

SENATE BILL REPORT

SHB 1241

As Passed Senate - Amended, February 22, 2024

Title: An act relating to harassment.

Brief Description: Addressing harassment.

Sponsors: House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representatives Leavitt, Reeves, Reed, Morgan and Bronoske).

Brief History: Passed House: 1/11/24, 86-11.

Committee Activity: Law & Justice: 1/29/24, 1/30/24 [DPA, w/oRec].

Floor Activity: Passed Senate - Amended: 2/22/24, 45-4.

Brief Summary of Bill (As Amended by Senate)

- Creating the Class C Felony of Harassing Election Officials.
- Allows election workers who are harassed to apply for the address confidentiality program.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer, Pedersen, Salomon and Valdez.

Minority Report: That it be referred without recommendation.

Signed by Senators Padden, Ranking Member; McCune, Torres, Wagoner and Wilson, L..

Staff: William Bridges (786-7312)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Gross Misdemeanor Harassment. A gross misdemeanor is committed when a person knowingly threatens another person with bodily injury, property damage, physical confinement or restraint, or a malicious act, and the threatened person reasonably fears that the threat will be carried out.

Felony Harassment. A Class C felony is committed when a person previously convicted of harassment, threatens to kill another person, or if the threatened persons are criminal justice participants performing their duties.

A criminal justice participant is any government agency employee; government attorney; staff to corrections institutions or detention facilities; staff to juvenile corrections institutions or juvenile facilities; community corrections, probation, or parole officers; members of the Indeterminate Sentencing Review Board; advocates for crime victim or witness programs; or defense attorneys.

Cyber Harassment. Harassment by electronic communication, other than by telephone, is called cyber harassment. It is a Class C felony to commit cyber harassment against a criminal justice participant or an election official performing official duties at the time the communication is made or because of an action or decision taken during the performance of those duties.

An election official includes any staff member of the Office of the Secretary of State or staff member of a county auditor's office, regardless of whether the member is employed on a temporary or part-time basis, whose duties relate to voter registration or the processing of votes.

Address Confidentiality Program. The Address Confidentiality Program allows a person to apply to the Secretary of State for a separate address to keep the person's actual address confidential. The program is available for victims of domestic violence, sexual assault, trafficking, or stalking, who fear for their safety. A person may apply on their own behalf or on behalf of a minor or incapacitated person who are targets for threats or harassment because of their involvement in the criminal justice system. A criminal justice participant and family members are eligible for the address confidentiality program under both the harassment and cyber harassment statutes. An election worker is only eligible for the address confidentiality program under the cyber harassment statute.

Summary of Amended Bill: Creating the Class C Felony of Harassing Election Officials. It is a Class C felony to harass an election official performing official duties at the time of the threat or because of an action or decision taken during the performance of those duties.

Adding Election Workers Who are the Targets of Felony Harassment to the Address Confidentiality Program. Election workers who are targets for threats of felony harassment, and any persons residing with them, are eligible for the address confidentiality program.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Election workers, the unsung heroes of democracy, are under assault. Over one-quarter of election workers say they have been threatened or intimidated and they no longer feel safe. The intimidation includes such things as well-reported instances of county election offices receiving envelopes with white powder. The bill does not redefine criminal harassment, it harmonizes punishment between cyber harassment and in-person harassment. The costs of hiring private security and replacing quitting election workers is a burden on local government.

CON: The Legislature needs to make it clear that the constitutionally protected rights of speech and petitioning the government is not harassment. The law should not be used to silence critics.

Persons Testifying: PRO: Representative Mari Leavitt, Prime Sponsor; Jennifer Wallace, WA Assoc of County Officials; Cindy Madigan, League of Women Voters of Washington; Lori Larsen, President, Washington Association of County Auditors; Linda Farmer, Pierce County Auditor's Office; Carolyn Fundingsland, WSACA - Washington State Association of County Auditors.

CON: Teo Morca; Julie Barrett, Conservative Ladies of Washington.

Persons Signed In To Testify But Not Testifying: No one.