
SUBSTITUTE SENATE BILL 6358

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Costa, McCaslin, Long, Heavey, Brown, Prentice, Sheahan, Fraser, McAuliffe, Kohl-Welles, Rasmussen, Patterson, Spanel, B. Sheldon, Bauer, Winsley, Gardner and Oke)

Read first time 02/04/2000.

1 AN ACT Relating to harassment; amending RCW 9.61.230 and 9A.46.020;
2 and prescribing penalties.

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

4 **Sec. 1.** RCW 9.61.230 and 1992 c 186 s 6 are each amended to read
5 as follows:

6 Every person who, with intent to harass, intimidate, torment or
7 embarrass any other person, shall make a telephone call or send an
8 electronic communication to such other person:

9 (1) Using any lewd, lascivious, (~~profane,~~) indecent, or obscene
10 words or language, or suggesting the commission of any lewd or
11 lascivious act; or

12 (2) Anonymously or repeatedly or at an extremely inconvenient hour,
13 whether or not conversation ensues; or

14 (3) Threatening to inflict injury on the person or property of the
15 person (~~called~~) or any member of his or her family or household;
16 shall be guilty of a gross misdemeanor, except that the person is
17 guilty of a class C felony if (~~either~~) any of the following applies:

18 (a) That person has previously been convicted of any crime of
19 harassment, as defined in RCW 9A.46.060, with the same victim or member

1 of the victim's family or household or any person specifically named in
2 a no-contact or no-harassment order in this or any other state; (~~or~~)

3 (b) (~~That~~) The person harasses another person under subsection
4 (3) of this section by threatening to kill the person threatened or any
5 other person; or

6 (c) The person's victim is or was an employee of a nonprofit
7 organization whose primary purpose is the protection of, or advocacy on
8 behalf of, victims of crime, and the person is harassing the victim in
9 retaliation for an act the victim performed during the course of such
10 duties or to influence the victim's performance of such duties.

11 **Sec. 2.** RCW 9A.46.020 and 1999 c 27 s 2 are each amended to read
12 as follows:

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

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

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

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

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

21 (iv) Maliciously to do any other act, including sending an
22 electronic communication to the person threatened, or publishing,
23 republishing, reproducing and/or distributing in print or electronic
24 form personally identifiable information about the person, which is
25 intended to substantially harm the person threatened or another with
26 respect to his or her physical or mental health or safety; and

27 (b) The person by words or conduct places the person threatened in
28 reasonable fear that the threat will be carried out. "Words or
29 conduct" includes, in addition to any other form of communication or
30 conduct, taking or appearing to take photographs as defined in RCW
31 9A.44.115, and the sending of an electronic communication.

32 (2) A person who harasses another is guilty of a gross misdemeanor
33 punishable under chapter 9A.20 RCW, except that the person is guilty of
34 a class C felony if (~~either~~) any of the following applies:

35 (a) The person has previously been convicted in this or any other
36 state of any crime of harassment, as defined in RCW 9A.46.060, of the
37 same victim or members of the victim's family or household or any

1 person specifically named in a no-contact or no-harassment order;
2 ((or))

3 (b) The person harasses another person under subsection (1)(a)(i)
4 of this section by threatening to kill the person threatened or any
5 other person; or

6 (c) The person's victim is or was an employee of a nonprofit
7 organization whose primary purpose is the protection of, or advocacy on
8 behalf of, victims of crime, and the person is harassing the victim in
9 retaliation for an act the victim performed during the course of such
10 duties or to influence the victim's performance of such duties.

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

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