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SENATE BILL 5945

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State of Washington

56th Legislature

1999 Regular Session

By Senators Spanel, Hale, Winsley and Rasmussen; by request of Washington State Patrol

Read first time 02/17/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to unlawful harassment; and adding a new chapter to  
2 Title 7 RCW.

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Elected official" means a state or local government official  
7 who is elected to office.

8 (2) "Unlawful harassment" means knowing and willful conduct  
9 directed at an elected official that seriously alarms, harasses, or is  
10 detrimental to the official, or the official's staff or family, and  
11 serves no legitimate or lawful purpose. The conduct shall be such as  
12 would cause a reasonable person to suffer substantial emotional  
13 distress or is of significant concern to law enforcement  
14 representatives in the elected official's jurisdiction.

15 NEW SECTION. **Sec. 2.** In determining whether the conduct serves  
16 any legitimate or lawful purpose, the court should consider whether:

17 (1) The respondent's conduct appears designed to alarm, harass, or  
18 threaten the elected official, the official's family, or staff members;

1 (2) The respondent's conduct has the purpose or effect of  
2 unreasonably interfering with the official's privacy or the purpose or  
3 effect of creating an intimidating, hostile, or offensive living or  
4 working environment for the elected official, the official's family, or  
5 staff members; and

6 (3) Law enforcement representatives in either the jurisdiction  
7 where the conduct occurs or where the elected official is located have  
8 legitimate and factually based security concerns for the elected  
9 official, the official's family, or staff members.

10 NEW SECTION. **Sec. 3.** A petition for an order for protection may  
11 be brought in cases of unlawful harassment of an elected official.

12 (1) A petition for an order for protection filed by the elected  
13 official or a law enforcement representative with jurisdiction where  
14 the official is located or where the conduct occurs, shall allege the  
15 existence of harassment or threat and shall be accompanied by an  
16 affidavit made under oath by either the elected official or the elected  
17 official's law enforcement representative stating the specific facts  
18 and circumstances from which relief is sought.

19 (2) Filing fees are set in RCW 36.18.020.

20 (3) A person is not required to post a bond to obtain relief in any  
21 proceeding under this section.

22 (4) Proceedings under this chapter are governed by the provisions  
23 set forth in RCW 10.14.070 through 10.14.190.

24 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute  
25 a new chapter in Title 7 RCW.

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