

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1241

68th Legislature
2024 Regular Session

Passed by the House March 4, 2024
Yeas 88 Nays 9

**Speaker of the House of
Representatives**

Passed by the Senate February 22,
2024
Yeas 45 Nays 4

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1241** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1241

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Community Safety, Justice, & Reentry (originally sponsored by Representatives Leavitt, Reeves, Reed, Morgan, and Bronoske)

READ FIRST TIME 01/27/23.

1 AN ACT Relating to harassment; amending RCW 9A.46.020; reenacting
2 and amending RCW 40.24.030; and declaring an emergency.

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

4 **Sec. 1.** RCW 9A.46.020 and 2023 c 102 s 16 are each amended to
5 read 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 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) of this subsection, a person who
2 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 or election official who is
12 performing his or her official duties at the time the threat is made;
13 or (iv) the person harasses a criminal justice participant or
14 election official because of an action taken or decision made by the
15 criminal justice participant or election official during the
16 performance of his or her official duties. For the purposes of
17 (b)(iii) and (iv) of this subsection, the fear from the threat must
18 be a fear that a reasonable criminal justice participant or election
19 official would have under all the circumstances. Threatening words do
20 not constitute harassment if it is apparent to the criminal justice
21 participant or election official that the person does not have the
22 present and future ability to carry out the threat.

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

28 (4) For purposes of this section, a criminal justice participant
29 includes any (a) federal, state, or local law enforcement agency
30 employee; (b) federal, state, or local prosecuting attorney or deputy
31 prosecuting attorney; (c) staff member of any adult corrections
32 institution or local adult detention facility; (d) staff member of
33 any juvenile corrections institution or local juvenile detention
34 facility; (e) community corrections officer, probation, or parole
35 officer; (f) member of the indeterminate sentence review board; (g)
36 advocate from a crime victim/witness program; or (h) defense
37 attorney.

38 (5) For the purposes of this section, an election official
39 includes any staff member of the office of the secretary of state or
40 staff member of a county auditor's office, regardless of whether the

1 member is employed on a temporary or part-time basis, whose duties
2 relate to voter registration or the processing of votes as provided
3 in Title 29A RCW.

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

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

9 (1) (a) An adult person, a parent or guardian acting on behalf of
10 a minor, or a guardian acting on behalf of an (~~incapacitated~~
11 ~~person~~) individual subject to guardianship as defined in RCW
12 11.130.010, (b) any election official as described in RCW 9A.46.020
13 or 9A.90.120 who is a target for threats or harassment prohibited
14 under RCW 9A.46.020 or 9A.90.120(2)(b) (iii) or (iv), and any person
15 residing with such person(~~(+)~~), (c) any criminal justice
16 participant as defined in RCW 9A.46.020 who is a target for threats
17 or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and
18 any criminal justice participant as defined in RCW 9A.90.120 who is a
19 target for threats or harassment prohibited under RCW 9A.90.120(2)(b)
20 (iii) or (iv), and any person residing with such person, and (d) any
21 protected health care services provider, employee, or an affiliate of
22 such provider, who provides, attempts to provide, assists in the
23 provision, or attempts to assist in the provision of protected health
24 care services as defined in RCW 7.115.010, and any family members
25 residing with such person, may apply to the secretary of state to
26 have an address designated by the secretary of state serve as the
27 person's address or the address of the minor or incapacitated person.
28 The secretary of state shall approve an application if it is filed in
29 the manner and on the form prescribed by the secretary of state and
30 if it contains:

31 (i) A sworn statement, under penalty of perjury, by the applicant
32 that the applicant has good reason to believe (A) that the applicant,
33 or the minor or incapacitated person on whose behalf the application
34 is made, is a victim of domestic violence, sexual assault,
35 trafficking, or stalking and that the applicant fears for the
36 applicant's safety or the applicant's children's safety, or the
37 safety of the minor or incapacitated person on whose behalf the
38 application is made; (B) that the applicant, as an election official
39 as described in RCW 9A.46.020 or 9A.90.120, is a target for threats

1 or harassment prohibited under RCW 9A.46.020 or 9A.90.120(2)(b) (iii)
2 or (iv); (C) that the applicant, as a criminal justice participant as
3 defined in RCW 9A.46.020, is a target for threats or harassment
4 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the
5 applicant, as a criminal justice participant as defined in RCW
6 9A.90.120 is a target for threats or harassment prohibited under RCW
7 9A.90.120(2)(b) (iii) or (iv); or (D) that the applicant, as a
8 protected health care services provider, employee, or an affiliate of
9 such provider, who provides, attempts to provide, assists in the
10 provision, or attempts to assist in the provision of protected health
11 care services as defined in RCW 7.115.010, is a target for threats or
12 harassment prohibited under RCW 9A.90.120 or 9A.46.020;

13 (ii) If applicable, a sworn statement, under penalty of perjury,
14 by the applicant, that the applicant has reason to believe they are a
15 victim of (A) domestic violence, sexual assault, or stalking
16 perpetrated by an employee of a law enforcement agency, (B) threats
17 or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or
18 9A.46.020(2)(b) (iii) or (iv), or (C) threats or harassment as
19 described in (a)(i)(D) of this subsection;

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

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

30 (v) The signature of the applicant and of any individual or
31 representative of any office designated in writing under RCW
32 40.24.080 who assisted in the preparation of the application, and the
33 date on which the applicant signed the application.

34 (2) Applications shall be filed with the office of the secretary
35 of state.

36 (3) Upon filing a properly completed application, the secretary
37 of state shall certify the applicant as a program participant.
38 Applicants shall be certified for four years following the date of
39 filing unless the certification is withdrawn or invalidated before

1 that date. The secretary of state shall by rule establish a renewal
2 procedure.

3 (4) (a) During the application process, the secretary of state
4 shall provide each applicant a form to direct the department of
5 licensing to change the address of registration for vehicles or
6 vessels solely or jointly registered to the applicant and the address
7 associated with the applicant's driver's license or identicard to the
8 applicant's address as designated by the secretary of state upon
9 certification in the program. The directive to the department of
10 licensing is only valid if signed by the applicant. The directive may
11 only include information required by the department of licensing to
12 verify the applicant's identity and ownership information for
13 vehicles and vessels. This information is limited to the:

14 (i) Applicant's full legal name;

15 (ii) Applicant's Washington driver's license or identicard
16 number;

17 (iii) Applicant's date of birth;

18 (iv) Vehicle identification number and license plate number for
19 each vehicle solely or jointly registered to the applicant; and

20 (v) Hull identification number or vessel document number and
21 vessel decal number for each vessel solely or jointly registered to
22 the applicant.

23 (b) Upon certification of the applicants, the secretary of state
24 shall transmit completed and signed directives to the department of
25 licensing.

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

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

31 (5) A person who knowingly provides false or incorrect
32 information upon making an application or falsely attests in an
33 application that disclosure of the applicant's address would endanger

34 (a) the applicant's safety or the safety of the applicant's children
35 or the minor or incapacitated person on whose behalf the application
36 is made, (b) the safety of any election official as described in RCW

37 9A.46.020 or 9A.90.120 who is a target for threats or harassment
38 prohibited under RCW 9A.46.020 or 9A.90.120(2)(b) (iii) or (iv), (c)

39 the safety of any criminal justice participant as defined in RCW
40 9A.46.020 who is a target for threats or harassment prohibited under

1 RCW 9A.46.020(2)(b) (iii) or (iv) or of any criminal justice
2 participant as defined in RCW 9A.90.120 who is a target for threats
3 or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), or
4 (d) the safety of any person as described in subsection (1)(a)(i)(D)
5 of this section who is a target for threats or harassment, or any
6 family members residing with such person, shall be punished under RCW
7 40.16.030 or other applicable statutes.

8 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of
10 the state government and its existing public institutions, and takes
11 effect immediately.

--- END ---