

---

## Public Safety Committee

---

### HB 1449

**Brief Description:** Creating the crime of coercive control.

**Sponsors:** Representatives Mosbrucker, Caldier, Graham and Rule.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Establishes the crime of Coercive Control.</li></ul>
--



**Hearing Date:** 2/9/21

**Staff:** Corey Patton (786-7388).

**Background:**

Domestic Violence.

Domestic violence means physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking of one intimate partner by another intimate partner, or of one family or household member by another family or household member. Crimes that may constitute domestic violence include Assault, Stalking, and Violation of a Restraining, No-Contact, or Protection Order.

Family or household members are:

- adults related by blood or marriage;
- adults presently or previously residing together; and
- persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

Intimate partners are:

- spouses, or domestic partners;

---

*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.*

- former spouses, or former domestic partners;
- persons with a child in common regardless of whether they have ever been married or lived together;
- adults presently or previously residing together who have or have had a dating relationship;
- persons 16 years of age or older presently or previously residing together who have or have had a dating relationship; and
- persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship.

Harassment.

Harassment means knowingly threatening a person, by words or conduct that places the person in reasonable fear that the threat will be carried out, with immediate or future bodily injury, physical damage to property, physical confinement or restraint, or any other act which is intended to substantially harm physical or mental health or safety. Crimes that may constitute harassment include Telephone Harassment, Extortion, and Coercion.

Classification of Crimes.

Crimes are classified as misdemeanors, gross misdemeanors, or felonies. Crime classifications generally determine the maximum possible confinement and fine for an offense. The maximum terms of confinement and fines for each classification are as follows:

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 Days	\$1,000
Gross Misdemeanor	364 Days	\$5,000
Class C Felony	5 Years	\$10,000
Class B Felony	10 Years	\$20,000
Class A Felony	Life	\$50,000

**Summary of Bill:**

The crime of Coercive Control is established and classified as a gross misdemeanor. A person is guilty of Coercive Control if the person engages in a course of conduct against a family or household member or intimate partner without consent in order to limit or restrict, in full or in part, the family or household member or intimate partner's behavior, movement, associations, or access to personal finances or financial information. A person may not offer consent if the person is forcibly compelled or fears that refusal to consent will result in further negative actions. Coercive Control does not apply to a person who has power and authority over another person through a legal relationship, including power of attorney arrangements, guardianships, and parental control of a minor child. Coercive Control constitutes domestic violence and may constitute harassment.

**Appropriation:** None.

**Fiscal Note:** Requested on February 5, 2021.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.