

**HOUSE BILL ANALYSIS
HB 2441**

Title:	An act relating to harassment and stalking through the use of electronic communications.
Brief Description:	Clarifying that electronic communications are included in the crimes of harassment and stalking.
Sponsors:	Representatives Scott, Sheahan, Costa, Radcliff, Constantine, and Hatfield.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Hearing Date:	January 30, 1998.
Prepared By:	Mark G. Hamilton, Counsel (786-7310).
Background:	<p><i>Crime of Harassment.</i> Currently, the crime of harassment includes threatening words or conduct which place a person threatened in reasonable fear that the threat will be carried out.</p>

Crime of Stalking. Currently, the crime of stalking includes the repeated harassment or following of a person which puts that person in fear of injury to him- or herself, another, or his, her, or another's property. In addition, the stalker must either intend to frighten, intimidate, or harass the person, or must reasonably have known that his or her actions would lead to such fear, intimidation, or harassment. An attempt to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes *prima facie* evidence that the stalker intends to intimidate or harass the person.

Civil Harassment Protection. A civil antiharassment order may be made by a court, upon a showing that a person has engaged in an "course of conduct" aimed at "unlawful harassment" of another person. Currently, "course of conduct" is defined to mean "a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose." However, "course of conduct" does not include constitutionally protected activity.

Summary: **Section 1. *Legislative Intent.*** States that intent is to clarify that electronic communications are included in the types of conduct and actions which may constitute the crimes of harassment and stalking, but that this act is not meant in any way to limit what may constitute those crimes.

Section 2. Amends RCW 9A.46.020(1)(b) as follows:

Crime of Harassment — Definition of "Words or Conduct." Clarifies that "words or conduct" which places a threatened person in reasonable fear that

the threat will be carried out includes, “in addition to any other form of communication or conduct, the sending of an electronic communication.”

Section 3. Amends RCW 9A.46.110(4) as follows:

Crime of Stalking — Definition of “Contact.” An attempt to contact a person after being given actual notice that the person does not want to be contacted is *prima facie* evidence that the stalker intends to intimidate or harass the person. This bill clarifies that “contact” includes the sending of an electronic communication to the person contacted.

Section 4. Amends RCW 10.14.020(2) as follows:

Civil Harassment Protection — Definition of “Course of Conduct.” Adds sending of an electronic communication, in addition to any other form of communication, to the definition of “course of conduct,” for use in determining whether a civil antiharassment order should be issued.

Rules Authority:

No.

Fiscal Note:

Requested January 22, 1998.

Effective Date:

Ninety days after adjournment of session in which bill is passed.