

FINAL BILL REPORT

E2SHB 1206

PARTIAL VETO C 64 L 11 Synopsis as Enacted

Brief Description: Concerning harassment against criminal justice participants.

Sponsors: House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Dahlquist, Hurst, Pearson, Harris, Parker, Lytton, Rivers, Johnson, Taylor, Wilcox, Ross, Kelley, Ladenburg, Armstrong, Dammeier, Frockt and Schmick).

House Committee on Public Safety & Emergency Preparedness
House Committee on General Government Appropriations & Oversight
Senate Committee on Judiciary

Background:

Harassment.

A person commits the crime of harassment if he or she:

- without lawful authority knowingly threatens to: (a) cause bodily injury immediately or in the future to the person threatened or to any other person; (b) cause physical damage to the property of a person other than the actor; (c) subject the person threatened or any other person to physical confinement or restraint; or (d) maliciously do any other act that is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and
- by words or conduct places the person threatened in reasonable fear that the threat will be carried out. "Words or conduct" includes the sending of an electronic communication.

Criminal harassment is generally a gross misdemeanor. However, the crime is a seriousness level III, class C felony offense if:

- the offender has a previous conviction for harassment or a harassment-related offense against the same victim, members of the victim's family, or persons named in a no-contact or no-harassment order; or
- the offender committed the crime by threatening to kill that person or another person.

Address Confidentiality Program.

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.

The Address Confidentiality Program (ACP) is a program that allows victims of domestic violence, sexual assault, or stalking to have an alternative address designated as his or her substitute mailing address. The ACP also allows state and local agencies to comply with requests for public records without disclosing the confidential location of a victim.

Summary:

Harassment.

A person is guilty of harassment, if he or she harasses:

- a criminal justice participant who is performing his or her official duties at the time of the offense; or
- a criminal justice participant because of an action taken or decision made by the criminal justice participant during the performance of his or her duties.

The threat that a criminal justice participant receives must create a fear that a reasonable criminal justice participant would have under all the circumstances. Threatening words do not constitute harassment if it is apparent to the victim that the offender does not have the present and future ability to carry out the threat.

Harassment of a criminal justice participant is a seriousness level III, class C felony offense (a sentence of one to three months for a first-time offender).

A criminal justice participant includes: any federal, state, or local law enforcement agency employee; federal, state, or local prosecuting attorney or deputy prosecuting attorney; staff member of any adult corrections institution or local adult detention facility; staff member of any juvenile corrections institution or local juvenile detention facility; community corrections officer; probation or parole officer; member of the Indeterminate Sentence Review Board; advocate from a crime victim/witness program; or defense attorney.

Address Confidentiality Program.

A criminal justice participant who is a target for threats or harassment and any family members residing with him or her are eligible for the ACP.

It is a class C felony offense for a person to knowingly provide false or incorrect information upon an application for the ACP stating that disclosure of the applicant's address would endanger the safety of the criminal justice participant or his/her family.

Sentencing Guidelines Commission Report.

Beginning on December 1, 2011, and annually thereafter, the Sentencing Guidelines Commission (SGC) must report to the appropriate committees of the Legislature on the number of prosecutions of harassment crimes against criminal justice participants.

Expiration of the Act.

The entire act relating to increasing the penalty for harassment of a criminal justice participant, the ACP, and the requirement of the SGC to produce an annual report on the number of prosecutions of harassment crimes against criminal justice participants, expires on July 1, 2018.

Votes on Final Passage:

House	98	0
Senate	48	0

Effective: July 22, 2011

Partial Veto Summary: The Governor vetoed the sections requiring: (1) the SGC to annually report to the Legislature on the number of prosecutions of harassment crimes against criminal justice participants under the act; and (2) the entire act to expire on July 1, 2018.