

# HOUSE BILL REPORT

## SHB 1241

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**As Passed House:**

March 8, 2023

**Title:** An act relating to harassment.

**Brief Description:** Addressing harassment.

**Sponsors:** House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representatives Leavitt, Reeves, Reed, Morgan and Bronoske).

**Brief History:**

**Committee Activity:**

Community Safety, Justice, & Reentry: 1/17/23, 1/26/23 [DPS].

**Floor Activity:**

Passed House: 3/8/23, 90-7.

**Brief Summary of Substitute Bill**

- Increases penalty for harassment of an election worker to a class C felony.
- Allows election workers who are harassed to apply for the address confidentiality program.

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**HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse and Ramos.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Graham.

**Staff:** Martha Wehling (786-7067).

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*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.*

## **Background:**

### Harassment.

A person commits the crime of harassment by threatening another person with the intent to harm that person. For the communication to constitute harassment it must threaten bodily injury, property damage, physical confinement or restraint, or a malicious act, and the threatened person must reasonably fear that the threat will be carried out. Actions that constitute harassment include any form of communication, including electronic.

Harassment is a gross misdemeanor unless the person has previously been convicted of harassment, threatens to kill another person, or if the threatened person is a criminal justice participant. In those situations, harassment is a class C felony.

A "criminal justice participant" is any government agency employee; government attorney; staff to corrections institutions or detention facilities; staff to juvenile corrections institutions or juvenile facilities; community corrections, probation, or parole officers; members of the Indeterminate Sentencing Review Board; advocates for crime victim or witness programs; or defense attorneys.

### Address Confidentiality Program.

The Address Confidentiality Program allows a person to apply to the Secretary of State for a separate address in order to keep the person's actual address confidential. The program is available for victims of domestic violence, sexual assault, trafficking, or stalking, who fear for their safety. A person may apply on their own behalf or on behalf of a minor or incapacitated person who are targets for threats or harassment because of their involvement in the criminal justice system. A criminal justice participant and family members are eligible for the address confidentiality program under both the harassment and cyber harassment statutes. An election worker is only eligible for the address confidentiality program under the cyber harassment statute.

## **Summary of Substitute Bill:**

Election workers are included in the increased penalties in the harassment statute. When an election worker is harassed, the crime is classified as a class C felony. The definition of "election official" added to the harassment statute is any staff member of the Office of the Secretary of State or county auditor's office, including temporary or part-time staff.

When an election worker is harassed, the election worker may apply for the address confidentiality program.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Election officials have been placed on a "hit list," had their families threatened, and have been forced to move from their homes for doing their jobs. Election officials are entrusted by the public to carry out elections fairly and with integrity. When they are threatened for doing their jobs, it impacts retention. The goal of the bill is to hold people accountable who threaten election officials by clarifying the conduct that constitutes a threat and providing recourse to an election official when the official receives a threat. The format of the threat should not matter, whether it is made electronically or to an official's face. Elements of the bill are consistent with some of the National Committee for Safe and Secure Election's four principles that reduce the risk of harassment, including privacy protection and meaningful accountability for individuals who threaten election officials. Because threats likely will not change in the current political climate, the Legislature should send a message that it is protecting its election workers, staff, and a safe and secure democratic process.

(Opposed) None.

(Other) The increased ability for an election official to use the address confidentiality program provides robust protection for officials and their families. The technicalities about how the message is received should not be a deciding factor for whether an election official can opt in to the address confidentiality program.

**Persons Testifying:** (In support) Representative Mari Leavitt, prime sponsor; Lori Larsen, Washington Association of County Auditors; and Neal Kelley, Committee for Safe and Secure Elections.

(Other) Matthew Germer, R Street Institute.

**Persons Signed In To Testify But Not Testifying:** Carolyn Fundingsland, Washington Association of County Auditors.