
SECOND SUBSTITUTE HOUSE BILL 1206

State of Washington

62nd Legislature

2011 Regular Session

By House 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)

READ FIRST TIME 02/23/11.

1 AN ACT Relating to harassment against criminal justice
2 participants; amending RCW 9A.46.020; reenacting and amending RCW
3 40.24.030; and prescribing penalties.

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

5 **Sec. 1.** RCW 9A.46.020 and 2003 c 53 s 69 are each amended to read
6 as follows:

7 (1) A person is guilty of harassment if:

8 (a) Without lawful authority, the person knowingly threatens:

9 (i) To cause bodily injury immediately or in the future to the
10 person threatened or to any other person; or

11 (ii) To cause physical damage to the property of a person other
12 than the actor; or

13 (iii) To subject the person threatened or any other person to
14 physical confinement or restraint; or

15 (iv) Maliciously to do any other act which is intended to
16 substantially harm the person threatened or another with respect to his
17 or her physical or mental health or safety; and

18 (b) The person by words or conduct places the person threatened in

1 reasonable fear that the threat will be carried out. "Words or
2 conduct" includes, in addition to any other form of communication or
3 conduct, the sending of an electronic communication.

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

6 (b) A person who harasses another is guilty of a class C felony if
7 either of the following applies: (i) The person has previously been
8 convicted in this or any other state of any crime of harassment, as
9 defined in RCW 9A.46.060, of the same victim or members of the victim's
10 family or household or any person specifically named in a no-contact or
11 no-harassment order; ~~((or))~~ (ii) the person harasses another person
12 under subsection (1)(a)(i) of this section by threatening to kill the
13 person threatened or any other person; (iii) the person harasses a
14 criminal justice participant who is performing his or her official
15 duties at the time the threat is made; or (iv) the person harasses a
16 criminal justice participant because of an action taken or decision
17 made by the criminal justice participant during the performance of his
18 or her official duties.

19 (3) Any criminal justice participant who believes he or she is a
20 target for threats or harassment prohibited under this act, and any
21 family members residing with him or her, shall be eligible for the
22 address confidentiality program created under RCW 40.24.030.

23 (4) For purposes of this section, a criminal justice participant
24 includes any federal, state, or local law enforcement agency employee;
25 federal, state, or local prosecuting attorney or deputy prosecuting
26 attorney; staff member of any adult corrections institution or local
27 adult detention facility; staff member of any juvenile corrections
28 institution or local juvenile detention facility; community corrections
29 officer, probation, or parole officer; member of the indeterminate
30 sentence review board; advocate from a crime victim/witness program; or
31 defense attorney.

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

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

37 (1) An adult person, a parent or guardian acting on behalf of a

1 minor, or a guardian acting on behalf of an incapacitated person, as
2 defined in RCW 11.88.010, and any criminal justice participant as
3 defined in RCW 9A.46.020 or any family member residing with the
4 criminal justice participant who is a target for threats or harassment
5 prohibited under this act may apply to the secretary of state to have
6 an address designated by the secretary of state serve as the person's
7 address or the address of the minor or incapacitated person. The
8 secretary of state shall approve an application if it is filed in the
9 manner and on the form prescribed by the secretary of state and if it
10 contains:

11 (a) A sworn statement, under penalty of perjury, by the applicant
12 that the applicant has good reason to believe (i) that the applicant,
13 or the minor or incapacitated person on whose behalf the application is
14 made, is a victim of domestic violence, sexual assault, trafficking, or
15 stalking; and (ii) that the applicant fears for his or her safety or
16 his or her children's safety, or the safety of the minor or
17 incapacitated person on whose behalf the application is made;

18 (b) If applicable, a sworn statement, under penalty of perjury, by
19 the applicant, that the applicant has reason to believe they are a
20 victim of domestic violence, sexual assault, or stalking perpetrated by
21 an employee of a law enforcement agency;

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

24 (d) The residential address and any telephone number where the
25 applicant can be contacted by the secretary of state, which shall not
26 be disclosed because disclosure will increase the risk of domestic
27 violence, sexual assault, trafficking, or stalking;

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

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

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

1 (4) A person who falsely attests in an application that disclosure
2 of the applicant's address would endanger the applicant's safety or the
3 safety of the applicant's children or the minor or incapacitated person
4 on whose behalf the application is made, or who knowingly provides
5 false or incorrect information upon making an application, shall be
6 punishable under RCW 40.16.030 or other applicable statutes.

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