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SENATE BILL 5785

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State of Washington                      56th Legislature                      1999 Regular Session

By Senators Honeyford, Horn, Rossi, Sheahan, McCaslin and Oke

Read first time 02/08/1999. Referred to Committee on Judiciary.

1            AN ACT Relating to minors who make threats on school facilities;  
2 amending RCW 9A.46.020; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 9A.46.020 and 1997 c 105 s 1 are each amended to read  
5 as follows:

6            (1) A person is guilty of harassment if:

7            (a) Without lawful authority, the person knowingly threatens:

8            (i) To cause bodily injury immediately or in the future to the  
9 person threatened or to any other person; or

10            (ii) To cause physical damage to the property of a person other  
11 than the actor; or

12            (iii) To subject the person threatened or any other person to  
13 physical confinement or restraint; or

14            (iv) Maliciously to do any other act which is intended to  
15 substantially harm the person threatened or another with respect to his  
16 or her physical or mental health or safety; and

17            (b) The person by words or conduct places the person threatened in  
18 reasonable fear that the threat will be carried out.

1 (2) A person who harasses another is guilty of a gross misdemeanor  
2 punishable under chapter 9A.20 RCW, except that the person is guilty of  
3 a class C felony if either of the following applies: (a) The person  
4 has previously been convicted in this or any other state of any crime  
5 of harassment, as defined in RCW 9A.46.060, of the same victim or  
6 members of the victim's family or household or any person specifically  
7 named in a no-contact or no-harassment order; or (b) the person  
8 harasses another person under subsection (1)(a)(i) of this section by  
9 threatening to kill the person threatened or any other person,  
10 including the publication or unintentional publication to a third party  
11 of a list of persons the defendant is going to kill or identifies the  
12 persons on the list as deserving to die.

13 (3) The penalties provided in this section for harassment do not  
14 preclude the victim from seeking any other remedy otherwise available  
15 under law.

16 (4) Any person under the age of eighteen arrested on charges of a  
17 violation of subsection (1)(a) of this section: (a) That occurs on  
18 public or private elementary or secondary school premises, school  
19 provided transportation, or areas of facilities being used exclusively  
20 by public or private schools for school sponsored activities off the  
21 school grounds; or (b) that is directed at a person acting under  
22 authority of the school district, including employees and volunteers,  
23 shall be detained and confined by the arresting law enforcement agency  
24 for a minimum of forty-eight hours unless released from custody by a  
25 judicial authority after a determination regarding probable cause or  
26 sooner on bail. A judge may not consider bail until an initial  
27 assessment has been made and received by the court by the appropriate  
28 mental health professional.

29 Upon arrest of any person under the age of eighteen years on  
30 charges of a violation of subsection (1) of this section, the arresting  
31 law enforcement agency shall refer the arrested person to the county  
32 designated mental health professional under chapter 71.34 RCW.

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