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**SENATE BILL 5881**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators Lovick, Pedersen, and C. Wilson

AN ACT Relating to doxing; adding a new section to chapter 9.61 RCW; adding a new section to chapter 4.24 RCW; and prescribing penalties.

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

NEW SECTION. **Sec.**  A new section is added to chapter 9.61 RCW to read as follows:

(1) A person is guilty of doxing if:

(a) The person intentionally posts another person's personally identifiable information without his or her consent;

(b) The person knows that posting the personally identifiable information is reasonably likely to cause the person whose information is posted to experience harassment, bodily injury, or death; and

(c) The posting of the personally identifiable information causes the person whose information is posted to experience a substantial life disruption, harassment, bodily injury, or death.

(2) It is not an offense under this section for a person to:

(a) Provide another person's personally identifiable information when reporting unlawful activity or when providing such information in response to, or in connection with, an investigation conducted by a government agency or employer; or

(b) Provide a person's personally identifiable information in connection with lawful and constitutionally protected activity.

(3)(a) Except as provided in (b) of this subsection, doxing is a gross misdemeanor.

(b) A person who commits cyber harassment is guilty of a class C felony if the person has previously been convicted of doxing.

(4) Doxing may be committed in more than one location. The offense is deemed to have been committed in any location in which any element of the offense occurred or in the location in which the person whose personally identifiable information resides.

(5) Nothing in this section shall be construed to: Conflict with 47 U.S.C. Sec. 230 of the communications decency act; conflict with 42 U.S.C. Sec. 1983 of the civil rights act; or prohibit any activity protected under the Constitution of the United States or the state Constitution.

(6) For the purposes of this section:

(a) "Bodily injury" has the same meaning as provided in RCW 9A.04.110.

(b) "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system that affects interstate or foreign commerce.

(c) "Harassment" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose. The course of conduct must: Be such as would cause a reasonable person to suffer substantial emotional distress, and actually cause substantial emotional distress to the person; or be such as would cause a reasonable parent to fear for the well-being of the parent's child.

(d) "Personally identifiable information" means:

(i) Any information that can be used to distinguish or trace an individual's identity, such as name, prior legal name, alias, mother's maiden name, social security number, date or place of birth, address, phone number, or biometric data;

(ii) Any information that is linked or linkable to an individual, such as medical, financial, education, consumer, or employment information, data, or records;

(iii) Any sensitive private information that is linked to a specific identifiable individual, such as gender identity, sexual orientation, or any sexually intimate visual depiction; or

(iv) Any information that provides access to a person's teleconferencing, video teleconferencing, or other digital meeting room.

(e) "Post" means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available to two or more persons through electronic communication.

(f) "Substantial life disruption" means that a person significantly modifies that person's actions or routines either to avoid the person who posted the information or as a result of the posting, such as changing a phone number, changing an electronic mail address, deleting personal electronic accounts or significantly decreasing use of the internet, moving from an established residence, changing daily routines, changing routes to and from work, changing employment or work schedule, or losing time from work or a job.

NEW SECTION. **Sec.**  A new section is added to chapter 4.24 RCW to read as follows:

(1) A person who is a victim of an offense under section 1 of this act may bring a civil action against the person who committed the offense or against any person who knowingly benefits, financially or by receiving anything of value, from participating in any venture that the person knew or should have known violated section 1 of this act, and may recover damages and any other appropriate relief, including reasonable attorneys' fees.

(2) A person who is found liable under this section shall be jointly and severally liable with each other person, if any, who is found liable under this section for damages arising from the same conduct.

(3) A court in which a suit is brought under this section, on the motion of a party, may issue a temporary restraining order or permanent injunction to restrain or prevent the disclosure or continued disclosure of personally identifiable information.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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