

SHB 1241 - S COMM AMD

By Committee on Law & Justice

ADOPTED AND ENGROSSED 02/22/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9A.46.020 and 2023 c 102 s 16 are each amended to
4 read as follows:

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

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

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

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

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

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

16 (b) The person by words or conduct places the person threatened
17 in reasonable fear that the threat will be carried out. "Words or
18 conduct" includes, in addition to any other form of communication or
19 conduct, the sending of an electronic communication.

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

22 (b) A person who harasses another is guilty of a class C felony
23 if any of the following apply: (i) The person has previously been
24 convicted in this or any other state of any crime of harassment, as
25 defined in RCW 9A.46.060, of the same victim or members of the
26 victim's family or household or any person specifically named in a
27 no-contact or no-harassment order; (ii) the person harasses another
28 person under subsection (1) (a) (i) of this section by threatening to
29 kill the person threatened or any other person; (iii) the person
30 harasses a criminal justice participant or election official who is
31 performing his or her official duties at the time the threat is made;
32 or (iv) the person harasses a criminal justice participant or

1 election official because of an action taken or decision made by the
2 criminal justice participant or election official during the
3 performance of his or her official duties. For the purposes of
4 (b)(iii) and (iv) of this subsection, the fear from the threat must
5 be a fear that a reasonable criminal justice participant or election
6 official would have under all the circumstances. Threatening words do
7 not constitute harassment if it is apparent to the criminal justice
8 participant or election official that the person does not have the
9 present and future ability to carry out the threat.

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

15 (4) For purposes of this section, a criminal justice participant
16 includes any (a) federal, state, or local law enforcement agency
17 employee; (b) federal, state, or local prosecuting attorney or deputy
18 prosecuting attorney; (c) staff member of any adult corrections
19 institution or local adult detention facility; (d) staff member of
20 any juvenile corrections institution or local juvenile detention
21 facility; (e) community corrections officer, probation, or parole
22 officer; (f) member of the indeterminate sentence review board; (g)
23 advocate from a crime victim/witness program; or (h) defense
24 attorney.

25 (5) For the purposes of this section, an election official
26 includes any staff member of the office of the secretary of state or
27 staff member of a county auditor's office, regardless of whether the
28 member is employed on a temporary or part-time basis, whose duties
29 relate to voter registration or the processing of votes as provided
30 in Title 29A RCW.

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

34 **Sec. 2.** RCW 40.24.030 and 2023 c 462 s 501 and 2023 c 193 s 18
35 are each reenacted and amended to read as follows:

36 (1)(a) An adult person, a parent or guardian acting on behalf of
37 a minor, or a guardian acting on behalf of an ~~((incapacitated~~
38 ~~person))~~ individual subject to guardianship as defined in RCW
39 11.130.010, (b) any election official as described in RCW 9A.46.020

1 or 9A.90.120 who is a target for threats or harassment prohibited
2 under RCW 9A.46.020 or 9A.90.120(2)(b) (iii) or (iv), and any person
3 residing with such person(~~(+)~~), (c) any criminal justice
4 participant as defined in RCW 9A.46.020 who is a target for threats
5 or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and
6 any criminal justice participant as defined in RCW 9A.90.120 who is a
7 target for threats or harassment prohibited under RCW 9A.90.120(2)(b)
8 (iii) or (iv), and any person residing with such person, and (d) any
9 protected health care services provider, employee, or an affiliate of
10 such provider, who provides, attempts to provide, assists in the
11 provision, or attempts to assist in the provision of protected health
12 care services as defined in RCW 7.115.010, and any family members
13 residing with such person, may apply to the secretary of state to
14 have an address designated by the secretary of state serve as the
15 person's address or the address of the minor or incapacitated person.
16 The secretary of state shall approve an application if it is filed in
17 the manner and on the form prescribed by the secretary of state and
18 if it contains:

19 (i) A sworn statement, under penalty of perjury, by the applicant
20 that the applicant has good reason to believe (A) that the applicant,
21 or the minor or incapacitated person on whose behalf the application
22 is made, is a victim of domestic violence, sexual assault,
23 trafficking, or stalking and that the applicant fears for the
24 applicant's safety or the applicant's children's safety, or the
25 safety of the minor or incapacitated person on whose behalf the
26 application is made; (B) that the applicant, as an election official
27 as described in RCW 9A.46.020 or 9A.90.120, is a target for threats
28 or harassment prohibited under RCW 9A.46.020 or 9A.90.120(2)(b) (iii)
29 or (iv); (C) that the applicant, as a criminal justice participant as
30 defined in RCW 9A.46.020, is a target for threats or harassment
31 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the
32 applicant, as a criminal justice participant as defined in RCW
33 9A.90.120 is a target for threats or harassment prohibited under RCW
34 9A.90.120(2)(b) (iii) or (iv); or (D) that the applicant, as a
35 protected health care services provider, employee, or an affiliate of
36 such provider, who provides, attempts to provide, assists in the
37 provision, or attempts to assist in the provision of protected health
38 care services as defined in RCW 7.115.010, is a target for threats or
39 harassment prohibited under RCW 9A.90.120 or 9A.46.020;

1 (ii) If applicable, a sworn statement, under penalty of perjury,
2 by the applicant, that the applicant has reason to believe they are a
3 victim of (A) domestic violence, sexual assault, or stalking
4 perpetrated by an employee of a law enforcement agency, (B) threats
5 or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or
6 9A.46.020(2)(b) (iii) or (iv), or (C) threats or harassment as
7 described in (a)(i)(D) of this subsection;

8 (iii) A designation of the secretary of state as agent for
9 purposes of service of process and for the purpose of receipt of
10 mail;

11 (iv) The residential address and any telephone number where the
12 applicant can be contacted by the secretary of state, which shall not
13 be disclosed because disclosure will increase the risk of (A)
14 domestic violence, sexual assault, trafficking, or stalking, (B)
15 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or
16 (iv) or 9A.46.020(2)(b) (iii) or (iv), or (C) threats or harassment
17 as described in (a)(i)(D) of this subsection;

18 (v) The signature of the applicant and of any individual or
19 representative of any office designated in writing under RCW
20 40.24.080 who assisted in the preparation of the application, and the
21 date on which the applicant signed the application.

22 (2) Applications shall be filed with the office of the secretary
23 of state.

24 (3) Upon filing a properly completed application, the secretary
25 of state shall certify the applicant as a program participant.
26 Applicants shall be certified for four years following the date of
27 filing unless the certification is withdrawn or invalidated before
28 that date. The secretary of state shall by rule establish a renewal
29 procedure.

30 (4)(a) During the application process, the secretary of state
31 shall provide each applicant a form to direct the department of
32 licensing to change the address of registration for vehicles or
33 vessels solely or jointly registered to the applicant and the address
34 associated with the applicant's driver's license or identicard to the
35 applicant's address as designated by the secretary of state upon
36 certification in the program. The directive to the department of
37 licensing is only valid if signed by the applicant. The directive may
38 only include information required by the department of licensing to
39 verify the applicant's identity and ownership information for
40 vehicles and vessels. This information is limited to the:

- 1 (i) Applicant's full legal name;
- 2 (ii) Applicant's Washington driver's license or identicard
3 number;
- 4 (iii) Applicant's date of birth;
- 5 (iv) Vehicle identification number and license plate number for
6 each vehicle solely or jointly registered to the applicant; and
- 7 (v) Hull identification number or vessel document number and
8 vessel decal number for each vessel solely or jointly registered to
9 the applicant.

10 (b) Upon certification of the applicants, the secretary of state
11 shall transmit completed and signed directives to the department of
12 licensing.

13 (c) Within 30 days of receiving a completed and signed directive,
14 the department of licensing shall update the applicant's address on
15 registration and licensing records.

16 (d) Applicants are not required to sign the directive to the
17 department of licensing to be certified as a program participant.

18 (5) A person who knowingly provides false or incorrect
19 information upon making an application or falsely attests in an
20 application that disclosure of the applicant's address would endanger
21 (a) the applicant's safety or the safety of the applicant's children
22 or the minor or incapacitated person on whose behalf the application
23 is made, (b) the safety of any election official as described in RCW
24 9A.46.020 or 9A.90.120 who is a target for threats or harassment
25 prohibited under RCW 9A.46.020 or 9A.90.120(2)(b) (iii) or (iv), (c)
26 the safety of any criminal justice participant as defined in RCW
27 9A.46.020 who is a target for threats or harassment prohibited under
28 RCW 9A.46.020(2)(b) (iii) or (iv) or of any criminal justice
29 participant as defined in RCW 9A.90.120 who is a target for threats
30 or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), or
31 (d) the safety of any person as described in subsection (1)(a)(i)(D)
32 of this section who is a target for threats or harassment, or any
33 family members residing with such person, shall be punished under RCW
34 40.16.030 or other applicable statutes.

35 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of
37 the state government and its existing public institutions, and takes
38 effect immediately.

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1 On page 1, line 1 of the title, after "harassment;" strike the
2 remainder of the title and insert "amending RCW 9A.46.020; reenacting
3 and amending RCW 40.24.030; and declaring an emergency."

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