

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1319

Chapter 201, Laws of 2007

60th Legislature
2007 Regular Session

CORRECTIONAL AGENCY WORKERS--STALKING PROTECTION

EFFECTIVE DATE: 07/22/07

Passed by the House April 14, 2007
Yeas 93 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 11, 2007
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved April 27, 2007, 2:00 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1319** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

April 30, 2007

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1319

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Public Safety & Emergency Preparedness
(originally sponsored by Representatives O'Brien, Pearson, Dickerson,
Blake, Kenney and Ormsby; by request of Department of Corrections)

READ FIRST TIME 02/12/07.

1 AN ACT Relating to the protection of employees, contract staff, and
2 volunteers of a correctional agency from stalking; and amending RCW
3 9A.46.110.

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

5 **Sec. 1.** RCW 9A.46.110 and 2006 c 95 s 3 are each amended to read
6 as follows:

7 (1) A person commits the crime of stalking if, without lawful
8 authority and under circumstances not amounting to a felony attempt of
9 another crime:

10 (a) He or she intentionally and repeatedly harasses or repeatedly
11 follows another person; and

12 (b) The person being harassed or followed is placed in fear that
13 the stalker intends to injure the person, another person, or property
14 of the person or of another person. The feeling of fear must be one
15 that a reasonable person in the same situation would experience under
16 all the circumstances; and

17 (c) The stalker either:

18 (i) Intends to frighten, intimidate, or harass the person; or

1 (ii) Knows or reasonably should know that the person is afraid,
2 intimidated, or harassed even if the stalker did not intend to place
3 the person in fear or intimidate or harass the person.

4 (2)(a) It is not a defense to the crime of stalking under
5 subsection (1)(c)(i) of this section that the stalker was not given
6 actual notice that the person did not want the stalker to contact or
7 follow the person; and

8 (b) It is not a defense to the crime of stalking under subsection
9 (1)(c)(ii) of this section that the stalker did not intend to frighten,
10 intimidate, or harass the person.

11 (3) It shall be a defense to the crime of stalking that the
12 defendant is a licensed private investigator acting within the capacity
13 of his or her license as provided by chapter 18.165 RCW.

14 (4) Attempts to contact or follow the person after being given
15 actual notice that the person does not want to be contacted or followed
16 constitutes prima facie evidence that the stalker intends to intimidate
17 or harass the person. "Contact" includes, in addition to any other
18 form of contact or communication, the sending of an electronic
19 communication to the person.

20 (5)(a) Except as provided in (b) of this subsection, a person who
21 stalks another person is guilty of a gross misdemeanor.

22 (b) A person who stalks another is guilty of a class C felony if
23 any of the following applies: (i) The stalker has previously been
24 convicted in this state or any other state of any crime of harassment,
25 as defined in RCW 9A.46.060, of the same victim or members of the
26 victim's family or household or any person specifically named in a
27 protective order; (ii) the stalking violates any protective order
28 protecting the person being stalked; (iii) the stalker has previously
29 been convicted of a gross misdemeanor or felony stalking offense under
30 this section for stalking another person; (iv) the stalker was armed
31 with a deadly weapon, as defined in RCW 9.94A.602, while stalking the
32 person; (v) (A) the stalker's victim is or was a law enforcement
33 officer((τ)); i judge((τ)); i juror((τ)); i attorney((τ)); i victim
34 advocate((τ)); i legislator((τ)); i community correction's officer((τ)); an
35 employee, contract staff person, or volunteer of a correctional agency;
36 or an employee of the child protective, child welfare, or adult
37 protective services division within the department of social and health
38 services((τ)); i and (B) the stalker stalked the victim to retaliate

1 against the victim for an act the victim performed during the course of
2 official duties or to influence the victim's performance of official
3 duties; or (vi) the stalker's victim is a current, former, or
4 prospective witness in an adjudicative proceeding, and the stalker
5 stalked the victim to retaliate against the victim as a result of the
6 victim's testimony or potential testimony.

7 (6) As used in this section:

8 (a) "Correctional agency" means a person working for the department
9 of natural resources in a correctional setting or any state, county, or
10 municipally operated agency with the authority to direct the release of
11 a person serving a sentence or term of confinement and includes but is
12 not limited to the department of corrections, the indeterminate
13 sentence review board, and the department of social and health
14 services.

15 (b) "Follows" means deliberately maintaining visual or physical
16 proximity to a specific person over a period of time. A finding that
17 the alleged stalker repeatedly and deliberately appears at the person's
18 home, school, place of employment, business, or any other location to
19 maintain visual or physical proximity to the person is sufficient to
20 find that the alleged stalker follows the person. It is not necessary
21 to establish that the alleged stalker follows the person while in
22 transit from one location to another.

23 (~~(b)~~) (c) "Harasses" means unlawful harassment as defined in RCW
24 10.14.020.

25 (~~(c)~~) (d) "Protective order" means any temporary or permanent
26 court order prohibiting or limiting violence against, harassment of,
27 contact or communication with, or physical proximity to another person.

28 (~~(d)~~) (e) "Repeatedly" means on two or more separate occasions.

Passed by the House April 14, 2007.

Passed by the Senate April 11, 2007.

Approved by the Governor April 27, 2007.

Filed in Office of Secretary of State April 30, 2007.