

FINAL BILL REPORT

HB 1011

C 27 L 99

Synopsis as Enacted

Brief Description: Clarifying that electronic communications are included in the crimes of harassment and stalking.

Sponsors: Representatives Scott, Morris, Hurst, Conway, McIntire, Kessler, Keiser, Mitchell, Ballasiotes, Dickerson, Cody, Haigh, Rockefeller, Lantz and Wood.

House Committee on Judiciary
Senate Committee on Judiciary

Background:

A person who is harassed by another may obtain relief by bringing criminal charges, or obtaining a civil antiharassment protection order, against the person doing the harassing.

Criminal Sanctions. There are two crimes that deal directly with harassment: criminal harassment and criminal stalking.

- Criminal Harassment. A person is guilty of criminal harassment if he or she threatens to harm another person and "words or conduct," places the threatened person in reasonable fear that the threat will be carried out.
- Criminal Stalking. A person is guilty of criminal stalking if he or she repeatedly harasses or follows another person and places that person in reasonable fear of harm. To be guilty of stalking, the stalker must intend to place the person in fear of harm. An attempt to "contact" the person after being given actual notice that the person does not want to be contacted constitutes *prima facie* evidence that the stalker intends to place the person in reasonable fear of harm.

Antiharassment Protection Orders. A person being harassed by another may petition a court for an antiharassment protection order. The court must grant the petition if it finds that unlawful harassment exists. Unlawful harassment means a "course of conduct" aimed at a person which alarms, annoys, harasses, or is detrimental to that person and serves no other lawful purpose. "Course of conduct" means a pattern of conduct evidencing a continuity of purpose. "Course of conduct" does not include any constitutionally protected activity.

Summary: Criminal Sanctions.

- Criminal Harassment. "Words or conduct" that place the person in reasonable fear that the threat will be carried out include, in addition to any other form of communication or conduct, the sending of an electronic communication.
- Criminal Stalking. "Contact" after the stalker is given notice that the person being stalked does not want to be contacted includes, in addition to any other form of contact or communication, the sending of an electronic communication.

Antiharassment Protection Orders. "Course of conduct" for purposes of defining "unlawful harassment" includes, in addition to any other form of contact or communication, the sending of an electronic communication.

Votes on Final Passage:

House 95 0

Senate 45 0

Effective: July 25, 1999