

SENATE BILL REPORT

SB 6358

As Reported By Senate Committee On:
Judiciary, February 4, 2000

Title: An act relating to harassment through electronic communication.

Brief Description: Prohibiting harassment through electronic communication.

Sponsors: Senators Costa, McCaslin, Long, Heavey, Brown, Prentice, Sheahan, Fraser, McAuliffe, Kohl-Welles, Rasmussen, Patterson, Spanel, B. Sheldon, Bauer, Winsley, Gardner and Oke.

Brief History:

Committee Activity: Judiciary: 1/31/2000, 2/4/2000 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6358 be substituted therefor, and the substitute bill do pass.

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

Staff: Karen Lundahl (786-7421)

Background: Currently it is a crime to harass, intimidate, torment, or embarrass anyone by direct telephone contact. Obscene, sexually suggestive, or threatening language by telephone is prohibited. Similar unwelcome contact by electronic communication is not covered, nor are harassing telephone or other communications about a third party. Another statute makes it a crime to threaten to do bodily harm, to cause property damage, to subject anyone to physical confinement or restraint, or to maliciously do any other act intended to substantially harm the person threatened or another, if the perpetrator by words or conduct places the person threatened in reasonable fear that the threat will be carried out.

Telephone or face-to-face harassment is a gross misdemeanor unless the perpetrator has previously been convicted of any crime of harassment against the same victim, or any person named in a no-contact order, or threatens to kill the person threatened or another. Harassment then becomes a class C felony.

Summary of Substitute Bill: Harassment through electronic communication and harassing telephone or electronic contacts are made illegal. Maliciously threatening to send an electronic communication to the person threatened with the intent to substantially harm the person is made a crime. Taking or appearing to take photographs is specifically included in the definition of "words or conduct" which can place a person in reasonable fear that a threat will be carried out.

Telephone, electronic, or other harassment becomes a class C felony if the victim is a victim advocate employed by a nonprofit organization and the harassment is in connection with the performance of the victim's duties.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: More protection is needed. It is now possible to use e-mail or the Internet to harass or threaten.

Testimony Against: None.

Testified: PRO: Suzanne Brown, WA Coalition of Sexual Assault Programs; Sharon Case, WA State Coalition Against Domestic Violence; Larry Erickson, WA Assn. of Sheriffs and Police Chiefs.