
SUBSTITUTE SENATE BILL 5148

State of Washington

67th Legislature

2021 Regular Session

By Senate Law & Justice (originally sponsored by Senators Frockt, Hunt, Billig, Darneille, Das, Hasegawa, Kuderer, Lovelett, Pedersen, Saldaña, Salomon, and Wilson, C.)

READ FIRST TIME 02/12/21.

1 AN ACT Relating to the harassment of election officials; amending
2 RCW 9A.46.020; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.46.020 and 2011 c 64 s 1 are each amended to read
5 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
18 in 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.

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

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

16 (c) A person who harasses another is guilty of a class C felony
17 if the person:

18 (i) Harasses an election official who is performing his or her
19 official duties at the time the threat is made; or

20 (ii) Harasses an election official because of an action taken or
21 decision made by the election official during the performance of his
22 or her official duties.

23 (3) For the purposes of subsection (2) (b) (iii) and (iv) and (c)
24 of this ((subsection)) section, the fear from the threat must be a
25 fear that a reasonable ((criminal justice participant)) person would
26 have under all the circumstances. Threatening words do not constitute
27 harassment if it is apparent to the ((criminal justice participant))
28 person that the person making the threat does not have the present
29 and future ability to carry out the threat.

30 ~~((3))~~ (4) Any criminal justice participant or election official
31 who is a target for threats or harassment prohibited under
32 ((subsection (2) (b) (iii) or (iv) of)) this section, and any family
33 members residing with him or her, shall be eligible for the address
34 confidentiality program created under RCW 40.24.030.

35 ~~((4))~~ (5) For purposes of this section, a criminal justice
36 participant includes any (a) federal, state, or local law enforcement
37 agency employee; (b) federal, state, or local prosecuting attorney or
38 deputy prosecuting attorney; (c) staff member of any adult
39 corrections institution or local adult detention facility; (d) staff
40 member of any juvenile corrections institution or local juvenile

1 detention facility; (e) community corrections officer, probation, or
2 parole officer; (f) member of the indeterminate sentence review
3 board; (g) advocate from a crime victim/witness program; or (h)
4 defense attorney.

5 ~~((5))~~ (6) For purposes of this section, "election official"
6 includes any staff member of the office of the secretary of state or
7 staff member of the county auditor's office, regardless of whether
8 the member is employed on a temporary or part-time basis, whose
9 duties relate to voter registration or the processing of votes as
10 provided in Title 29A RCW.

11 (7) The penalties provided in this section for harassment do not
12 preclude the victim from seeking any other remedy otherwise available
13 under law.

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