

FINAL BILL REPORT

HB 1636

C 105 L 97

Synopsis as Enacted

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

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

House Committee on Law & Justice

Senate Committee on Law & Justice

Background: A person is guilty of criminal 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. However, it becomes 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. 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 defendant made the threat.

Under this court decision, a threat to kill immediately might not constitute felony harassment under certain circumstances. A threat to kill immediately could be charged as assault in the fourth degree, a gross misdemeanor, or a higher degree of assault, depending on the facts.

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

Votes on Final Passage:

House 97 0

Senate 46 0

Effective: July 27, 1997