

HOUSE BILL REPORT

SHB 1319

As Amended by the Senate

Title: An act relating to the protection of employees, contract staff, and volunteers of a correctional agency from stalking.

Brief Description: Protecting employees, contract staff, and volunteers of a correctional agency from stalking.

Sponsors: By House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives O'Brien, Pearson, Dickerson, Blake, Kenney and Ormsby; by request of Department of Corrections).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/1/07, 2/8/07 [DPS].

Floor Activity:

Passed House: 2/21/07, 96-0.

Senate Amended.

Passed Senate: 4/11/07, 48-0.

Brief Summary of Substitute Bill

- Expands the class of people covered under the stalking statute, at the felony level, to include employees and volunteers of a state or locally operated correctional facility and the Indeterminate Sentence Review Board.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Lovick.

Staff: Yvonne Walker (786-7841).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Stalking: A person is guilty of stalking if he or she, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

- intentionally or repeatedly harasses or repeatedly follows another person;
- the person being harassed or followed is placed in reasonable fear that the stalker intends to injure the person, another person, or the property of the person or of another; and
- the stalker either: (a) intends to frighten, intimidate, or harass the person; or (b) knows, or reasonably should know, that the person is afraid, intimidated, or harassed.

Stalking is generally a gross misdemeanor. However, the crime is a seriousness level V, class C felony if:

- the offender has a previous conviction for any of several listed crimes, including telephone harassment and harassment against the same victim, members of the victim's family, or persons named in a no-contact or no-harassment order;
- the stalking violates any protective order of the person being stalked;
- the offender has a previous conviction for stalking;
- the offender was armed with a deadly weapon while committing the crime;
- the victim is or was a law enforcement officer, judge, juror, attorney, victim advocate, legislator, or community corrections officer, and the stalking was in retaliation for something done in the victim's official capacity or to influence the victim's actions in his or her official capacity; or
- the victim is a current, former, or prospective witness in an adjudicative proceeding and the offender stalked the victim as a result of the victim's testimony or potential testimony.

Summary of Substitute Bill:

The group of people covered under the stalking statute, punishable at the felony level (a seriousness level V, class C felony offense), is expanded to include a stalker's victim who is or was an employee, contract staff person, or volunteer of a correctional agency.

"Correctional agency" is defined to include all state and locally operated agencies having direct authority to release an offender including but not limited to the Department of Corrections, the Indeterminate Sentence Review Board, and the Department of Social and Health Services.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment adds persons who work for the Department of Natural Resources in a correctional setting to the definition of "correctional agency" for purposes of the section of law related to stalking. As a result, the class of people covered under the stalking statute, at the felony level, will include employees who work for the Department of Natural Resources in a correctional setting.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Approximately two or three years ago, there was a employee who worked at a correctional facility who was being stalked by a juvenile offender who she used to supervise. This bill will now cover such correctional employees. The actions of corrections officers and other personnel within the various facilities should have the same protections as law enforcement officers.

There are a variety of people who work within the facilities, such as intake specialists, who have contact with offenders on a regular basis. Since community corrections officers are already covered under current statute, there is strong support that the statute be expanded to include other employees and contract staff working within a correctional facility.

It is also suggested that the personnel of the Indeterminate Sentence Review Board (ISRB) should also be included in the bill. The ISRB (also known as the Parole Board) is responsible for the worst of the worst of incarcerated offenders.

The Department of Natural Resources (DNR) also has employees who take inmates out of juvenile and adult facilities to work on various work crews. Recently, one of their employees was assaulted. As a result, the employees of the DNR who work with inmates should be included in this bill.

There is a question as to whether you give up all privacy for you and your family if you become a public employee. Currently, there is the ability for inmates to go online to get information about state employees. Workers face huge liability issues. This is an issue that the Legislature should address in the future.

(Comments) The Seattle Post Intelligence and KIRO television asked for a list of public employees and birth dates of the Seattle public employees. They do not have access to Social Security numbers. However, dates of birth are open because it allows news organizations to do background checks. There was a series of articles that were done on coaches that preyed upon young women and articles that were done about the King County Sheriff's office. These articles could not have been done if they didn't have access to names and dates of birth. There are many constitutional issues around who can and cannot have access to public records.

(Opposed) None.

Persons Testifying: (In support) Representative O'Brien, prime sponsor; Steve Eckstrom, Department of Corrections; Jeri Costa, Indeterminate Sentence Review Board; Bob Berg, Washington State Patrol; Mike Ryherd, Teamsters 117 and City of Kirkland; Amber Lewis, Washington Federation of State Employees; Howard Thronson, Department of Natural Resources; and Kathy Goebel, State Board for Community and Technical Colleges.

(Comments) Rowland Thompson, Allied Newspaper.

Persons Signed In To Testify But Not Testifying: None.