

SENATE BILL REPORT

HB 1011

As Reported By Senate Committee On:
Judiciary, March 29, 1999

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

Brief History: Passed House 2/10/99, 95-0.

Committee Activity: Judiciary: 3/24/99, 3/29/99 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Roach.

Staff: Lidia Mori (786-7755)

Background: A person who is harassed by another may bring criminal charges against the person doing the harassing or may obtain a civil antiharassment protection order against the person doing the harassing.

There are two crimes that deal directly with harassment: criminal harassment and criminal stalking. A person is guilty of criminal harassment if he or she threatens to harm another person and places the threatened person in reasonable fear that the threat will be carried out by "words or conduct." 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. In order 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.

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 and does not include any constitutionally protected activity.

Summary of Bill: The statutory definition of criminal harassment includes a person who, by words or conduct, places another person in reasonable fear that the threat will be carried

out. "Words or conduct" include, in addition to any other form of communication or conduct, the sending of an electronic communication.

For the crime of stalking, it is prima facie evidence that the stalker intends to intimidate or harass a person when the stalker has been given actual notice that the person does not want to be contacted or followed. The definition of contact— includes, in addition to any other form of contact or communication, the sending of an electronic communication.

For the purpose of obtaining an antiharassment protection order due to a "course of conduct" which alarms, annoys, harasses, or is detrimental to the person seeking the order and serves no other lawful purpose, "course of conduct" includes, in addition to any other form of contact or communication, the sending of an electronic communication.

Appropriation: None.

Fiscal Note: Requested on March 23, 1999.

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

Testimony For: This bill will make it easier to prosecute people who send harassing electronic communications. It will also allow people to obtain antiharassment protection orders when they receive such electronic communications.

There is some difficulty proving who the individual is that actually sent the electronic communication but this gives us a place to start.

Testimony Against: None.

Testified: PRO: Larry Erickson, Washington Association of Sheriffs and Police Chiefs.