060, of the same victim or members of the
10 victim's family or household or any person specifically named in a no-
11 contact order or no-harassment order; (b) ~~the person ((violates))~~
12 stalks the victim after a court order which protects the victim from
13 the person has been issued pursuant to RCW 9A.46.040 ((protecting the
14 person being stalked)), 10.99.040, 10.99.045, or 10.99.050; (c) the
15 person stalks the victim after a court order which protects the victim
16 from the person has been issued pursuant to RCW 10.14.080, 26.09.060,
17 26.50.060, or 26.50.070 and the person knows of the order; or ((+e))
18 (d) the stalker has previously been convicted of a gross misdemeanor or
19 felony stalking offense under this section for stalking another
20 person."

21 Renumber the remaining sections consecutively and correct any
22 internal references accordingly.

23 EFFECT: A person convicted of stalking a victim is guilty of a
24 class C felony instead of a gross misdemeanor if the person stalks the
25 victim after a no-contact order or order of protection protecting the
26 victim from the person has been issued under one of several chapters
27 which prohibit crimes of domestic violence and harassment.

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