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**HOUSE BILL 1449**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Representatives Mosbrucker, Caldier, Graham, and Rule

Read first time 02/01/21. Referred to Committee on Public Safety.

1 AN ACT Relating to creating the crime of coercive control;  
2 amending RCW 9A.46.060; reenacting and amending RCW 10.99.020; adding  
3 a new section to chapter 9A.46 RCW; creating a new section; and  
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature recognizes the hidden  
7 pandemic of domestic violence occurring alongside the COVID-19  
8 pandemic. As early as June 2020, experts were reporting increases in  
9 the incidence and severity of domestic violence. The causes are  
10 multifaceted, including layoffs, loss of income, extended stay-at-  
11 home orders, and psychological stressors. At the same time, victims  
12 are facing unprecedented challenges in safely connecting with  
13 services. Homicide rates are now increasing across the nation. These  
14 trends cannot be ignored. Therefore, the legislature finds that the  
15 state must act to address abusive and unstable behavior before it  
16 escalates to life-threatening violence.

17 (2) Perpetrators of domestic violence are known to engage in  
18 controlling behaviors, including monitoring and directing the lives  
19 of their victims. Victims lose control slowly, piece by piece over  
20 months or years. This psychologically abusive behavior is a stepping  
21 stone to violence, yet it often goes unaddressed. Victims seek help

1 from law enforcement and service providers, but find that little can  
2 be done until their perpetrators put them in the hospital. The  
3 COVID-19 pandemic has worsened these conditions for victims, who have  
4 little reprieve from perpetrators residing in their homes.

5 (3) The legislature hereby prohibits persons from engaging in  
6 psychologically coercive and controlling behavior. The crime of  
7 coercive control is established, barring any person from engaging in  
8 a course of conduct against a family or household member or intimate  
9 partner without his or her consent in order to limit or restrict, in  
10 full or in part, his or her behavior, movement, associations, or  
11 access to or use of his or her own finances or financial information.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.46  
13 RCW to read as follows:

14 (1) A person is guilty of coercive control if he or she engages  
15 in a course of conduct against a family or household member or  
16 intimate partner, as those terms are defined in RCW 10.99.020,  
17 without his or her consent in order to limit or restrict, in full or  
18 in part, his or her behavior, movement, associations, or access to or  
19 use of his or her own finances or financial information.

20 (2) For the purposes of this section, lack of consent results  
21 from forcible compulsion or from fear that refusal to consent will  
22 result in further actions limiting or restricting the family or  
23 household member or intimate partner's behavior, movement,  
24 associations, or access to or use of his or her own finances or  
25 financial information.

26 (3) This section does not apply to actions taken pursuant to a  
27 legal arrangement granting one person power or authority over another  
28 person including, but not limited to, power of attorney arrangements,  
29 guardianships, or parental control of a minor child.

30 (4) Coercive control is a gross misdemeanor.

31 **Sec. 3.** RCW 9A.46.060 and 2019 c 271 s 8 are each amended to  
32 read as follows:

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

- 35 (1) Harassment (RCW 9A.46.020);
- 36 (2) Hate crime (RCW 9A.36.080);
- 37 (3) Telephone harassment (RCW 9.61.230);
- 38 (4) Assault in the first degree (RCW 9A.36.011);

1 (5) Assault of a child in the first degree (RCW 9A.36.120);  
2 (6) Assault in the second degree (RCW 9A.36.021);  
3 (7) Assault of a child in the second degree (RCW 9A.36.130);  
4 (8) Assault in the fourth degree (RCW 9A.36.041);  
5 (9) Reckless endangerment (RCW 9A.36.050);  
6 (10) Extortion in the first degree (RCW 9A.56.120);  
7 (11) Extortion in the second degree (RCW 9A.56.130);  
8 (12) Coercion (RCW 9A.36.070);  
9 (13) Burglary in the first degree (RCW 9A.52.020);  
10 (14) Burglary in the second degree (RCW 9A.52.030);  
11 (15) Criminal trespass in the first degree (RCW 9A.52.070);  
12 (16) Criminal trespass in the second degree (RCW 9A.52.080);  
13 (17) Malicious mischief in the first degree (RCW 9A.48.070);  
14 (18) Malicious mischief in the second degree (RCW 9A.48.080);  
15 (19) Malicious mischief in the third degree (RCW 9A.48.090);  
16 (20) Kidnapping in the first degree (RCW 9A.40.020);  
17 (21) Kidnapping in the second degree (RCW 9A.40.030);  
18 (22) Unlawful imprisonment (RCW 9A.40.040);  
19 (23) Rape in the first degree (RCW 9A.44.040);  
20 (24) Rape in the second degree (RCW 9A.44.050);  
21 (25) Rape in the third degree (RCW 9A.44.060);  
22 (26) Indecent liberties (RCW 9A.44.100);  
23 (27) Rape of a child in the first degree (RCW 9A.44.073);  
24 (28) Rape of a child in the second degree (RCW 9A.44.076);  
25 (29) Rape of a child in the third degree (RCW 9A.44.079);  
26 (30) Child molestation in the first degree (RCW 9A.44.083);  
27 (31) Child molestation in the second degree (RCW 9A.44.086);  
28 (32) Child molestation in the third degree (RCW 9A.44.089);  
29 (33) Stalking (RCW 9A.46.110);  
30 (34) Cyberstalking (RCW 9.61.260);  
31 (35) Residential burglary (RCW 9A.52.025);  
32 (36) Violation of a temporary, permanent, or final protective  
33 order issued pursuant to chapter 7.90, 9A.46, 10.14, 10.99, 26.09, or  
34 26.50 RCW;  
35 (37) Unlawful discharge of a laser in the first degree (RCW  
36 9A.49.020); ~~((and))~~  
37 (38) Unlawful discharge of a laser in the second degree (RCW  
38 9A.49.030); and  
39 (39) Coercive control (section 2 of this act).

1       **Sec. 4.** RCW 10.99.020 and 2020 c 296 s 5 are each reenacted and  
2 amended to read as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5       (1) "Agency" means a general authority Washington law enforcement  
6 agency as defined in RCW 10.93.020.

7       (2) "Association" means the Washington association of sheriffs  
8 and police chiefs.

9       (3) "Dating relationship" has the same meaning as in RCW  
10 26.50.010.

11       (4) "Domestic violence" includes but is not limited to any of the  
12 following crimes when committed either by (a) one family or household  
13 member against another family or household member, or (b) one  
14 intimate partner against another intimate partner:

15       (i) Assault in the first degree (RCW 9A.36.011);

16       (ii) Assault in the second degree (RCW 9A.36.021);

17       (iii) Assault in the third degree (RCW 9A.36.031);

18       (iv) Assault in the fourth degree (RCW 9A.36.041);

19       (v) Drive-by shooting (RCW 9A.36.045);

20       (vi) Reckless endangerment (RCW 9A.36.050);

21       (vii) Coercion (RCW 9A.36.070);

22       (viii) Burglary in the first degree (RCW 9A.52.020);

23       (ix) Burglary in the second degree (RCW 9A.52.030);

24       (x) Criminal trespass in the first degree (RCW 9A.52.070);

25       (xi) Criminal trespass in the second degree (RCW 9A.52.080);

26       (xii) Malicious mischief in the first degree (RCW 9A.48.070);

27       (xiii) Malicious mischief in the second degree (RCW 9A.48.080);

28       (xiv) Malicious mischief in the third degree (RCW 9A.48.090);

29       (xv) Kidnapping in the first degree (RCW 9A.40.020);

30       (xvi) Kidnapping in the second degree (RCW 9A.40.030);

31       (xvii) Unlawful imprisonment (RCW 9A.40.040);

32       (xviii) Violation of the provisions of a restraining order, no-  
33 contact order, or protection order restraining or enjoining the  
34 person or restraining the person from going onto the grounds of or  
35 entering a residence, workplace, school, or day care, or prohibiting  
36 the person from knowingly coming within, or knowingly remaining  
37 within, a specified distance of a location (RCW 10.99.040, 10.99.050,  
38 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150, 26.50.060,  
39 26.50.070, 26.50.130, 26.52.070, or 74.34.145);

40       (xix) Rape in the first degree (RCW 9A.44.040);

1 (xx) Rape in the second degree (RCW 9A.44.050);  
2 (xxi) Residential burglary (RCW 9A.52.025);  
3 (xxii) Stalking (RCW 9A.46.110); (~~and~~)  
4 (xxiii) Interference with the reporting of domestic violence (RCW  
5 9A.36.150); and  
6 (xxiv) Coercive control (section 2 of this act).  
7 (5) "Electronic monitoring" means the same as in RCW 9.94A.030.  
8 (6) "Employee" means any person currently employed with an  
9 agency.  
10 (7) "Family or household members" means the same as in RCW  
11 26.50.010.  
12 (8) "Intimate partners" means the same as in RCW 26.50.010.  
13 (9) "Sworn employee" means a general authority Washington peace  
14 officer as defined in RCW 10.93.020, any person appointed under RCW  
15 35.21.333, and any person appointed or elected to carry out the  
16 duties of the sheriff under chapter 36.28 RCW.  
17 (10) "Victim" means a family or household member or an intimate  
18 partner who has been subjected to domestic violence.

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