

# SENATE BILL REPORT

## HB 2441

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As of February 19, 1998

**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, Hatfield, O'Brien, Dickerson, Ogden, Cooper, Cooke, Gardner, Kenney, Thompson, Wood, Conway, Anderson and Butler.

**Brief History:**

**Committee Activity:** Law & Justice: 2/24/98.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Aldo Melchiori (786-7439)

**Background:** 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.

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. 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.

A civil antiharassment order may be made by a court, upon a showing that a person has engaged in a course of conduct aimed at unlawful harassment. "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." Course of conduct does not include constitutionally protected activity.

**Summary of Bill:** The 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.

For harassment, the definition of "words or conduct" specifically includes the sending of an electronic communication. For the crime of stalking, "contact" specifically includes the sending of an electronic communication to the person contacted. Sending of an electronic communication is specifically included in the definition of "course of conduct," for use in determining whether a civil antiharassment order should be issued.

**Appropriation:** None.

**Fiscal Note:** Requested on January 22, 1998.

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