

---

**Public Safety & Emergency Preparedness  
Committee**

---

**HB 1913**

**Brief Description:** Making criminal gang intimidation of a law enforcement officer a crime.

**Sponsors:** Representatives Klippert, Pearson, McCune, Hope, Ross, Finn and Haler.

**Brief Summary of Bill**

- Establishes the crime of Criminal Gang Intimidation of a Law Enforcement Officer as a class B felony offense.

**Hearing Date:** 1/18/12

**Staff:** Yvonne Walker (786-7841).

**Background:**

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 offense. However, the crime is a seriousness level III, class C felony offense (a sentence of one to three months for a first-time offender) if the offender:

---

*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.*

- 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;
- committed the crime by threatening to kill that person or another person;
- harasses a criminal justice participant who is performing his or her official duties at the time of the offense; or
- harasses 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.

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.

A criminal street gang associate or member is any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

**Summary of Bill:**

A person is guilty of Criminal Gang Intimidation of a Law Enforcement Officer, if he or she is a criminal street gang associate or member or a person acting at the direction of a criminal street gang associate or member, who by his or her actions, demeanor, or language intentionally causes or attempts to cause fear by threat on the part of a law enforcement officer, corrections officer, firefighter, or paramedic. The law enforcement officer, corrections officer, firefighter, or paramedic does not have to be on duty at the time the threat is made.

A subjective standard, based on the training and experience of the law enforcement officer, corrections officer, firefighter, or paramedic, must be used to determine if the person committing the crime intended to cause or attempted to cause fear on the part of the law enforcement officer, corrections officer, firefighter, or paramedic.

Criminal Gang Intimidation of a Law Enforcement Officer is a seriousness level VI, class B felony offense. The presumptive sentence range for a first-time offender is 12+ to 14 months.

**Appropriation:** None.

**Fiscal Note:** Available.

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