

HOUSE BILL ANALYSIS

HB 2169

Title: An act relating to unlawful harassment.

Brief Description: Creating an order for protection in cases of unlawful harassment of an elected official.

Sponsors: Representatives Kessler, Lisk and Kenney; by request of Washington State Patrol.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841).

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.

A civil anti-harassment protection 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."

A victim of unlawful harassment can obtain an anti-harassment protection order against a respondent forbidding the respondent from engaging in the unlawful harassment. A court can grant an anti-harassment protection order in a proceeding convened specifically for that purpose. Generally, anti-harassment protection orders last one year unless the court finds that the respondent would resume unlawful harassment of the petitioner after the order expires.

A petition for an anti-harassment protection order may be filed in the county where the unlawful harassment occurred, the county where the respondent lives, or the county where a respondent may be served if it is the same county where another respondent lives.

Summary:

"Elected official" is defined to mean any state or local government official who is elected

to office.

"Unlawful harassment" is defined to mean the knowing and willful conduct which is directed at an elected official that seriously alarms, harasses, or is detrimental to the official, or the official's staff or family, and serves no legitimate or lawful purpose. This conduct would cause a reasonable person to suffer substantial emotional distress or would be of significant concern to law enforcement in the elected official's jurisdiction.

A petition for a civil anti-harassment protection order may be filed by an elected official or a law enforcement representative in cases where he or she feels unlawful harassment is occurring. A petition filed in the elected official's jurisdiction or where the conduct occurs must allege the existence of harassment or threat and must accompany an affidavit, made under oath, stating the reasons and circumstances why a protection order is being sought.

A court may order a civil anti-harassment order upon a showing that a person has engaged in a course of conduct aimed at unlawful harassment. The conduct must have the effect of unreasonably interfering with the official's privacy or creates an intimidating, hostile, or offensive living or working environment for the elected official, the official's family or staff members and in which local law enforcement officers feel may be of a security concern.

Fiscal Note: Requested on February 24, 1999.

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

Office of Program Research