

2SHB 1206 - H AMD 148

By Representative Dahlquist

ADOPTED AS AMENDED 03/03/2011

1 Strike everything after the enacting clause and insert the
2 following:

3
4 "Sec. 1. RCW 9A.46.020 and 2003 c 53 s 69 are each amended to
5 read 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
16 his 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. "Words or
19 conduct" includes, in addition to any other form of communication or
20 conduct, the sending of an electronic communication.

21 (2)(a) Except as provided in (b) of this subsection, a person who
22 harasses another is guilty of a gross misdemeanor.

23 (b) A person who harasses another is guilty of a class C felony if
24 ~~((either))~~ any of the following ~~((applies))~~ apply: (i) The person has
25 previously been convicted in this or any other state of any crime of
26 harassment, as defined in RCW 9A.46.060, of the same victim or members
27 of the victim's family or household or any person specifically named

1 in a no-contact or no-harassment order; ((~~or~~)) (ii) the person
2 harasses another person under subsection (1)(a)(i) of this section by
3 threatening to kill the person threatened or any other person; (iii)
4 the person harasses a criminal justice participant who is performing
5 his or her official duties at the time the threat is made; or (iv) the
6 person harasses a criminal justice participant because of an action
7 taken or decision made by the criminal justice participant during the
8 performance of his or her official duties.

9 (3) Any criminal justice participant who is a target for threats
10 or harassment prohibited under subsection (2)(b)(iii) or (iv) of this
11 section, and any family members residing with him or her, shall be
12 eligible for the address confidentiality program created under RCW
13 40.24.030.

14 (4) For purposes of this section, a criminal justice participant
15 includes any (a) federal, state, or local law enforcement agency
16 employee; (b) federal, state, or local prosecuting attorney or deputy
17 prosecuting attorney; (c) staff member of any adult corrections
18 institution or local adult detention facility; (d) staff member of any
19 juvenile corrections institution or local juvenile detention facility;
20 (e) community corrections officer, probation, or parole officer; (f)
21 member of the indeterminate sentence review board; (g) advocate from a
22 crime victim/witness program; or (h) defense attorney.

23 (5) The penalties provided in this section for harassment do not
24 preclude the victim from seeking any other remedy otherwise available
25 under law.

26
27 **Sec. 2.** RCW 40.24.030 and 2008 c 312 s 3 and 2008 c 18 s 2 are
28 each reenacted and amended to read as follows:

29 (1)(a) An adult person, a parent or guardian acting on behalf of a
30 minor, or a guardian acting on behalf of an incapacitated person, as
31 defined in RCW 11.88.010, and (b) any criminal justice participant as
32 defined in RCW 9A.46.020 who is a target for threats or harassment
33 prohibited under RCW 9A.46.020(2)(b)(iii) or (iv), and any family
34 members residing with him or her, may apply to the secretary of state

1 to have an address designated by the secretary of state serve as the
2 person's address or the address of the minor or incapacitated person.
3 The secretary of state shall approve an application if it is filed in
4 the manner and on the form prescribed by the secretary of state and if
5 it contains:

6 ~~((a))~~ (i) A sworn statement, under penalty of perjury, by the
7 applicant that the applicant has good reason to believe ~~((i))~~ (A)
8 that the applicant, or the minor or incapacitated person on whose
9 behalf the application is made, is a victim of domestic violence,
10 sexual assault, trafficking, or stalking~~((+))~~ and ~~((ii))~~ that the
11 applicant fears for his or her safety or his or her children's safety,
12 or the safety of the minor or incapacitated person on whose behalf the
13 application is made; or (B) that the applicant, as a criminal justice
14 participant as defined in RCW 9A.46.020, is a target for threats or
15 harassment prohibited under RCW 9A.46.020(2)(b)(iii) or (iv);

16 ~~((b))~~ (ii) If applicable, a sworn statement, under penalty of
17 perjury, by the applicant, that the applicant has reason to believe
18 they are a victim of (A) domestic violence, sexual assault, or
19 stalking perpetrated by an employee of a law enforcement agency, or
20 (B) threats or harassment prohibited under RCW 9A.46.020(2)(b)(iii) or
21 (iv);

22 ~~((c))~~ (iii) A designation of the secretary of state as agent for
23 purposes of service of process and for the purpose of receipt of mail;

24 ~~((d))~~ (iv) The residential address and any telephone number
25 where the applicant can be contacted by the secretary of state, which
26 shall not be disclosed because disclosure will increase the risk of
27 (A) domestic violence, sexual assault, trafficking, or stalking, or
28 (B) threats or harassment prohibited under RCW 9A.46.020(2)(b)(iii) or
29 (iv);

30 ~~((e))~~ (v) The signature of the applicant and of any individual
31 or representative of any office designated in writing under RCW
32 40.24.080 who assisted in the preparation of the application, and the
33 date on which the applicant signed the application.

34

1 (2) Applications shall be filed with the office of the secretary
2 of state.

3 (3) Upon filing a properly completed application, the secretary of
4 state shall certify the applicant as a program participant.
5 Applicants shall be certified for four years following the date of
6 filing unless the certification is withdrawn or invalidated before
7 that date. The secretary of state shall by rule establish a renewal
8 procedure.

9 (4) A person who knowingly provides false or incorrect information
10 upon making an application or falsely attests in an application that
11 disclosure of the applicant's address would endanger (a) the
12 applicant's safety or the safety of the applicant's children or the
13 minor or incapacitated person on whose behalf the application is made,
14 or ((who knowingly provides false or incorrect information upon making
15 an application)) (b) the safety of any criminal justice participant as
16 defined in RCW 9A.46.020 who is a target for threats or harassment
17 prohibited under RCW 9A.46.020(2)(b)(iii) or (iv), or any family
18 members residing with him or her, shall be ((punishable)) punished
19 under RCW 40.16.030 or other applicable statutes."

20

21 Correct the title.

EFFECT: (1) Makes harassment of a criminal justice participant a
seriousness level III, class C felony offense.

(2) Clarifies that only a criminal justice participant
who actually "is" a target (instead of one who "believes" he/she
is a target) for threats or harassment, and any family members
residing with him or her are eligible for the address
confidentiality program.

(3) Provides that it is a class C felony offense for a
person to knowingly provide false or incorrect information upon
an application for the Address Confidentiality Program stating
that disclosure of the applicant's address would endanger the
safety of the criminal justice participant or his/her family.

(4) Makes other technical corrections.

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