
SUBSTITUTE HOUSE BILL 2254

State of Washington 65th Legislature 2018 Regular Session

By House Public Safety (originally sponsored by Representatives Graves, Johnson, Muri, Macri, and Stokesbary)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to crimes of harassment; amending RCW 9.61.260,
2 9A.46.110, 7.92.020, 9A.46.060, 26.50.060, and 26.50.070; reenacting
3 and amending RCW 9.94A.515; and prescribing penalties.

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

5 **Sec. 1.** RCW 9.61.260 and 2004 c 94 s 1 are each amended to read
6 as follows:

7 (1) A person is guilty of ~~((cyberstalking))~~ cyber harassment if
8 he or she, with intent to harass, intimidate, or torment(~~(, or~~
9 ~~embarrass))~~ any other person, and under circumstances not
10 constituting telephone harassment, makes an electronic communication
11 to ~~((such other person or a third party))~~:

12 (a) ~~((Using))~~ Another person or to a third party that contains a
13 threat to inflict injury on the person or property of the other
14 person or any member of the other person's family or household; or

15 (b) Another person that the perpetrator knows or reasonably
16 should know the other person does not want to receive, and the
17 communication either:

18 (i) Uses any lewd, lascivious, indecent, or obscene words,
19 images, or language, or ~~((suggesting))~~ suggests the commission of any
20 lewd or lascivious act;

21 ~~((b))~~ or

1 (ii) Is made anonymously or repeatedly whether or not
2 conversation occurs~~((~~or~~~~

3 ~~(c) Threatening to inflict injury on the person or property of~~
4 ~~the person called or any member of his or her family or household)).~~

5 (2) ~~((Cyberstalking))~~ Cyber harassment is a gross misdemeanor,
6 except as provided in subsection (3) of this section.

7 (3) ~~((Cyberstalking))~~ Cyber harassment is a class C felony if
8 ~~((either))~~ any of the following applies:

9 (a) The perpetrator has previously been convicted of the crime of
10 harassment, as defined in RCW 9A.46.060, with the same victim or a
11 member of the victim's family or household ~~((or any person~~
12 ~~specifically named in a no-contact order or no-harassment order in~~
13 ~~this or any other state));~~ ~~((or))~~

14 (b) The perpetrator engages in the behavior prohibited under
15 subsection (1) of this section in violation of any protective order
16 protecting the victim; or

17 (c) The perpetrator engages in the behavior prohibited under
18 subsection (1)~~((+e))~~ (a) of this section by threatening to kill the
19 person threatened or any other person.

20 (4) It is an affirmative defense to a violation of subsection
21 (1)(a) of this section that the electronic communication was made to
22 a third party and was not intended to be disseminated.

23 (5) Any offense committed under this section may be deemed to
24 have been committed either at the place from which the communication
25 was made or at the place where the communication was received.

26 ~~((+5))~~ (6) For purposes of this section, "electronic
27 communication" means the transmission of information by wire, radio,
28 optical cable, electromagnetic, or other similar means. "Electronic
29 communication" includes, but is not limited to, ~~((electronic mail))~~
30 email, internet-based communications, pager service, and electronic
31 text messaging.

32 **Sec. 2.** RCW 9A.46.110 and 2013 c 84 s 29 are each amended to
33 read as follows:

34 (1) A person commits the crime of stalking if, without lawful
35 authority and under circumstances not amounting to a felony attempt
36 of another crime:

37 (a) He or she intentionally and repeatedly harasses ~~((or))~~
38 another person, repeatedly follows another person, or places another
39 person under electronic surveillance; and

1 (b) The person being harassed (~~(or)~~), followed, or surveilled is
2 placed in fear that the stalker intends to injure the person, another
3 person, or property of the person or of another person. The feeling
4 of fear must be one that a reasonable person in the same situation
5 would experience under all the circumstances; and

6 (c) The stalker either:

7 (i) Intends to frighten, intimidate, unlawfully surveil, or
8 harass the person; or

9 (ii) Knows or reasonably should know that the person is afraid,
10 intimidated, or harassed even if the stalker did not intend to place
11 the person in fear or intimidate or harass the person.

12 (2)(a) It is not a defense to the crime of stalking under
13 subsection (1)(c)(i) of this section that the stalker was not given
14 actual notice that the person did not want the stalker to contact or
15 follow the person; and

16 (b) It is not a defense to the crime of stalking under subsection
17 (1)(c)(ii) of this section that the stalker did not intend to
18 frighten, intimidate, or harass the person.

19 (3) It shall be a defense to the crime of stalking that the
20 defendant is a licensed private investigator acting within the
21 capacity of his or her license as provided by chapter 18.165 RCW.

22 (4) Attempts to contact (~~(or)~~), follow, or electronically surveil
23 the person after being given actual notice that the person does not
24 want to be contacted (~~(or)~~), followed, or surveilled constitutes
25 prima facie evidence that the stalker intends to intimidate or harass
26 the person. "Contact" includes, in addition to any other form of
27 contact or communication, the sending of an electronic communication
28 to the person.

29 (5)(a) Except as provided in (b) of this subsection, a person who
30 stalks another person is guilty of a gross misdemeanor.

31 (b) A person who stalks another is guilty of a class B felony if
32 any of the following applies: (i) The stalker has previously been
33 convicted in this state or any other state of any crime of
34 harassment, as defined in RCW 9A.46.060, of the same victim or
35 members of the victim's family or household or any person
36 specifically named in a protective order; (ii) the stalking violates
37 any protective order protecting the person being stalked; (iii) the
38 stalker has previously been convicted of a gross misdemeanor or
39 felony stalking offense under this section for stalking another
40 person; (iv) the stalker was armed with a deadly weapon, as defined

1 in RCW 9.94A.825, while stalking the person; (v)(A) the stalker's
2 victim is or was a law enforcement officer; judge; juror; attorney;
3 victim advocate; legislator; community corrections' officer; an
4 employee, contract staff person, or volunteer of a correctional
5 agency; court employee, court clerk, or courthouse facilitator; or an
6 employee of the child protective, child welfare, or adult protective
7 services division within the department of social and health
8 services; and (B) the stalker stalked the victim to retaliate against
9 the victim for an act the victim performed during the course of
10 official duties or to influence the victim's performance of official
11 duties; ~~((e))~~ (vi) the stalker's victim is a current, former, or
12 prospective witness in an adjudicative proceeding, and the stalker
13 stalked the victim to retaliate against the victim as a result of the
14 victim's testimony or potential testimony; or (vii) the stalker
15 engaged in the behavior prohibited under subsection (1) of this
16 section by threatening to kill the person stalked or any other
17 person.

18 (6) As used in this section:

19 (a) "Correctional agency" means a person working for the
20 department of natural resources in a correctional setting or any
21 state, county, or municipally operated agency with the authority to
22 direct the release of a person serving a sentence or term of
23 confinement and includes but is not limited to the department of
24 corrections, the indeterminate sentence review board, and the
25 department of social and health services.

26 (b) "Electronic communication" means the transmission of
27 information by wire, radio, optical cable, electromagnetic, or other
28 similar means. "Electronic communication" includes, but is not
29 limited to, email, internet-based communications, pager services, and
30 electronic text messaging.

31 (c) "Electronic surveillance" means using tracking or spyware
32 technology to track or monitor another person. Electronic
33 surveillance does not include any lawful monitoring of, or
34 interaction with, a subscriber's internet or other network connection
35 or service, or a computer, by a telecommunications carrier, cable
36 operator, computer hardware or software provider, or provider of
37 information service or interactive computer service for network or
38 computer security purposes, diagnostics, technical support,
39 maintenance, repair, authorized updates of software or system
40 firmware, authorized remote system management, or detection or

1 prevention of the unauthorized use of or fraudulent or other illegal
2 activities in connection with a network, service, or computer
3 software.

4 (d) "Follows" means deliberately maintaining visual or physical
5 proximity to a specific person over a period of time. A finding that
6 the alleged stalker repeatedly and deliberately appears at the
7 person's home, school, place of employment, business, or any other
8 location to maintain visual or physical proximity to the person is
9 sufficient to find that the alleged stalker follows the person. It is
10 not necessary to establish that the alleged stalker follows the
11 person while in transit from one location to another.

12 ~~((e))~~ (e) "Harasses" means unlawful harassment as defined in
13 RCW 10.14.020.

14 ~~((d))~~ (f) "Protective order" means any temporary or permanent
15 court order prohibiting or limiting violence against, harassment of,
16 contact or communication with, or physical proximity to another
17 person.

18 ~~((e))~~ (g) "Repeatedly" means on two or more separate occasions.

19 (h) "Tracking or spyware technology" means computer software that
20 aids in gathering information about a person without the person's
21 knowledge and that may send the information to another person or
22 entity without the person's consent, or that asserts control over a
23 computer or device without the person's knowledge or consent.

24 (i) "Unlawful surveillance" means to keep a person or place under
25 surveillance for no lawful purpose as a means of tracking, following,
26 or harassing a person. Unlawful surveillance does not include lawful
27 surveillance as part of a criminal investigation being conducted by a
28 law enforcement agency.

29 **Sec. 3.** RCW 7.92.020 and 2013 c 84 s 2 are each amended to read
30 as follows:

31 The definitions in this section apply throughout this chapter
32 unless the context clearly requires otherwise.

33 (1) "Minor" means a person who is under eighteen years of age.

34 (2) "Petitioner" means any named petitioner for the stalking
35 protection order or any named victim of stalking conduct on whose
36 behalf the petition is brought.

37 (3) "Stalking conduct" means any of the following:

38 (a) Any act of stalking as defined under RCW 9A.46.110;

1 (b) Any act of (~~cyberstalking~~) cyber harassment as defined
2 under RCW 9.61.260;

3 (c) Any course of conduct involving repeated or continuing
4 contacts, attempts to contact, monitoring, tracking, keeping under
5 observation, or following of another that:

6 (i) Would cause a reasonable person to feel intimidated,
7 frightened, or threatened and that actually causes such a feeling;

8 (ii) Serves no lawful purpose; and

9 (iii) The stalker knows or reasonably should know threatens,
10 frightens, or intimidates the person, even if the stalker did not
11 intend to intimidate, frighten, or threaten the person.

12 (4) "Stalking no-contact order" means a temporary order or a
13 final order granted under this chapter against a person charged with
14 or arrested for stalking, which includes a remedy authorized under
15 RCW 7.92.160.

16 (5) "Stalking protection order" means an ex parte temporary order
17 or a final order granted under this chapter, which includes a remedy
18 authorized in RCW 7.92.100.

19 **Sec. 4.** RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017 c
20 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read
21 as follows:

22 TABLE 2

23 CRIMES INCLUDED WITHIN EACH
24 SERIOUSNESS LEVEL

25 XVI Aggravated Murder 1 (RCW 10.95.020)

26 XV Homicide by abuse (RCW 9A.32.055)

27 Malicious explosion 1 (RCW
28 70.74.280(1))

29 Murder 1 (RCW 9A.32.030)

30 XIV Murder 2 (RCW 9A.32.050)

31 Trafficking 1 (RCW 9A.40.100(1))

32 XIII Malicious explosion 2 (RCW
33 70.74.280(2))

34 Malicious placement of an explosive 1
35 (RCW 70.74.270(1))

36 XII Assault 1 (RCW 9A.36.011)

1 Assault of a Child 1 (RCW 9A.36.120)
2 Malicious placement of an imitation
3 device 1 (RCW 70.74.272(1)(a))
4 Promoting Commercial Sexual Abuse of
5 a Minor (RCW 9.68A.101)
6 Rape 1 (RCW 9A.44.040)
7 Rape of a Child 1 (RCW 9A.44.073)
8 Trafficking 2 (RCW 9A.40.100(3))
9 XI Manslaughter 1 (RCW 9A.32.060)
10 Rape 2 (RCW 9A.44.050)
11 Rape of a Child 2 (RCW 9A.44.076)
12 Vehicular Homicide, by being under the
13 influence of intoxicating liquor or
14 any drug (RCW 46.61.520)
15 Vehicular Homicide, by the operation of
16 any vehicle in a reckless manner
17 (RCW 46.61.520)
18 X Child Molestation 1 (RCW 9A.44.083)
19 Criminal Mistreatment 1 (RCW
20 9A.42.020)
21 Indecent Liberties (with forcible
22 compulsion) (RCW
23 9A.44.100(1)(a))
24 Kidnapping 1 (RCW 9A.40.020)
25 Leading Organized Crime (RCW
26 9A.82.060(1)(a))
27 Malicious explosion 3 (RCW
28 70.74.280(3))
29 Sexually Violent Predator Escape (RCW
30 9A.76.115)
31 IX Abandonment of Dependent Person 1
32 (RCW 9A.42.060)
33 Assault of a Child 2 (RCW 9A.36.130)
34 Explosive devices prohibited (RCW
35 70.74.180)

1 Hit and Run—Death (RCW
2 46.52.020(4)(a))
3 Homicide by Watercraft, by being under
4 the influence of intoxicating liquor
5 or any drug (RCW 79A.60.050)
6 Inciting Criminal Profiteering (RCW
7 9A.82.060(1)(b))
8 Malicious placement of an explosive 2
9 (RCW 70.74.270(2))
10 Robbery 1 (RCW 9A.56.200)
11 Sexual Exploitation (RCW 9.68A.040)
12 VIII Arson 1 (RCW 9A.48.020)
13 Commercial Sexual Abuse of a Minor
14 (RCW 9.68A.100)
15 Homicide by Watercraft, by the
16 operation of any vessel in a reckless
17 manner (RCW 79A.60.050)
18 Manslaughter 2 (RCW 9A.32.070)
19 Promoting Prostitution 1 (RCW
20 9A.88.070)
21 Theft of Ammonia (RCW 69.55.010)
22 VII Air bag diagnostic systems (causing
23 bodily injury or death) (RCW
24 46.37.660(2)(b))
25 Air bag replacement requirements
26 (causing bodily injury or death)
27 (RCW 46.37.660(1)(b))
28 Burglary 1 (RCW 9A.52.020)
29 Child Molestation 2 (RCW 9A.44.086)
30 Civil Disorder Training (RCW
31 9A.48.120)
32 Dealing in depictions of minor engaged
33 in sexually explicit conduct 1
34 (RCW 9.68A.050(1))
35 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard
2 for the safety of others (RCW
3 79A.60.050)

4 Indecent Liberties (without forcible
5 compulsion) (RCW 9A.44.100(1)
6 (b) and (c))

7 Introducing Contraband 1 (RCW
8 9A.76.140)

9 Malicious placement of an explosive 3
10 (RCW 70.74.270(3))

11 Manufacture or import counterfeit,
12 nonfunctional, damaged, or
13 previously deployed air bag
14 (causing bodily injury or death)
15 (RCW 46.37.650(1)(b))

16 Negligently Causing Death By Use of a
17 Signal Preemption Device (RCW
18 46.37.675)

19 Sale (~~(of)~~) of, install, or reinstall
20 counterfeit, nonfunctional,
21 damaged, or previously deployed
22 airbag (RCW 46.37.650(2)(b))

23 Sending, bringing into state depictions
24 of minor engaged in sexually
25 explicit conduct 1 (RCW
26 9.68A.060(1))

27 Unlawful Possession of a Firearm in the
28 first degree (RCW 9.41.040(1))

29 Use of a Machine Gun in Commission
30 of a Felony (RCW 9.41.225)

31 Vehicular Homicide, by disregard for
32 the safety of others (RCW
33 46.61.520)

34 VI Bail Jumping with Murder 1 (RCW
35 9A.76.170(3)(a))

36 Bribery (RCW 9A.68.010)

37 Incest 1 (RCW 9A.64.020(1))

1 Intimidating a Judge (RCW 9A.72.160)
2 Intimidating a Juror/Witness (RCW
3 9A.72.110, 9A.72.130)
4 Malicious placement of an imitation
5 device 2 (RCW 70.74.272(1)(b))
6 Possession of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.070(1))
9 Rape of a Child 3 (RCW 9A.44.079)
10 Theft of a Firearm (RCW 9A.56.300)
11 Theft from a Vulnerable Adult 1 (RCW
12 9A.56.400(1))
13 Unlawful Storage of Ammonia (RCW
14 69.55.020)
15 V Abandonment of Dependent Person 2
16 (RCW 9A.42.070)
17 Advancing money or property for
18 extortionate extension of credit
19 (RCW 9A.82.030)
20 Air bag diagnostic systems (RCW
21 46.37.660(2)(c))
22 Air bag replacement requirements
23 (RCW 46.37.660(1)(c))
24 Bail Jumping with class A Felony
25 (RCW 9A.76.170(3)(b))
26 Child Molestation 3 (RCW 9A.44.089)
27 Criminal Mistreatment 2 (RCW
28 9A.42.030)
29 Custodial Sexual Misconduct 1 (RCW
30 9A.44.160)
31 Dealing in Depictions of Minor
32 Engaged in Sexually Explicit
33 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order
2 Violation (RCW 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26.138, 26.50.110, 26.52.070, or
5 74.34.145)
6 Extortion 1 (RCW 9A.56.120)
7 Extortionate Extension of Credit (RCW
8 9A.82.020)
9 Extortionate Means to Collect
10 Extensions of Credit (RCW
11 9A.82.040)
12 Incest 2 (RCW 9A.64.020(2))
13 Kidnapping 2 (RCW 9A.40.030)
14 Manufacture or import counterfeit,
15 nonfunctional, damaged, or
16 previously deployed air bag (RCW
17 46.37.650(1)(c))
18 Perjury 1 (RCW 9A.72.020)
19 Persistent prison misbehavior (RCW
20 9.94.070)
21 Possession of a Stolen Firearm (RCW
22 9A.56.310)
23 Rape 3 (RCW 9A.44.060)
24 Rendering Criminal Assistance 1 (RCW
25 9A.76.070)
26 Sale (({øf})) of, install, or reinstall
27 counterfeit, nonfunctional,
28 damaged, or previously deployed
29 airbag (RCW 46.37.650(2)(c))
30 Sending, Bringing into State Depictions
31 of Minor Engaged in Sexually
32 Explicit Conduct 2 (RCW
33 9.68A.060(2))
34 Sexual Misconduct with a Minor 1
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains
2 (RCW 9A.44.105)
3 Stalking (RCW 9A.46.110)
4 Taking Motor Vehicle Without
5 Permission 1 (RCW 9A.56.070)
6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))
11 Assault 4 (third domestic violence
12 offense) (RCW 9A.36.041(3))
13 Assault by Watercraft (RCW
14 79A.60.060)
15 Bribing a Witness/Bribe Received by
16 Witness (RCW 9A.72.090,
17 9A.72.100)
18 Cheating 1 (RCW 9A.46.1961)
19 Commercial Bribery (RCW 9A.68.060)
20 Counterfeiting (RCW 9A.16.035(4))
21 Driving While Under the Influence
22 (RCW 46.61.502(6))
23 Endangerment with a Controlled
24 Substance (RCW 9A.42.100)
25 Escape 1 (RCW 9A.76.110)
26 Hit and Run—Injury (RCW
27 46.52.020(4)(b))
28 Hit and Run with Vessel—Injury
29 Accident (RCW 79A.60.200(3))
30 Identity Theft 1 (RCW 9A.35.020(2))
31 Indecent Exposure to Person Under Age
32 Fourteen (subsequent sex offense)
33 (RCW 9A.88.010)
34 Influencing Outcome of Sporting Event
35 (RCW 9A.82.070)

1 Malicious Harassment (RCW
2 9A.36.080)
3 Physical Control of a Vehicle While
4 Under the Influence (RCW
5 46.61.504(6))
6 Possession of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.070(2))
9 Residential Burglary (RCW 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Threats to Bomb (RCW 9.61.160)
13 Trafficking in Stolen Property 1 (RCW
14 9A.82.050)
15 Unlawful factoring of a credit card or
16 payment card transaction (RCW
17 9A.56.290(4)(b))
18 Unlawful transaction of health coverage
19 as a health care service contractor
20 (RCW 48.44.016(3))
21 Unlawful transaction of health coverage
22 as a health maintenance
23 organization (RCW 48.46.033(3))
24 Unlawful transaction of insurance
25 business (RCW 48.15.023(3))
26 Unlicensed practice as an insurance
27 professional (RCW 48.17.063(2))
28 Use of Proceeds of Criminal
29 Profiteering (RCW 9A.82.080 (1)
30 and (2))
31 Vehicle Prowling 2 (third or subsequent
32 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun Gun)
15 (RCW 9A.36.031 except subsection
16 (1)(h))

17 Assault of a Child 3 (RCW 9A.36.140)

18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)

24 Criminal Gang Intimidation (RCW
25 9A.46.120)

26 Custodial Assault (RCW 9A.36.100)

27 ~~((Cyberstalking))~~ Cyber Harassment
28 (subsequent conviction, violation of
29 a protective order, or threat of
30 death) (RCW 9.61.260(3))

31 Escape 2 (RCW 9A.76.120)

32 Extortion 2 (RCW 9A.56.130)

33 Harassment (RCW 9A.46.020)

34 Intimidating a Public Servant (RCW
35 9A.76.180)

1 Introducing Contraband 2 (RCW
2 9A.76.150)
3 Malicious Injury to Railroad Property
4 (RCW 81.60.070)
5 Mortgage Fraud (RCW 19.144.080)
6 Negligently Causing Substantial Bodily
7 Harm By Use of a Signal
8 Preemption Device (RCW
9 46.37.674)
10 Organized Retail Theft 1 (RCW
11 9A.56.350(2))
12 Perjury 2 (RCW 9A.72.030)
13 Possession of Incendiary Device (RCW
14 9.40.120)
15 Possession of Machine Gun or Short-
16 Barreled Shotgun or Rifle (RCW
17 9.41.190)
18 Promoting Prostitution 2 (RCW
19 9A.88.080)
20 Retail Theft with Special Circumstances
21 1 (RCW 9A.56.360(2))
22 Securities Act violation (RCW
23 21.20.400)
24 Tampering with a Witness (RCW
25 9A.72.120)
26 Telephone Harassment (subsequent
27 conviction or threat of death) (RCW
28 9.61.230(2))
29 Theft of Livestock 2 (RCW 9A.56.083)
30 Theft with the Intent to Resell 1 (RCW
31 9A.56.340(2))
32 Trafficking in Stolen Property 2 (RCW
33 9A.82.055)
34 Unlawful Hunting of Big Game 1 (RCW
35 77.15.410(3)(b))

1 Unlawful Imprisonment (RCW
2 9A.40.040)

3 Unlawful Misbranding of Food Fish or
4 Shellfish 1 (RCW 69.04.938(3))

5 Unlawful possession of firearm in the
6 second degree (RCW 9.41.040(2))

7 Unlawful Taking of Endangered Fish or
8 Wildlife 1 (RCW 77.15.120(3)(b))

9 Unlawful Trafficking in Fish, Shellfish,
10 or Wildlife 1 (RCW
11 77.15.260(3)(b))

12 Unlawful Use of a Nondesignated
13 Vessel (RCW 77.15.530(4))

14 Vehicular Assault, by the operation or
15 driving of a vehicle with disregard
16 for the safety of others (RCW
17 46.61.522)

18 Willful Failure to Return from Work
19 Release (RCW 72.65.070)

20 II Commercial Fishing Without a License
21 1 (RCW 77.15.500(3)(b))

22 Computer Trespass 1 (RCW 9A.90.040)

23 Counterfeiting (RCW 9.16.035(3))

24 Electronic Data Service Interference
25 (RCW 9A.90.060)

26 Electronic Data Tampering 1 (RCW
27 9A.90.080)

28 Electronic Data Theft (RCW 9A.90.100)

29 Engaging in Fish Dealing Activity
30 Unlicensed 1 (RCW 77.15.620(3))

31 Escape from Community Custody
32 (RCW 72.09.310)

33 Failure to Register as a Sex Offender
34 (second or subsequent offense)
35 (RCW 9A.44.130 prior to June 10,
36 2010, and RCW 9A.44.132)

1 Health Care False Claims (RCW
2 48.80.030)
3 Identity Theft 2 (RCW 9.35.020(3))
4 Improperly Obtaining Financial
5 Information (RCW 9.35.010)
6 Malicious Mischief 1 (RCW 9A.48.070)
7 Organized Retail Theft 2 (RCW
8 9A.56.350(3))
9 Possession of Stolen Property 1 (RCW
10 9A.56.150)
11 Possession of a Stolen Vehicle (RCW
12 9A.56.068)
13 Retail Theft with Special Circumstances
14 2 (RCW 9A.56.360(3))
15 Scrap Processing, Recycling, or
16 Supplying Without a License
17 (second or subsequent offense)
18 (RCW 19.290.100)
19 Theft 1 (RCW 9A.56.030)
20 Theft of a Motor Vehicle (RCW
21 9A.56.065)
22 Theft of Rental, Leased, Lease-
23 purchased, or Loaned Property
24 (valued at five thousand dollars or
25 more) (RCW 9A.56.096(5)(a))
26 Theft with the Intent to Resell 2 (RCW
27 9A.56.340(3))
28 Trafficking in Insurance Claims (RCW
29 48.30A.015)
30 Unlawful factoring of a credit card or
31 payment card transaction (RCW
32 9A.56.290(4)(a))
33 Unlawful Participation of Non-Indians
34 in Indian Fishery (RCW
35 77.15.570(2))

1 Unlawful Practice of Law (RCW
2 2.48.180)
3 Unlawful Purchase or Use of a License
4 (RCW 77.15.650(3)(b))
5 Unlawful Trafficking in Fish, Shellfish,
6 or Wildlife 2 (RCW
7 77.15.260(3)(a))
8 Unlicensed Practice of a Profession or
9 Business (RCW 18.130.190(7))
10 Voyeurism 1 (RCW 9A.44.115)
11 I Attempting to Elude a Pursuing Police
12 Vehicle (RCW 46.61.024)
13 False Verification for Welfare (RCW
14 74.08.055)
15 Forgery (RCW 9A.60.020)
16 Fraudulent Creation or Revocation of a
17 Mental Health Advance Directive
18 (RCW 9A.60.060)
19 Malicious Mischief 2 (RCW 9A.48.080)
20 Mineral Trespass (RCW 78.44.330)
21 Possession of Stolen Property 2 (RCW
22 9A.56.160)
23 Reckless Burning 1 (RCW 9A.48.040)
24 Spotlighting Big Game 1 (RCW
25 77.15.450(3)(b))
26 Suspension of Department Privileges 1
27 (RCW 77.15.670(3)(b))
28 Taking Motor Vehicle Without
29 Permission 2 (RCW 9A.56.075)
30 Theft 2 (RCW 9A.56.040)
31 Theft from a Vulnerable Adult 2 (RCW
32 9A.56.400(2))

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at seven hundred fifty
4 dollars or more but less than five
5 thousand dollars) (RCW
6 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063)
10 Unlawful Fish and Shellfish Catch
11 Accounting (RCW 77.15.630(3)(b))
12 Unlawful Issuance of Checks or Drafts
13 (RCW 9A.56.060)
14 Unlawful Possession of Fictitious
15 Identification (RCW 9A.56.320)
16 Unlawful Possession of Instruments of
17 Financial Fraud (RCW 9A.56.320)
18 Unlawful Possession of Payment
19 Instruments (RCW 9A.56.320)
20 Unlawful Possession of a Personal
21 Identification Device (RCW
22 9A.56.320)
23 Unlawful Production of Payment
24 Instruments (RCW 9A.56.320)
25 Unlawful Releasing, Planting,
26 Possessing, or Placing Deleterious
27 Exotic Wildlife (RCW
28 77.15.250(2)(b))
29 Unlawful Trafficking in Food Stamps
30 (RCW 9.91.142)
31 Unlawful Use of Food Stamps (RCW
32 9.91.144)
33 Unlawful Use of Net to Take Fish 1
34 (RCW 77.15.580(3)(b))
35 Unlawful Use of Prohibited Aquatic
36 Animal Species (RCW
37 77.15.253(3))

1 Vehicle Prowl 1 (RCW 9A.52.095)

2 Violating Commercial Fishing Area or

3 Time 1 (RCW 77.15.550(3)(b))

4 **Sec. 5.** RCW 9A.46.060 and 2006 c 138 s 21 are each amended to
5 read as follows:

6 As used in this chapter, "harassment" may include but is not
7 limited to any of the following crimes:

- 8 (1) Harassment (RCW 9A.46.020);
- 9 (2) Malicious harassment (RCW 9A.36.080);
- 10 (3) Telephone harassment (RCW 9.61.230);
- 11 (4) Assault in the first degree (RCW 9A.36.011);
- 12 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 13 (6) Assault in the second degree (RCW 9A.36.021);
- 14 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 15 (8) Assault in the fourth degree (RCW 9A.36.041);
- 16 (9) Reckless endangerment (RCW 9A.36.050);
- 17 (10) Extortion in the first degree (RCW 9A.56.120);
- 18 (11) Extortion in the second degree (RCW 9A.56.130);
- 19 (12) Coercion (RCW 9A.36.070);
- 20 (13) Burglary in the first degree (RCW 9A.52.020);
- 21 (14) Burglary in the second degree (RCW 9A.52.030);
- 22 (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 23 (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 24 (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 25 (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 26 (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 27 (20) Kidnapping in the first degree (RCW 9A.40.020);
- 28 (21) Kidnapping in the second degree (RCW 9A.40.030);
- 29 (22) Unlawful imprisonment (RCW 9A.40.040);
- 30 (23) Rape in the first degree (RCW 9A.44.040);
- 31 (24) Rape in the second degree (RCW 9A.44.050);
- 32 (25) Rape in the third degree (RCW 9A.44.060);
- 33 (26) Indecent liberties (RCW 9A.44.100);
- 34 (27) Rape of a child in the first degree (RCW 9A.44.073);
- 35 (28) Rape of a child in the second degree (RCW 9A.44.076);
- 36 (29) Rape of a child in the third degree (RCW 9A.44.079);
- 37 (30) Child molestation in the first degree (RCW 9A.44.083);
- 38 (31) Child molestation in the second degree (RCW 9A.44.086);

- 1 (32) Child molestation in the third degree (RCW 9A.44.089);
2 (33) Stalking (RCW 9A.46.110);
3 (34) (~~Cyberstalking~~) Cyber harassment (RCW 9.61.260);
4 (35) Residential burglary (RCW 9A.52.025);
5 (36) Violation of a temporary, permanent, or final protective
6 order issued pursuant to chapter 7.90, 9A.46, 10.14, 10.99, 26.09, or
7 26.50 RCW;
8 (37) Unlawful discharge of a laser in the first degree (RCW
9 9A.49.020); and
10 (38) Unlawful discharge of a laser in the second degree (RCW
11 9A.49.030).

12 **Sec. 6.** RCW 26.50.060 and 2010 c 274 s 304 are each amended to
13 read as follows:

14 (1) Upon notice and after hearing, the court may provide relief
15 as follows:

16 (a) Restrain the respondent from committing acts of domestic
17 violence;

18 (b) Exclude the respondent from the dwelling that the parties
19 share, from the residence, workplace, or school of the petitioner, or
20 from the day care or school of a child;

21 (c) Prohibit the respondent from knowingly coming within, or
22 knowingly remaining within, a specified distance from a specified
23 location;

24 (d) On the same basis as is provided in chapter 26.09 RCW, the
25 court shall make residential provision with regard to minor children
26 of the parties. However, parenting plans as specified in chapter
27 26.09 RCW shall not be required under this chapter;

28 (e) Order the respondent to participate in a domestic violence
29 perpetrator treatment program approved under RCW 26.50.150;

30 (f) Order other relief as it deems necessary for the protection
31 of the petitioner and other family or household members sought to be
32 protected, including orders or directives to a peace officer, as
33 allowed under this chapter;

34 (g) Require the respondent to pay the administrative court costs
35 and service fees, as established by the county or municipality
36 incurring the expense and to reimburse the petitioner for costs
37 incurred in bringing the action, including reasonable attorneys'
38 fees;

1 (h) Restrain the respondent from having any contact with the
2 victim of domestic violence or the victim's children or members of
3 the victim's household;

4 (i) Restrain the respondent from harassing, following, keeping
5 under physical or electronic surveillance, (~~cyberstalking~~) cyber
6 harassment as defined in RCW 9.61.260, and using telephonic,
7 audiovisual, or other electronic means to monitor the actions,
8 location, or communication of a victim of domestic violence, the
9 victim's children, or members of the victim's household. For the
10 purposes of this subsection, "communication" includes both "wire
11 communication" and "electronic communication" as defined in RCW
12 9.73.260;

13 (j) Require the respondent to submit to electronic monitoring.
14 The order shall specify who shall provide the electronic monitoring
15 services and the terms under which the monitoring must be performed.
16 The order also may include a requirement that the respondent pay the
17 costs of the monitoring. The court shall consider the ability of the
18 respondent to pay for electronic monitoring;

19 (k) Consider the provisions of RCW 9.41.800;

20 (l) Order possession and use of essential personal effects. The
21 court shall list the essential personal effects with sufficient
22 specificity to make it clear which property is included. Personal
23 effects may include pets. The court may order that a petitioner be
24 granted the exclusive custody or control of any pet owned, possessed,
25 leased, kept, or held by the petitioner, respondent, or minor child
26 residing with either the petitioner or respondent and may prohibit
27 the respondent from interfering with the petitioner's efforts to
28 remove the pet. The court may also prohibit the respondent from
29 knowingly coming within, or knowingly remaining within, a specified
30 distance of specified locations where the pet is regularly found; and

31 (m) Order use of a vehicle.

32 (2) If a protection order restrains the respondent from
33 contacting the respondent's minor children the restraint shall be for
34 a fixed period not to exceed one year. This limitation is not
35 applicable to orders for protection issued under chapter 26.09,
36 26.10, or 26.26 RCW. With regard to other relief, if the petitioner
37 has petitioned for relief on his or her own behalf or on behalf of
38 the petitioner's family or household members or minor children, and
39 the court finds that the respondent is likely to resume acts of
40 domestic violence against the petitioner or the petitioner's family

1 or household members or minor children when the order expires, the
2 court may either grant relief for a fixed period or enter a permanent
3 order of protection.

4 If the petitioner has petitioned for relief on behalf of the
5 respondent's minor children, the court shall advise the petitioner
6 that if the petitioner wants to continue protection for a period
7 beyond one year the petitioner may either petition for renewal
8 pursuant to the provisions of this chapter or may seek relief
9 pursuant to the provisions of chapter 26.09 or 26.26 RCW.

10 (3) If the court grants an order for a fixed time period, the
11 petitioner may apply for renewal of the order by filing a petition
12 for renewal at any time within the three months before the order
13 expires. The petition for renewal shall state the reasons why the
14 petitioner seeks to renew the protection order. Upon receipt of the
15 petition for renewal the court shall order a hearing which shall be
16 not later than fourteen days from the date of the order. Except as
17 provided in RCW 26.50.085, personal service shall be made on the
18 respondent not less than five days before the hearing. If timely
19 service cannot be made the court shall set a new hearing date and
20 shall either require additional attempts at obtaining personal
21 service or permit service by publication as provided in RCW 26.50.085
22 or by mail as provided in RCW 26.50.123. If the court permits service
23 by publication or mail, the court shall set the new hearing date not
24 later than twenty-four days from the date of the order. If the order
25 expires because timely service cannot be made the court shall grant
26 an ex parte order of protection as provided in RCW 26.50.070. The
27 court shall grant the petition for renewal unless the respondent
28 proves by a preponderance of the evidence that the respondent will
29 not resume acts of domestic violence against the petitioner or the
30 petitioner's children or family or household members when the order
31 expires. The court may renew the protection order for another fixed
32 time period or may enter a permanent order as provided in this
33 section. The court may award court costs, service fees, and
34 reasonable attorneys' fees as provided in subsection (1)(g) of this
35 section.

36 (4) In providing relief under this chapter, the court may realign
37 the designation of the parties as "petitioner" and "respondent" where
38 the court finds that the original petitioner is the abuser and the
39 original respondent is the victim of domestic violence and may issue
40 an ex parte temporary order for protection in accordance with RCW

1 26.50.070 on behalf of the victim until the victim is able to prepare
2 a petition for an order for protection in accordance with RCW
3 26.50.030.

4 (5) Except as provided in subsection (4) of this section, no
5 order for protection shall grant relief to any party except upon
6 notice to the respondent and hearing pursuant to a petition or
7 counter-petition filed and served by the party seeking relief in
8 accordance with RCW 26.50.050.

9 (6) The court order shall specify the date the order expires if
10 any. The court order shall also state whether the court issued the
11 protection order following personal service, service by publication,
12 or service by mail and whether the court has approved service by
13 publication or mail of an order issued under this section.

14 (7) If the court declines to issue an order for protection or
15 declines to renew an order for protection, the court shall state in
16 writing on the order the particular reasons for the court's denial.

17 **Sec. 7.** RCW 26.50.070 and 2010 c 274 s 305 are each amended to
18 read as follows:

19 (1) Where an application under this section alleges that
20 irreparable injury could result from domestic violence if an order is
21 not issued immediately without prior notice to the respondent, the
22 court may grant an ex parte temporary order for protection, pending a
23 full hearing, and grant relief as the court deems proper, including
24 an order:

25 (a) Restraining any party from committing acts of domestic
26 violence;

27 (b) Restraining any party from going onto the grounds of or
28 entering the dwelling that the parties share, from the residence,
29 workplace, or school of the other, or from the day care or school of
30 a child until further order of the court;

31 (c) Prohibiting any party from knowingly coming within, or
32 knowingly remaining within, a specified distance from a specified
33 location;

34 (d) Restraining any party from interfering with the other's
35 custody of the minor children or from removing the children from the
36 jurisdiction of the court;

37 (e) Restraining any party from having any contact with the victim
38 of domestic violence or the victim's children or members of the
39 victim's household;

1 (f) Considering the provisions of RCW 9.41.800; and
2 (g) Restraining the respondent from harassing, following, keeping
3 under physical or electronic surveillance, (~~cyberstalking~~) cyber
4 harassment as defined in RCW 9.61.260, and using telephonic,
5 audiovisual, or other electronic means to monitor the actions,
6 location, or communication of a victim of domestic violence, the
7 victim's children, or members of the victim's household. For the
8 purposes of this subsection, "communication" includes both "wire
9 communication" and "electronic communication" as defined in RCW
10 9.73.260.

11 (2) Irreparable injury under this section includes but is not
12 limited to situations in which the respondent has recently threatened
13 petitioner with bodily injury or has engaged in acts of domestic
14 violence against the petitioner.

15 (3) The court shall hold an ex parte hearing in person or by
16 telephone on the day the petition is filed or on the following
17 judicial day.

18 (4) An ex parte temporary order for protection shall be effective
19 for a fixed period not to exceed fourteen days or twenty-four days if
20 the court has permitted service by publication under RCW 26.50.085 or
21 by mail under RCW 26.50.123. The ex parte order may be reissued. A
22 full hearing, as provided in this chapter, shall be set for not later
23 than fourteen days from the issuance of the temporary order or not
24 later than twenty-four days if service by publication or by mail is
25 permitted. Except as provided in RCW 26.50.050, 26.50.085, and
26 26.50.123, the respondent shall be personally served with a copy of
27 the ex parte order along with a copy of the petition and notice of
28 the date set for the hearing.

29 (5) Any order issued under this section shall contain the date
30 and time of issuance and the expiration date and shall be entered
31 into a statewide judicial information system by the clerk of the
32 court within one judicial day after issuance.

33 (6) If the court declines to issue an ex parte temporary order
34 for protection the court shall state the particular reasons for the
35 court's denial. The court's denial of a motion for an ex parte order
36 of protection shall be filed with the court.

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