

SENATE BILL REPORT

ESHB 2702

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 25, 1992

Brief Description: Making it a crime to stalk another person.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives R. Johnson, Belcher, Paris, Schmidt, Anderson, Roland, Bray, Jacobsen, Spanel, Scott, Leonard, Sheldon, Wynne, Lisk, Ebersole, Brough, Basich, R. King, Valle, Zellinsky, Kremen, Hochstatter, Wineberry, Winsley, Van Luven, Forner, P. Johnson, Bowman, Pruitt, Fraser, Tate, Ogden, J. Kohl, McLean, Wood and Rasmussen)

HOUSE COMMITTEE ON JUDICIARY

HOUSE COMMITTEE ON APPROPRIATIONS

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, M. Kreidler, Madsen, Rasmussen, and A. Smith.

Staff: Susan Carlson (786-7418)

Hearing Dates: February 25, 1992

BACKGROUND:

Existing laws do not directly address situations in which a person is repeatedly stalked in a threatening manner by another person. Often in these cases, law enforcement is helpless to intervene until the behavior escalates to violence. As a result, a specific crime of stalking has been proposed.

The crimes of harassment and telephone calls to harass are gross misdemeanors unless the defendant has previously been convicted of any crime of harassment against the same victim, the victim's family or household members, or any person named in a no-contact order, in which case the crimes are class C felonies. It has been suggested that where the crimes of harassment or telephone calls to harass involve threats to kill the victim, these crimes should also be class C felonies.

The Department of Corrections and the Department of Social and Health Services are required to notify victims and law enforcement when a person who was charged or convicted of a sex or violent offense is released from prison or a mental hospital. Depending on the specific crime involved, victims of harassment offenses may not be entitled to notification.

SUMMARY:

A new crime of "stalking" is created. A person is guilty of stalking if without lawful authority and under circumstances not amounting to a felony attempt of another crime, the person:

- 1) intentionally and repeatedly follows another person; and
- 2) the person being followed is intimidated, harassed, or placed in fear that the stalker intends to injure the person, the person's property, or another person; and
- 3) the stalker either intends to frighten, intimidate, or harass the person, or knows that the person being followed is afraid, intimidated, or harassed.

The feeling of fear, intimidation, or harassment experienced by the person being stalked must be shown to be the same as a reasonable person in the same situation would experience.

Stalking is a gross misdemeanor. However, if the stalker has previously been convicted of a crime of harassment of the same victim or members of the victim's family or household, or any other person named in a no-contact order, has violated an anti-harassment protection order protecting the person being stalked, or has previously been convicted of stalking, then the crime is classified as a class C felony. The crime of stalking is included in the list of "crimes of harassment" for purposes of the harassment statutes.

A person found guilty of either the crime of harassment or telephone calls to harass is guilty of a class C felony if the crime involved threatening to kill the victim or another person.

The requirement that the Department of Corrections and the Department of Social and Health Services provide notice to victims and law enforcement of the release of a person from either prison or a mental hospital is extended to felony harassment offenses.

Appropriation: none

Revenue: none

Fiscal Note: requested February 19, 1992

SUMMARY OF PROPOSED SENATE AMENDMENTS:

It is a defense to the crime of stalking that the defendant is a licensed private detective acting within the capacity of his or her license.

Statutory references in Section 7 are corrected.

TESTIMONY FOR:

Serious crimes of assault or murder may often be preceded by stalking of the victim. This bill would give law enforcement a tool allowing them to intervene earlier. Stalking behavior causes victims great fear and apprehension.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Representative Rob Johnson, prime sponsor; Mike Redman, Washington Association of Prosecuting Attorneys; Dawn Paggeat; Karen Ahrens, Victim Assistance Unit, Olympia Police Department; Kathy Seeley, Olympia Police Department