

# HOUSE BILL REPORT

## HB 1636

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**As Reported By House Committee On:**  
Law & Justice

**Title:** An act relating to the crime of harassment.

**Brief Description:** Specifying imminence of threat to bodily harm for crime of harassment.

**Sponsors:** Representatives Ballasiotes, Costa, Tokuda, Keiser, Ogden and Blalock.

**Brief History:**

**Committee Activity:**

Law & Justice: 2/27/97 [DP].

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

**Staff:** Trudes Hutcheson (786-7384).

**Background:** There are several ways a person can commit the crime of harassment. A person is guilty of harassment if: (a) without lawful authority, the person knowingly threatens to cause bodily injury in the future to the person threatened or to any other person; and (b) the person places the other person in reasonable fear that the threat will be carried out. Harassment is usually a gross misdemeanor. It is a felony if the person harasses another by threatening to kill that person or any other person.

Recently, an appellate court interpreting the language in the harassment statute determined that a threat to cause *immediate* harm can constitute an assault, but not harassment, because harassment requires a threat to cause harm in the future. *City of Seattle v. Allen*. The court stated that, to prove harassment the prosecutor must prove that the threat was to cause injury at a different time or place than the time or place where the offender made the threat.

Under *Allen*, a threat to kill immediately probably would not constitute felony harassment. Depending upon the circumstances, a threat to kill immediately could be charged as assault in the fourth degree, a gross misdemeanor, or a higher degree of assault. A person who threatens another with a deadly weapon would probably be charged with assault in the second degree, a class B felony.

**Summary of Bill:** Criminal harassment includes a threat to cause bodily injury immediately or in the future.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Because of the *Allen* case, threats to kill immediately are not chargeable as felonies, but instead must be charged as misdemeanor assaults. This is primarily a housecleaning bill.

**Testimony Against:** None.

**Testified:** Lieutenant Debbie Allen, Seattle Police Department (pro); and Robin Fox, King County Prosecuting Attorney's Office and Washington Association of Prosecuting Attorneys (pro).