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HOUSE BILL 2254

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Graves, Johnson, Muri, Macri, and Stokesbary

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1 AN ACT Relating to crimes of harassment; amending RCW 9.61.260,  
2 9A.46.110, 7.92.020, 9A.46.060, 26.50.060, and 26.50.070; reenacting  
3 and amending RCW 9.94A.515; and prescribing penalties.

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

5 **Sec. 1.** RCW 9.61.260 and 2004 c 94 s 1 are each amended to read  
6 as follows:

7 (1) A person is guilty of ~~((cyberstalking))~~ cyber harassment if  
8 he or she, with intent to harass, intimidate, or torment(~~(, or~~  
9 ~~embarrass))~~ any other person, and under circumstances not  
10 constituting telephone harassment, makes an electronic communication  
11 to ~~((such other person or a third party))~~:

12 (a) ~~((Using))~~ Another person or to a third party that contains a  
13 threat to inflict injury on the person or property of the other  
14 person or any member of the other person's family or household; or

15 (b) Another person that the perpetrator knows or reasonably  
16 should know the other person does not want to receive, and the  
17 communication either:

18 (i) Uses any lewd, lascivious, indecent, or obscene words,  
19 images, or language, or ~~((suggesting))~~ suggests the commission of any  
20 lewd or lascivious act;

21 ~~((b))~~ or

1       (ii) Is made anonymously or repeatedly whether or not  
2 conversation occurs~~((or~~

3       ~~(c) Threatening to inflict injury on the person or property of~~  
4 ~~the person called or any member of his or her family or household))~~.

5       (2) ~~((Cyberstalking))~~ Cyber harassment is a gross misdemeanor,  
6 except as provided in subsection (3) of this section.

7       (3) ~~((Cyberstalking))~~ Cyber harassment is a class C felony if  
8 ~~((either))~~ any of the following applies:

9       (a) The perpetrator has previously been convicted of the crime of  
10 harassment, as defined in RCW 9A.46.060, with the same victim or a  
11 member of the victim's family or household ~~((or any person~~  
12 ~~specifically named in a no contact order or no harassment order in~~  
13 ~~this or any other state));~~ ~~((or))~~

14       (b) The perpetrator engages in the behavior prohibited under  
15 subsection (1) of this section in violation of any protective order  
16 protecting the victim; or

17       (c) The perpetrator engages in the behavior prohibited under  
18 subsection (1)~~((c))~~ (a) of this section by threatening to kill the  
19 person threatened or any other person.

20       (4) Any offense committed under this section may be deemed to  
21 have been committed either at the place from which the communication  
22 was made or at the place where the communication was received.

23       (5) For purposes of this section, "electronic communication"  
24 means the transmission of information by wire, radio, optical cable,  
25 electromagnetic, or other similar means. "Electronic communication"  
26 includes, but is not limited to, ~~((electronic mail))~~ email, internet-  
27 based communications, pager service, and electronic text messaging.

28       **Sec. 2.** RCW 9A.46.110 and 2013 c 84 s 29 are each amended to  
29 read as follows:

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

33       (a) He or she intentionally and repeatedly harasses ~~((or))~~  
34 another person, repeatedly follows another person, or places another  
35 person under electronic surveillance; and

36       (b) The person being harassed ~~((or)),~~ followed, or surveilled is  
37 placed in fear that the stalker intends to injure the person, another  
38 person, or property of the person or of another person. The feeling

1 of fear must be one that a reasonable person in the same situation  
2 would experience under all the circumstances; and

3 (c) The stalker either:

4 (i) Intends to frighten, intimidate, unlawfully surveil, or  
5 harass the person; or

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

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

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

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

19 (4) Attempts to contact (~~(or)~~), follow, or electronically surveil  
20 the person after being given actual notice that the person does not  
21 want to be contacted (~~(or)~~), followed, or surveilled constitutes  
22 prima facie evidence that the stalker intends to intimidate or harass  
23 the person. "Contact" includes, in addition to any other form of  
24 contact or communication, the sending of an electronic communication  
25 to the person.

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

28 (b) A person who stalks another is guilty of a class B felony if  
29 any of the following applies: (i) The stalker has previously been  
30 convicted in this state or any other state of any crime of  
31 harassment, as defined in RCW 9A.46.060, of the same victim or  
32 members of the victim's family or household or any person  
33 specifically named in a protective order; (ii) the stalking violates  
34 any protective order protecting the person being stalked; (iii) the  
35 stalker has previously been convicted of a gross misdemeanor or  
36 felony stalking offense under this section for stalking another  
37 person; (iv) the stalker was armed with a deadly weapon, as defined  
38 in RCW 9.94A.825, while stalking the person; (v)(A) the stalker's  
39 victim is or was a law enforcement officer; judge; juror; attorney;  
40 victim advocate; legislator; community corrections' officer; an

1 employee, contract staff person, or volunteer of a correctional  
2 agency; court employee, court clerk, or courthouse facilitator; or an  
3 employee of the child protective, child welfare, or adult protective  
4 services division within the department of social and health  
5 services; and (B) the stalker stalked the victim to retaliate against  
6 the victim for an act the victim performed during the course of  
7 official duties or to influence the victim's performance of official  
8 duties; ~~((e))~~ (vi) the stalker's victim is a current, former, or  
9 prospective witness in an adjudicative proceeding, and the stalker  
10 stalked the victim to retaliate against the victim as a result of the  
11 victim's testimony or potential testimony; or (vii) the stalker  
12 engaged in the behavior prohibited under subsection (1) of this  
13 section by threatening to kill the person stalked or any other  
14 person.

15 (6) As used in this section:

16 (a) "Correctional agency" means a person working for the  
17 department of natural resources in a correctional setting or any  
18 state, county, or municipally operated agency with the authority to  
19 direct the release of a person serving a sentence or term of  
20 confinement and includes but is not limited to the department of  
21 corrections, the indeterminate sentence review board, and the  
22 department of social and health services.

23 (b) "Electronic communication" means the transmission of  
24 information by wire, radio, optical cable, electromagnetic, or other  
25 similar means. "Electronic communication" includes, but is not  
26 limited to, email, internet-based communications, pager services, and  
27 electronic text messaging.

28 (c) "Electronic surveillance" means using tracking or spyware  
29 technology to track or monitor another person. Electronic  
30 surveillance does not include any lawful monitoring of, or  
31 interaction with, a subscriber's internet or other network connection  
32 or service, or a computer, by a telecommunications carrier, cable  
33 operator, computer hardware or software provider, or provider of  
34 information service or interactive computer service for network or  
35 computer security purposes, diagnostics, technical support,  
36 maintenance, repair, authorized updates of software or system  
37 firmware, authorized remote system management, or detection or  
38 prevention of the unauthorized use of or fraudulent or other illegal  
39 activities in connection with a network, service, or computer  
40 software.

1        (d) "Follows" means deliberately maintaining visual or physical  
2 proximity to a specific person over a period of time. A finding that  
3 the alleged stalker repeatedly and deliberately appears at the  
4 person's home, school, place of employment, business, or any other  
5 location to maintain visual or physical proximity to the person is  
6 sufficient to find that the alleged stalker follows the person. It is  
7 not necessary to establish that the alleged stalker follows the  
8 person while in transit from one location to another.

9        ~~((e))~~ (e) "Harasses" means unlawful harassment as defined in  
10 RCW 10.14.020.

11        ~~((d))~~ (f) "Protective order" means any temporary or permanent  
12 court order prohibiting or limiting violence against, harassment of,  
13 contact or communication with, or physical proximity to another  
14 person.

15        ~~((e))~~ (g) "Repeatedly" means on two or more separate occasions.

16        (h) "Tracking or spyware technology" means computer software that  
17 aids in gathering information about a person without the person's  
18 knowledge and that may send the information to another person or  
19 entity without the person's consent, or that asserts control over a  
20 computer or device without the person's knowledge or consent.

21        (i) "Unlawful surveillance" means to keep a person or place under  
22 surveillance for no lawful purpose as a means of tracking, following,  
23 or harassing a person. Unlawful surveillance does not include lawful  
24 surveillance as part of a criminal investigation being conducted by a  
25 law enforcement agency.

26        **Sec. 3.** RCW 7.92.020 and 2013 c 84 s 2 are each amended to read  
27 as follows:

28        The definitions in this section apply throughout this chapter  
29 unless the context clearly requires otherwise.

30        (1) "Minor" means a person who is under eighteen years of age.

31        (2) "Petitioner" means any named petitioner for the stalking  
32 protection order or any named victim of stalking conduct on whose  
33 behalf the petition is brought.

34        (3) "Stalking conduct" means any of the following:

35        (a) Any act of stalking as defined under RCW 9A.46.110;

36        (b) Any act of ~~((cyberstalking))~~ cyber harassment as defined  
37 under RCW 9.61.260;

1 (c) Any course of conduct involving repeated or continuing  
2 contacts, attempts to contact, monitoring, tracking, keeping under  
3 observation, or following of another that:

4 (i) Would cause a reasonable person to feel intimidated,  
5 frightened, or threatened and that actually causes such a feeling;

6 (ii) Serves no lawful purpose; and

7 (iii) The stalker knows or reasonably should know threatens,  
8 frightens, or intimidates the person, even if the stalker did not  
9 intend to intimidate, frighten, or threaten the person.

10 (4) "Stalking no-contact order" means a temporary order or a  
11 final order granted under this chapter against a person charged with  
12 or arrested for stalking, which includes a remedy authorized under  
13 RCW 7.92.160.

14 (5) "Stalking protection order" means an ex parte temporary order  
15 or a final order granted under this chapter, which includes a remedy  
16 authorized in RCW 7.92.100.

17 **Sec. 4.** RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017 c  
18 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read  
19 as follows:

20 TABLE 2

21 CRIMES INCLUDED WITHIN EACH  
22 SERIOUSNESS LEVEL

23 XVI Aggravated Murder 1 (RCW 10.95.020)

24 XV Homicide by abuse (RCW 9A.32.055)

25 Malicious explosion 1 (RCW  
26 70.74.280(1))

27 Murder 1 (RCW 9A.32.030)

28 XIV Murder 2 (RCW 9A.32.050)

29 Trafficking 1 (RCW 9A.40.100(1))

30 XIII Malicious explosion 2 (RCW  
31 70.74.280(2))

32 Malicious placement of an explosive 1  
33 (RCW 70.74.270(1))

34 XII Assault 1 (RCW 9A.36.011)

35 Assault of a Child 1 (RCW 9A.36.120)

1 Malicious placement of an imitation  
2 device 1 (RCW 70.74.272(1)(a))  
3 Promoting Commercial Sexual Abuse of  
4 a Minor (RCW 9.68A.101)  
5 Rape 1 (RCW 9A.44.040)  
6 Rape of a Child 1 (RCW 9A.44.073)  
7 Trafficking 2 (RCW 9A.40.100(3))  
8 XI Manslaughter 1 (RCW 9A.32.060)  
9 Rape 2 (RCW 9A.44.050)  
10 Rape of a Child 2 (RCW 9A.44.076)  
11 Vehicular Homicide, by being under the  
12 influence of intoxicating liquor or  
13 any drug (RCW 46.61.520)  
14 Vehicular Homicide, by the operation of  
15 any vehicle in a reckless manner  
16 (RCW 46.61.520)  
17 X Child Molestation 1 (RCW 9A.44.083)  
18 Criminal Mistreatment 1 (RCW  
19 9A.42.020)  
20 Indecent Liberties (with forcible  
21 compulsion) (RCW  
22 9A.44.100(1)(a))  
23 Kidnapping 1 (RCW 9A.40.020)  
24 Leading Organized Crime (RCW  
25 9A.82.060(1)(a))  
26 Malicious explosion 3 (RCW  
27 70.74.280(3))  
28 Sexually Violent Predator Escape (RCW  
29 9A.76.115)  
30 IX Abandonment of Dependent Person 1  
31 (RCW 9A.42.060)  
32 Assault of a Child 2 (RCW 9A.36.130)  
33 Explosive devices prohibited (RCW  
34 70.74.180)

1 Hit and Run—Death (RCW  
2 46.52.020(4)(a))  
3 Homicide by Watercraft, by being under  
4 the influence of intoxicating liquor  
5 or any drug (RCW 79A.60.050)  
6 Inciting Criminal Profiteering (RCW  
7 9A.82.060(1)(b))  
8 Malicious placement of an explosive 2  
9 (RCW 70.74.270(2))  
10 Robbery 1 (RCW 9A.56.200)  
11 Sexual Exploitation (RCW 9.68A.040)  
12 VIII Arson 1 (RCW 9A.48.020)  
13 Commercial Sexual Abuse of a Minor  
14 (RCW 9.68A.100)  
15 Homicide by Watercraft, by the  
16 operation of any vessel in a reckless  
17 manner (RCW 79A.60.050)  
18 Manslaughter 2 (RCW 9A.32.070)  
19 Promoting Prostitution 1 (RCW  
20 9A.88.070)  
21 Theft of Ammonia (RCW 69.55.010)  
22 VII Air bag diagnostic systems (causing  
23 bodily injury or death) (RCW  
24 46.37.660(2)(b))  
25 Air bag replacement requirements  
26 (causing bodily injury or death)  
27 (RCW 46.37.660(1)(b))  
28 Burglary 1 (RCW 9A.52.020)  
29 Child Molestation 2 (RCW 9A.44.086)  
30 Civil Disorder Training (RCW  
31 9A.48.120)  
32 Dealing in depictions of minor engaged  
33 in sexually explicit conduct 1  
34 (RCW 9.68A.050(1))  
35 Drive-by Shooting (RCW 9A.36.045)



1 Homicide by Watercraft, by disregard  
2 for the safety of others (RCW  
3 79A.60.050)

4 Indecent Liberties (without forcible  
5 compulsion) (RCW 9A.44.100(1)  
6 (b) and (c))

7 Introducing Contraband 1 (RCW  
8 9A.76.140)

9 Malicious placement of an explosive 3  
10 (RCW 70.74.270(3))

11 Manufacture or import counterfeit,  
12 nonfunctional, damaged, or  
13 previously deployed air bag  
14 (causing bodily injury or death)  
15 (RCW 46.37.650(1)(b))

16 Negligently Causing Death By Use of a  
17 Signal Preemption Device (RCW  
18 46.37.675)

19 Sale (~~(off)~~) of, install, or reinstall  
20 counterfeit, nonfunctional,  
21 damaged, or previously deployed  
22 airbag (RCW 46.37.650(2)(b))

23 Sending, bringing into state depictions  
24 of minor engaged in sexually  
25 explicit conduct 1 (RCW  
26 9.68A.060(1))

27 Unlawful Possession of a Firearm in the  
28 first degree (RCW 9.41.040(1))

29 Use of a Machine Gun in Commission  
30 of a Felony (RCW 9.41.225)

31 Vehicular Homicide, by disregard for  
32 the safety of others (RCW  
33 46.61.520)

34 VI Bail Jumping with Murder 1 (RCW  
35 9A.76.170(3)(a))

36 Bribery (RCW 9A.68.010)

37 Incest 1 (RCW 9A.64.020(1))

1 Intimidating a Judge (RCW 9A.72.160)  
2 Intimidating a Juror/Witness (RCW  
3 9A.72.110, 9A.72.130)  
4 Malicious placement of an imitation  
5 device 2 (RCW 70.74.272(1)(b))  
6 Possession of Depictions of a Minor  
7 Engaged in Sexually Explicit  
8 Conduct 1 (RCW 9.68A.070(1))  
9 Rape of a Child 3 (RCW 9A.44.079)  
10 Theft of a Firearm (RCW 9A.56.300)  
11 Theft from a Vulnerable Adult 1 (RCW  
12 9A.56.400(1))  
13 Unlawful Storage of Ammonia (RCW  
14 69.55.020)  
15 V Abandonment of Dependent Person 2  
16 (RCW 9A.42.070)  
17 Advancing money or property for  
18 extortionate extension of credit  
19 (RCW 9A.82.030)  
20 Air bag diagnostic systems (RCW  
21 46.37.660(2)(c))  
22 Air bag replacement requirements  
23 (RCW 46.37.660(1)(c))  
24 Bail Jumping with class A Felony  
25 (RCW 9A.76.170(3)(b))  
26 Child Molestation 3 (RCW 9A.44.089)  
27 Criminal Mistreatment 2 (RCW  
28 9A.42.030)  
29 Custodial Sexual Misconduct 1 (RCW  
30 9A.44.160)  
31 Dealing in Depictions of Minor  
32 Engaged in Sexually Explicit  
33 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order  
2 Violation (RCW 10.99.040,  
3 10.99.050, 26.09.300, 26.10.220,  
4 26.26.138, 26.50.110, 26.52.070, or  
5 74.34.145)  
6 Extortion 1 (RCW 9A.56.120)  
7 Extortionate Extension of Credit (RCW  
8 9A.82.020)  
9 Extortionate Means to Collect  
10 Extensions of Credit (RCW  
11 9A.82.040)  
12 Incest 2 (RCW 9A.64.020(2))  
13 Kidnapping 2 (RCW 9A.40.030)  
14 Manufacture or import counterfeit,  
15 nonfunctional, damaged, or  
16 previously deployed air bag (RCW  
17 46.37.650(1)(c))  
18 Perjury 1 (RCW 9A.72.020)  
19 Persistent prison misbehavior (RCW  
20 9.94.070)  
21 Possession of a Stolen Firearm (RCW  
22 9A.56.310)  
23 Rape 3 (RCW 9A.44.060)  
24 Rendering Criminal Assistance 1 (RCW  
25 9A.76.070)  
26 Sale (({øf})) of, install, or reinstall  
27 counterfeit, nonfunctional,  
28 damaged, or previously deployed  
29 airbag (RCW 46.37.650(2)(c))  
30 Sending, Bringing into State Depictions  
31 of Minor Engaged in Sexually  
32 Explicit Conduct 2 (RCW  
33 9.68A.060(2))  
34 Sexual Misconduct with a Minor 1  
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains  
2 (RCW 9A.44.105)  
3 Stalking (RCW 9A.46.110)  
4 Taking Motor Vehicle Without  
5 Permission 1 (RCW 9A.56.070)  
6 IV Arson 2 (RCW 9A.48.030)  
7 Assault 2 (RCW 9A.36.021)  
8 Assault 3 (of a Peace Officer with a  
9 Projectile Stun Gun) (RCW  
10 9A.36.031(1)(h))  
11 Assault 4 (third domestic violence  
12 offense) (RCW 9A.36.041(3))  
13 Assault by Watercraft (RCW  
14 79A.60.060)  
15 Bribing a Witness/Bribe Received by  
16 Witness (RCW 9A.72.090,  
17 9A.72.100)  
18 Cheating 1 (RCW 9A.46.1961)  
19 Commercial Bribery (RCW 9A.68.060)  
20 Counterfeiting (RCW 9A.16.035(4))  
21 Driving While Under the Influence  
22 (RCW 46.61.502(6))  
23 Endangerment with a Controlled  
24 Substance (RCW 9A.42.100)  
25 Escape 1 (RCW 9A.76.110)  
26 Hit and Run—Injury (RCW  
27 46.52.020(4)(b))  
28 Hit and Run with Vessel—Injury  
29 Accident (RCW 79A.60.200(3))  
30 Identity Theft 1 (RCW 9A.35.020(2))  
31 Indecent Exposure to Person Under Age  
32 Fourteen (subsequent sex offense)  
33 (RCW 9A.88.010)  
34 Influencing Outcome of Sporting Event  
35 (RCW 9A.82.070)

1 Malicious Harassment (RCW  
2 9A.36.080)  
3 Physical Control of a Vehicle While  
4 Under the Influence (RCW  
5 46.61.504(6))  
6 Possession of Depictions of a Minor  
7 Engaged in Sexually Explicit  
8 Conduct 2 (RCW 9.68A.070(2))  
9 Residential Burglary (RCW 9A.52.025)  
10 Robbery 2 (RCW 9A.56.210)  
11 Theft of Livestock 1 (RCW 9A.56.080)  
12 Threats to Bomb (RCW 9.61.160)  
13 Trafficking in Stolen Property 1 (RCW  
14 9A.82.050)  
15 Unlawful factoring of a credit card or  
16 payment card transaction (RCW  
17 9A.56.290(4)(b))  
18 Unlawful transaction of health coverage  
19 as a health care service contractor  
20 (RCW 48.44.016(3))  
21 Unlawful transaction of health coverage  
22 as a health maintenance  
23 organization (RCW 48.46.033(3))  
24 Unlawful transaction of insurance  
25 business (RCW 48.15.023(3))  
26 Unlicensed practice as an insurance  
27 professional (RCW 48.17.063(2))  
28 Use of Proceeds of Criminal  
29 Profiteering (RCW 9A.82.080 (1)  
30 and (2))  
31 Vehicle Prowling 2 (third or subsequent  
32 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the  
2 influence of intoxicating liquor or  
3 any drug, or by the operation or  
4 driving of a vehicle in a reckless  
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor  
7 Engaged in Sexually Explicit  
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough  
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or  
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace  
14 Officer With a Projectile Stun Gun)  
15 (RCW 9A.36.031 except subsection  
16 (1)(h))

17 Assault of a Child 3 (RCW 9A.36.140)

18 Bail Jumping with class B or C Felony  
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

21 Communication with a Minor for  
22 Immoral Purposes (RCW  
23 9.68A.090)

24 Criminal Gang Intimidation (RCW  
25 9A.46.120)

26 Custodial Assault (RCW 9A.36.100)

27 ~~((Cyberstalking))~~ Cyber Harassment  
28 (subsequent conviction, violation of  
29 a protective order, or threat of  
30 death) (RCW 9.61.260(3))

31 Escape 2 (RCW 9A.76.120)

32 Extortion 2 (RCW 9A.56.130)

33 Harassment (RCW 9A.46.020)

34 Intimidating a Public Servant (RCW  
35 9A.76.180)

1 Introducing Contraband 2 (RCW  
2 9A.76.150)  
3 Malicious Injury to Railroad Property  
4 (RCW 81.60.070)  
5 Mortgage Fraud (RCW 19.144.080)  
6 Negligently Causing Substantial Bodily  
7 Harm By Use of a Signal  
8 Preemption Device (RCW  
9 46.37.674)  
10 Organized Retail Theft 1 (RCW  
11 9A.56.350(2))  
12 Perjury 2 (RCW 9A.72.030)  
13 Possession of Incendiary Device (RCW  
14 9.40.120)  
15 Possession of Machine Gun or Short-  
16 Barreled Shotgun or Rifle (RCW  
17 9.41.190)  
18 Promoting Prostitution 2 (RCW  
19 9A.88.080)  
20 Retail Theft with Special Circumstances  
21 1 (RCW 9A.56.360(2))  
22 Securities Act violation (RCW  
23 21.20.400)  
24 Tampering with a Witness (RCW  
25 9A.72.120)  
26 Telephone Harassment (subsequent  
27 conviction or threat of death) (RCW  
28 9.61.230(2))  
29 Theft of Livestock 2 (RCW 9A.56.083)  
30 Theft with the Intent to Resell 1 (RCW  
31 9A.56.340(2))  
32 Trafficking in Stolen Property 2 (RCW  
33 9A.82.055)  
34 Unlawful Hunting of Big Game 1 (RCW  
35 77.15.410(3)(b))

1 Unlawful Imprisonment (RCW  
2 9A.40.040)

3 Unlawful Misbranding of Food Fish or  
4 Shellfish 1 (RCW 69.04.938(3))

5 Unlawful possession of firearm in the  
6 second degree (RCW 9.41.040(2))

7 Unlawful Taking of Endangered Fish or  
8 Wildlife 1 (RCW 77.15.120(3)(b))

9 Unlawful Trafficking in Fish, Shellfish,  
10 or Wildlife 1 (RCW  
11 77.15.260(3)(b))

12 Unlawful Use of a Nondesignated  
13 Vessel (RCW 77.15.530(4))

14 Vehicular Assault, by the operation or  
15 driving of a vehicle with disregard  
16 for the safety of others (RCW  
17 46.61.522)

18 Willful Failure to Return from Work  
19 Release (RCW 72.65.070)

20 II Commercial Fishing Without a License  
21 1 (RCW 77.15.500(3)(b))

22 Computer Trespass 1 (RCW 9A.90.040)

23 Counterfeiting (RCW 9.16.035(3))

24 Electronic Data Service Interference  
25 (RCW 9A.90.060)

26 Electronic Data Tampering 1 (RCW  
27 9A.90.080)

28 Electronic Data Theft (RCW 9A.90.100)

29 Engaging in Fish Dealing Activity  
30 Unlicensed 1 (RCW 77.15.620(3))

31 Escape from Community Custody  
32 (RCW 72.09.310)

33 Failure to Register as a Sex Offender  
34 (second or subsequent offense)  
35 (RCW 9A.44.130 prior to June 10,  
36 2010, and RCW 9A.44.132)



1 Health Care False Claims (RCW  
2 48.80.030)  
3 Identity Theft 2 (RCW 9.35.020(3))  
4 Improperly Obtaining Financial  
5 Information (RCW 9.35.010)  
6 Malicious Mischief 1 (RCW 9A.48.070)  
7 Organized Retail Theft 2 (RCW  
8 9A.56.350(3))  
9 Possession of Stolen Property 1 (RCW  
10 9A.56.150)  
11 Possession of a Stolen Vehicle (RCW  
12 9A.56.068)  
13 Retail Theft with Special Circumstances  
14 2 (RCW 9A.56.360(3))  
15 Scrap Processing, Recycling, or  
16 Supplying Without a License  
17 (second or subsequent offense)  
18 (RCW 19.290.100)  
19 Theft 1 (RCW 9A.56.030)  
20 Theft of a Motor Vehicle (RCW  
21 9A.56.065)  
22 Theft of Rental, Leased, Lease-  
23 purchased, or Loaned Property  
24 (valued at five thousand dollars or  
25 more) (RCW 9A.56.096(5)(a))  
26 Theft with the Intent to Resell 2 (RCW  
27 9A.56.340(3))  
28 Trafficking in Insurance Claims (RCW  
29 48.30A.015)  
30 Unlawful factoring of a credit card or  
31 payment card transaction (RCW  
32 9A.56.290(4)(a))  
33 Unlawful Participation of Non-Indians  
34 in Indian Fishery (RCW  
35 77.15.570(2))

1 Unlawful Practice of Law (RCW  
2 2.48.180)  
3 Unlawful Purchase or Use of a License  
4 (RCW 77.15.650(3)(b))  
5 Unlawful Trafficking in Fish, Shellfish,  
6 or Wildlife 2 (RCW  
7 77.15.260(3)(a))  
8 Unlicensed Practice of a Profession or  
9 Business (RCW 18.130.190(7))  
10 Voyeurism 1 (RCW 9A.44.115)  
11 I Attempting to Elude a Pursuing Police  
12 Vehicle (RCW 46.61.024)  
13 False Verification for Welfare (RCW  
14 74.08.055)  
15 Forgery (RCW 9A.60.020)  
16 Fraudulent Creation or Revocation of a  
17 Mental Health Advance Directive  
18 (RCW 9A.60.060)  
19 Malicious Mischief 2 (RCW 9A.48.080)  
20 Mineral Trespass (RCW 78.44.330)  
21 Possession of Stolen Property 2 (RCW  
22 9A.56.160)  
23 Reckless Burning 1 (RCW 9A.48.040)  
24 Spotlighting Big Game 1 (RCW  
25 77.15.450(3)(b))  
26 Suspension of Department Privileges 1  
27 (RCW 77.15.670(3)(b))  
28 Taking Motor Vehicle Without  
29 Permission 2 (RCW 9A.56.075)  
30 Theft 2 (RCW 9A.56.040)  
31 Theft from a Vulnerable Adult 2 (RCW  
32 9A.56.400(2))

1 Theft of Rental, Leased, Lease-  
2 purchased, or Loaned Property  
3 (valued at seven hundred fifty  
4 dollars or more but less than five  
5 thousand dollars) (RCW  
6 9A.56.096(5)(b))  
7 Transaction of insurance business  
8 beyond the scope of licensure  
9 (RCW 48.17.063)  
10 Unlawful Fish and Shellfish Catch  
11 Accounting (RCW 77.15.630(3)(b))  
12 Unlawful Issuance of Checks or Drafts  
13 (RCW 9A.56.060)  
14 Unlawful Possession of Fictitious  
15 Identification (RCW 9A.56.320)  
16 Unlawful Possession of Instruments of  
17 Financial Fraud (RCW 9A.56.320)  
18 Unlawful Possession of Payment  
19 Instruments (RCW 9A.56.320)  
20 Unlawful Possession of a Personal  
21 Identification Device (RCW  
22 9A.56.320)  
23 Unlawful Production of Payment  
24 Instruments (RCW 9A.56.320)  
25 Unlawful Releasing, Planting,  
26 Possessing, or Placing Deleterious  
27 Exotic Wildlife (RCW  
28 77.15.250(2)(b))  
29 Unlawful Trafficking in Food Stamps  
30 (RCW 9.91.142)  
31 Unlawful Use of Food Stamps (RCW  
32 9.91.144)  
33 Unlawful Use of Net to Take Fish 1  
34 (RCW 77.15.580(3)(b))  
35 Unlawful Use of Prohibited Aquatic  
36 Animal Species (RCW  
37 77.15.253(3))

1 Vehicle Prowl 1 (RCW 9A.52.095)

2 Violating Commercial Fishing Area or

3 Time 1 (RCW 77.15.550(3)(b))

4 **Sec. 5.** RCW 9A.46.060 and 2006 c 138 s 21 are each amended to  
5 read as follows:

6 As used in this chapter, "harassment" may include but is not  
7 limited to any of the following crimes:

- 8 (1) Harassment (RCW 9A.46.020);
- 9 (2) Malicious harassment (RCW 9A.36.080);
- 10 (3) Telephone harassment (RCW 9.61.230);
- 11 (4) Assault in the first degree (RCW 9A.36.011);
- 12 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 13 (6) Assault in the second degree (RCW 9A.36.021);
- 14 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 15 (8) Assault in the fourth degree (RCW 9A.36.041);
- 16 (9) Reckless endangerment (RCW 9A.36.050);
- 17 (10) Extortion in the first degree (RCW 9A.56.120);
- 18 (11) Extortion in the second degree (RCW 9A.56.130);
- 19 (12) Coercion (RCW 9A.36.070);
- 20 (13) Burglary in the first degree (RCW 9A.52.020);
- 21 (14) Burglary in the second degree (RCW 9A.52.030);
- 22 (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 23 (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 24 (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 25 (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 26 (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 27 (20) Kidnapping in the first degree (RCW 9A.40.020);
- 28 (21) Kidnapping in the second degree (RCW 9A.40.030);
- 29 (22) Unlawful imprisonment (RCW 9A.40.040);
- 30 (23) Rape in the first degree (RCW 9A.44.040);
- 31 (24) Rape in the second degree (RCW 9A.44.050);
- 32 (25) Rape in the third degree (RCW 9A.44.060);
- 33 (26) Indecent liberties (RCW 9A.44.100);
- 34 (27) Rape of a child in the first degree (RCW 9A.44.073);
- 35 (28) Rape of a child in the second degree (RCW 9A.44.076);
- 36 (29) Rape of a child in the third degree (RCW 9A.44.079);
- 37 (30) Child molestation in the first degree (RCW 9A.44.083);
- 38 (31) Child molestation in the second degree (RCW 9A.44.086);

- 1 (32) Child molestation in the third degree (RCW 9A.44.089);  
2 (33) Stalking (RCW 9A.46.110);  
3 (34) (~~Cyberstalking~~) Cyber harassment (RCW 9.61.260);  
4 (35) Residential burglary (RCW 9A.52.025);  
5 (36) Violation of a temporary, permanent, or final protective  
6 order issued pursuant to chapter 7.90, 9A.46, 10.14, 10.99, 26.09, or  
7 26.50 RCW;  
8 (37) Unlawful discharge of a laser in the first degree (RCW  
9 9A.49.020); and  
10 (38) Unlawful discharge of a laser in the second degree (RCW  
11 9A.49.030).

12 **Sec. 6.** RCW 26.50.060 and 2010 c 274 s 304 are each amended to  
13 read as follows:

14 (1) Upon notice and after hearing, the court may provide relief  
15 as follows:

16 (a) Restrain the respondent from committing acts of domestic  
17 violence;

18 (b) Exclude the respondent from the dwelling that the parties  
19 share, from the residence, workplace, or school of the petitioner, or  
20 from the day care or school of a child;

21 (c) Prohibit the respondent from knowingly coming within, or  
22 knowingly remaining within, a specified distance from a specified  
23 location;

24 (d) On the same basis as is provided in chapter 26.09 RCW, the  
25 court shall make residential provision with regard to minor children  
26 of the parties. However, parenting plans as specified in chapter  
27 26.09 RCW shall not be required under this chapter;

28 (e) Order the respondent to participate in a domestic violence  
29 perpetrator treatment program approved under RCW 26.50.150;

30 (f) Order other relief as it deems necessary for the protection  
31 of the petitioner and other family or household members sought to be  
32 protected, including orders or directives to a peace officer, as  
33 allowed under this chapter;

34 (g) Require the respondent to pay the administrative court costs  
35 and service fees, as established by the county or municipality  
36 incurring the expense and to reimburse the petitioner for costs  
37 incurred in bringing the action, including reasonable attorneys'  
38 fees;

1 (h) Restrain the respondent from having any contact with the  
2 victim of domestic violence or the victim's children or members of  
3 the victim's household;

4 (i) Restrain the respondent from harassing, following, keeping  
5 under physical or electronic surveillance, (~~cyberstalking~~) cyber  
6 harassment as defined in RCW 9.61.260, and using telephonic,  
7 audiovisual, or other electronic means to monitor the actions,  
8 location, or communication of a victim of domestic violence, the  
9 victim's children, or members of the victim's household. For the  
10 purposes of this subsection, "communication" includes both "wire  
11 communication" and "electronic communication" as defined in RCW  
12 9.73.260;

13 (j) Require the respondent to submit to electronic monitoring.  
14 The order shall specify who shall provide the electronic monitoring  
15 services and the terms under which the monitoring must be performed.  
16 The order also may include a requirement that the respondent pay the  
17 costs of the monitoring. The court shall consider the ability of the  
18 respondent to pay for electronic monitoring;

19 (k) Consider the provisions of RCW 9.41.800;

20 (l) Order possession and use of essential personal effects. The  
21 court shall list the essential personal effects with sufficient  
22 specificity to make it clear which property is included. Personal  
23 effects may include pets. The court may order that a petitioner be  
24 granted the exclusive custody or control of any pet owned, possessed,  
25 leased, kept, or held by the petitioner, respondent, or minor child  
26 residing with either the petitioner or respondent and may prohibit  
27 the respondent from interfering with the petitioner's efforts to  
28 remove the pet. The court may also prohibit the respondent from  
29 knowingly coming within, or knowingly remaining within, a specified  
30 distance of specified locations where the pet is regularly found; and

31 (m) Order use of a vehicle.

32 (2) If a protection order restrains the respondent from  
33 contacting the respondent's minor children the restraint shall be for  
34 a fixed period not to exceed one year. This limitation is not  
35 applicable to orders for protection issued under chapter 26.09,  
36 26.10, or 26.26 RCW. With regard to other relief, if the petitioner  
37 has petitioned for relief on his or her own behalf or on behalf of  
38 the petitioner's family or household members or minor children, and  
39 the court finds that the respondent is likely to resume acts of  
40 domestic violence against the petitioner or the petitioner's family

1 or household members or minor children when the order expires, the  
2 court may either grant relief for a fixed period or enter a permanent  
3 order of protection.

4 If the petitioner has petitioned for relief on behalf of the  
5 respondent's minor children, the court shall advise the petitioner  
6 that if the petitioner wants to continue protection for a period  
7 beyond one year the petitioner may either petition for renewal  
8 pursuant to the provisions of this chapter or may seek relief  
9 pursuant to the provisions of chapter 26.09 or 26.26 RCW.

10 (3) If the court grants an order for a fixed time period, the  
11 petitioner may apply for renewal of the order by filing a petition  
12 for renewal at any time within the three months before the order  
13 expires. The petition for renewal shall state the reasons why the  
14 petitioner seeks to renew the protection order. Upon receipt of the  
15 petition for renewal the court shall order a hearing which shall be  
16 not later than fourteen days from the date of the order. Except as  
17 provided in RCW 26.50.085, personal service shall be made on the  
18 respondent not less than five days before the hearing. If timely  
19 service cannot be made the court shall set a new hearing date and  
20 shall either require additional attempts at obtaining personal  
21 service or permit service by publication as provided in RCW 26.50.085  
22 or by mail as provided in RCW 26.50.123. If the court permits service  
23 by publication or mail, the court shall set the new hearing date not  
24 later than twenty-four days from the date of the order. If the order  
25 expires because timely service cannot be made the court shall grant  
26 an ex parte order of protection as provided in RCW 26.50.070. The  
27 court shall grant the petition for renewal unless the respondent  
28 proves by a preponderance of the evidence that the respondent will  
29 not resume acts of domestic violence against the petitioner or the  
30 petitioner's children or family or household members when the order  
31 expires. The court may renew the protection order for another fixed  
32 time period or may enter a permanent order as provided in this  
33 section. The court may award court costs, service fees, and  
34 reasonable attorneys' fees as provided in subsection (1)(g) of this  
35 section.

36 (4) In providing relief under this chapter, the court may realign  
37 the designation of the parties as "petitioner" and "respondent" where  
38 the court finds that the original petitioner is the abuser and the  
39 original respondent is the victim of domestic violence and may issue  
40 an ex parte temporary order for protection in accordance with RCW

1 26.50.070 on behalf of the victim until the victim is able to prepare  
2 a petition for an order for protection in accordance with RCW  
3 26.50.030.

4 (5) Except as provided in subsection (4) of this section, no  
5 order for protection shall grant relief to any party except upon  
6 notice to the respondent and hearing pursuant to a petition or  
7 counter-petition filed and served by the party seeking relief in  
8 accordance with RCW 26.50.050.

9 (6) The court order shall specify the date the order expires if  
10 any. The court order shall also state whether the court issued the  
11 protection order following personal service, service by publication,  
12 or service by mail and whether the court has approved service by  
13 publication or mail of an order issued under this section.

14 (7) If the court declines to issue an order for protection or  
15 declines to renew an order for protection, the court shall state in  
16 writing on the order the particular reasons for the court's denial.

17 **Sec. 7.** RCW 26.50.070 and 2010 c 274 s 305 are each amended to  
18 read as follows:

19 (1) Where an application under this section alleges that  
20 irreparable injury could result from domestic violence if an order is  
21 not issued immediately without prior notice to the respondent, the  
22 court may grant an ex parte temporary order for protection, pending a  
23 full hearing, and grant relief as the court deems proper, including  
24 an order:

25 (a) Restraining any party from committing acts of domestic  
26 violence;

27 (b) Restraining any party from going onto the grounds of or  
28 entering the dwelling that the parties share, from the residence,  
29 workplace, or school of the other, or from the day care or school of  
30 a child until further order of the court;

31 (c) Prohibiting any party from knowingly coming within, or  
32 knowingly remaining within, a specified distance from a specified  
33 location;

34 (d) Restraining any party from interfering with the other's  
35 custody of the minor children or from removing the children from the  
36 jurisdiction of the court;

37 (e) Restraining any party from having any contact with the victim  
38 of domestic violence or the victim's children or members of the  
39 victim's household;



1 (f) Considering the provisions of RCW 9.41.800; and  
2 (g) Restraining the respondent from harassing, following, keeping  
3 under physical or electronic surveillance, (~~cyberstalking~~) cyber  
4 harassment as defined in RCW 9.61.260, and using telephonic,  
5 audiovisual, or other electronic means to monitor the actions,  
6 location, or communication of a victim of domestic violence, the  
7 victim's children, or members of the victim's household. For the  
8 purposes of this subsection, "communication" includes both "wire  
9 communication" and "electronic communication" as defined in RCW  
10 9.73.260.

11 (2) Irreparable injury under this section includes but is not  
12 limited to situations in which the respondent has recently threatened  
13 petitioner with bodily injury or has engaged in acts of domestic  
14 violence against the petitioner.

15 (3) The court shall hold an ex parte hearing in person or by  
16 telephone on the day the petition is filed or on the following  
17 judicial day.

18 (4) An ex parte temporary order for protection shall be effective  
19 for a fixed period not to exceed fourteen days or twenty-four days if  
20 the court has permitted service by publication under RCW 26.50.085 or  
21 by mail under RCW 26.50.123. The ex parte order may be reissued. A  
22 full hearing, as provided in this chapter, shall be set for not later  
23 than fourteen days from the issuance of the temporary order or not  
24 later than twenty-four days if service by publication or by mail is  
25 permitted. Except as provided in RCW 26.50.050, 26.50.085, and  
26 26.50.123, the respondent shall be personally served with a copy of  
27 the ex parte order along with a copy of the petition and notice of  
28 the date set for the hearing.

29 (5) Any order issued under this section shall contain the date  
30 and time of issuance and the expiration date and shall be entered  
31 into a statewide judicial information system by the clerk of the  
32 court within one judicial day after issuance.

33 (6) If the court declines to issue an ex parte temporary order  
34 for protection the court shall state the particular reasons for the  
35 court's denial. The court's denial of a motion for an ex parte order  
36 of protection shall be filed with the court.

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