

HOUSE BILL REPORT

HB 1636

As Passed Legislature

Title: An act relating to the crime of harassment.

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

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Ballasiotes, Costa, Tokuda, Keiser, Ogden and Blalock).

Brief History:

Committee Activity:

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

Floor Activity:

Passed House: 3/12/97, 97-0.

Passed Legislature.

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: 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. 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. *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 may not constitute felony harassment under certain circumstances. A threat to kill immediately might 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 could 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).