

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1319**

60th Legislature  
2007 Regular Session

Passed by the House April 14, 2007  
Yeas 93 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 11, 2007  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1319** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1319**

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AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**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)

READ FIRST TIME 02/12/07.

1            AN ACT Relating to the protection of employees, contract staff, and  
2 volunteers of a correctional agency from stalking; and amending RCW  
3 9A.46.110.

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

5            **Sec. 1.** RCW 9A.46.110 and 2006 c 95 s 3 are each amended to read  
6 as follows:

7            (1) A person commits the crime of stalking if, without lawful  
8 authority and under circumstances not amounting to a felony attempt of  
9 another crime:

10            (a) He or she intentionally and repeatedly harasses or repeatedly  
11 follows another person; and

12            (b) The person being harassed or followed is placed in fear that  
13 the stalker intends to injure the person, another person, or property  
14 of the person or of another person. The feeling of fear must be one  
15 that a reasonable person in the same situation would experience under  
16 all the circumstances; and

17            (c) The stalker either:

18            (i) Intends to frighten, intimidate, or harass the person; or

1 (ii) Knows or reasonably should know that the person is afraid,  
2 intimidated, or harassed even if the stalker did not intend to place  
3 the person in fear or intimidate or harass the person.

4 (2)(a) It is not a defense to the crime of stalking under  
5 subsection (1)(c)(i) of this section that the stalker was not given  
6 actual notice that the person did not want the stalker to contact or  
7 follow the person; and

8 (b) It is not a defense to the crime of stalking under subsection  
9 (1)(c)(ii) of this section that the stalker did not intend to frighten,  
10 intimidate, or harass the person.

11 (3) It shall be a defense to the crime of stalking that the  
12 defendant is a licensed private investigator acting within the capacity  
13 of his or her license as provided by chapter 18.165 RCW.

14 (4) Attempts to contact or follow the person after being given  
15 actual notice that the person does not want to be contacted or followed  
16 constitutes prima facie evidence that the stalker intends to intimidate  
17 or harass the person. "Contact" includes, in addition to any other  
18 form of contact or communication, the sending of an electronic  
19 communication to the person.

20 (5)(a) Except as provided in (b) of this subsection, a person who  
21 stalks another person is guilty of a gross misdemeanor.

22 (b) A person who stalks another is guilty of a class C felony if  
23 any of the following applies: (i) The stalker has previously been  
24 convicted in this state or any other state of any crime of harassment,  
25 as defined in RCW 9A.46.060, of the same victim or members of the  
26 victim's family or household or any person specifically named in a  
27 protective order; (ii) the stalking violates any protective order  
28 protecting the person being stalked; (iii) the stalker has previously  
29 been convicted of a gross misdemeanor or felony stalking offense under  
30 this section for stalking another person; (iv) the stalker was armed  
31 with a deadly weapon, as defined in RCW 9.94A.602, while stalking the  
32 person; (v) (A) the stalker's victim is or was a law enforcement  
33 officer((  ));   judge((  ));   juror((  ));   attorney((  ));   victim  
34 advocate((  ));   legislator((  ));   community correction's officer((  ));   an  
35 employee, contract staff person, or volunteer of a correctional agency;  
36 or an employee of the child protective, child welfare, or adult  
37 protective services division within the department of social and health  
38 services((  ));   and (B) the stalker stalked the victim to retaliate

1 against the victim for an act the victim performed during the course of  
2 official duties or to influence the victim's performance of official  
3 duties; or (vi) the stalker's victim is a current, former, or  
4 prospective witness in an adjudicative proceeding, and the stalker  
5 stalked the victim to retaliate against the victim as a result of the  
6 victim's testimony or potential testimony.

7 (6) As used in this section:

8 (a) "Correctional agency" means a person working for the department  
9 of natural resources in a correctional setting or any state, county, or  
10 municipally operated agency with the authority to direct the release of  
11 a person serving a sentence or term of confinement and includes but is  
12 not limited to the department of corrections, the indeterminate  
13 sentence review board, and the department of social and health  
14 services.

15 (b) "Follows" means deliberately maintaining visual or physical  
16 proximity to a specific person over a period of time. A finding that  
17 the alleged stalker repeatedly and deliberately appears at the person's  
18 home, school, place of employment, business, or any other location to  
19 maintain visual or physical proximity to the person is sufficient to  
20 find that the alleged stalker follows the person. It is not necessary  
21 to establish that the alleged stalker follows the person while in  
22 transit from one location to another.

23 (~~(b)~~) (c) "Harasses" means unlawful harassment as defined in RCW  
24 10.14.020.

25 (~~(c)~~) (d) "Protective order" means any temporary or permanent  
26 court order prohibiting or limiting violence against, harassment of,  
27 contact or communication with, or physical proximity to another person.

28 (~~(d)~~) (e) "Repeatedly" means on two or more separate occasions.

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