
**Public Safety & Emergency
Preparedness Committee**

HB 1319

Brief Description: Protecting employees, contract staff, and volunteers of a correctional agency from stalking.

Sponsors: Representatives O'Brien, Pearson, Dickerson, Blake, Kenney and Ormsby; by request of Department of Corrections.

Brief Summary of Bill

- Expands the offense of stalking, at the felony level, to include the stalking of staff of a correctional agency.

Hearing Date: 2/1/07

Staff: Yvonne Walker (786-7841).

Background:

Stalking: A person is guilty of stalking if he or she, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

- intentionally or repeatedly harasses or repeatedly follows another person (unlawful harassment takes place when a person knowingly and willfully seriously alarms, annoys, harasses, or performs behavior that is detrimental to a person, and which serves no legitimate or lawful purpose. The conduct is such as would cause a reasonable person to suffer substantial emotional distress);
- the person being harassed or followed is placed in reasonable fear that the stalker intends to injure the person, another person, or the property of the person or of another; and
- the stalker either: (a) intends to frighten, intimidate, or harass the person or (b) knows, or reasonably should know, that the person is afraid, intimidated, or harassed.

Stalking is generally a gross misdemeanor. However, the crime is a seriousness level V, class C felony if:

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- the offender has a previous conviction for any of several listed crimes, including telephone harassment and harassment, against the same victim, members of the victim's family, or persons named in a no-contact or no-harassment order;
- the stalking violates any protective order of the person being stalked;
- the offender has a previous conviction for stalking;
- the offender was armed with a deadly weapon while committing the crime;
- the victim is or was a law enforcement officer, judge, juror, attorney, victim advocate, legislator, or community corrections officer, and the stalking was in retaliation for something done in the victim's official capacity or to influence the victim's actions in his or her official capacity; or
- the victim is a current, former, or prospective witness in an adjudicative proceeding and the offender stalked the victim as a result of the victim's testimony or potential testimony.

Summary of Bill:

The offense of stalking, punishable at the felony level (as a seriousness level V, class C felony offense), is expanded to include when a person stalks another person and the stalker's victim is or was an employee, contract staff person, or volunteer of a correctional agency.

Appropriation: None.

Fiscal Note: Available.

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