
HOUSE BILL 2572

State of Washington

61st Legislature

2010 Regular Session

By Representatives Appleton, Kirby, O'Brien, and Goodman

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1 AN ACT Relating to the definition of threat; and amending RCW
2 9A.04.110.

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

4 **Sec. 1.** RCW 9A.04.110 and 2007 c 79 s 3 are each amended to read
5 as follows:

6 In this title unless a different meaning plainly is required:

7 (1) "Acted" includes, where relevant, omitted to act;

8 (2) "Actor" includes, where relevant, a person failing to act;

9 (3) "Benefit" is any gain or advantage to the beneficiary,
10 including any gain or advantage to a third person pursuant to the
11 desire or consent of the beneficiary;

12 (4)(a) "Bodily injury," "physical injury," or "bodily harm" means
13 physical pain or injury, illness, or an impairment of physical
14 condition;

15 (b) "Substantial bodily harm" means bodily injury which involves a
16 temporary but substantial disfigurement, or which causes a temporary
17 but substantial loss or impairment of the function of any bodily part
18 or organ, or which causes a fracture of any bodily part;

1 (c) "Great bodily harm" means bodily injury which creates a
2 probability of death, or which causes significant serious permanent
3 disfigurement, or which causes a significant permanent loss or
4 impairment of the function of any bodily part or organ;

5 (5) "Building", in addition to its ordinary meaning, includes any
6 dwelling, fenced area, vehicle, railway car, cargo container, or any
7 other structure used for lodging of persons or for carrying on business
8 therein, or for the use, sale or deposit of goods; each unit of a
9 building consisting of two or more units separately secured or occupied
10 is a separate building;

11 (6) "Deadly weapon" means any explosive or loaded or unloaded
12 firearm, and shall include any other weapon, device, instrument,
13 article, or substance, including a "vehicle" as defined in this
14 section, which, under the circumstances in which it is used, attempted
15 to be used, or threatened to be used, is readily capable of causing
16 death or substantial bodily harm;

17 (7) "Dwelling" means any building or structure, though movable or
18 temporary, or a portion thereof, which is used or ordinarily used by a
19 person for lodging;

20 (8) "Government" includes any branch, subdivision, or agency of the
21 government of this state and any county, city, district, or other local
22 governmental unit;

23 (9) "Governmental function" includes any activity which a public
24 servant is legally authorized or permitted to undertake on behalf of a
25 government;

26 (10) "Indicted" and "indictment" include "informed against" and
27 "information", and "informed against" and "information" include
28 "indicted" and "indictment";

29 (11) "Judge" includes every judicial officer authorized alone or
30 with others, to hold or preside over a court;

31 (12) "Malice" and "maliciously" shall import an evil intent, wish,
32 or design to vex, annoy, or injure another person. Malice may be
33 inferred from an act done in wilful disregard of the rights of another,
34 or an act wrongfully done without just cause or excuse, or an act or
35 omission of duty betraying a wilful disregard of social duty;

36 (13) "Officer" and "public officer" means a person holding office
37 under a city, county, or state government, or the federal government
38 who performs a public function and in so doing is vested with the

1 exercise of some sovereign power of government, and includes all
2 assistants, deputies, clerks, and employees of any public officer and
3 all persons lawfully exercising or assuming to exercise any of the
4 powers or functions of a public officer;

5 (14) "Omission" means a failure to act;

6 (15) "Peace officer" means a duly appointed city, county, or state
7 law enforcement officer;

8 (16) "Pecuniary benefit" means any gain or advantage in the form of
9 money, property, commercial interest, or anything else the primary
10 significance of which is economic gain;

11 (17) "Person", "he", and "actor" include any natural person and,
12 where relevant, a corporation, joint stock association, or an
13 unincorporated association;

14 (18) "Place of work" includes but is not limited to all the lands
15 and other real property of a farm or ranch in the case of an actor who
16 owns, operates, or is employed to work on such a farm or ranch;

17 (19) "Prison" means any place designated by law for the keeping of
18 persons held in custody under process of law, or under lawful arrest,
19 including but not limited to any state correctional institution or any
20 county or city jail;

21 (20) "Prisoner" includes any person held in custody under process
22 of law, or under lawful arrest;

23 (21) "Projectile stun gun" means an electronic device that projects
24 wired probes attached to the device that emit an electrical charge and
25 that is designed and primarily employed to incapacitate a person or
26 animal;

27 (22) "Property" means anything of value, whether tangible or
28 intangible, real or personal;

29 (23) "Public servant" means any person other than a witness who
30 presently occupies the position of or has been elected, appointed, or
31 designated to become any officer or employee of government, including
32 a legislator, judge, judicial officer, juror, and any person
33 participating as an advisor, consultant, or otherwise in performing a
34 governmental function;

35 (24) "Signature" includes any memorandum, mark, or sign made with
36 intent to authenticate any instrument or writing, or the subscription
37 of any person thereto;

1 (25) "Statute" means the Constitution or an act of the legislature
2 or initiative or referendum of this state;

3 (26) "Strangulation" means to compress a person's neck, thereby
4 obstructing the person's blood flow or ability to breathe, or doing so
5 with the intent to obstruct the person's blood flow or ability to
6 breathe;

7 (27) "Threat" means to communicate, directly or indirectly the
8 intent:

9 (a) To cause bodily injury immediately or in the future to the
10 person threatened or to any other person; or

11 (b) To cause physical damage to the property of a person other than
12 the actor; or

13 (c) To subject the person threatened or any other person to
14 physical confinement or restraint; or

15 (d) To accuse any person of a crime or cause criminal charges to be
16 instituted against any person; or

17 (e) To expose a secret or publicize an asserted fact, whether true
18 or false, tending to subject any person to hatred, contempt, or
19 ridicule; or

20 (f) To reveal any information sought to be concealed by the person
21 threatened; or

22 (g) To testify or provide information or withhold testimony or
23 information with respect to another's legal claim or defense; or

24 (h) To take wrongful action as an official against anyone or
25 anything, or wrongfully withhold official action, or cause such action
26 or withholding; or

27 (i) To bring about or continue a strike, boycott, or other similar
28 collective action to obtain property which is not demanded or received
29 for the benefit of the group which the actor purports to represent; or

30 (j) To do any other act which is intended to harm substantially the
31 person threatened or another with respect to his health, safety,
32 business, financial condition, or personal relationships;

33 (28) "Vehicle" means a "motor vehicle" as defined in the vehicle
34 and traffic laws, any aircraft, or any vessel equipped for propulsion
35 by mechanical means or by sail;

36 (29) Words in the present tense shall include the future tense; and
37 in the masculine shall include the feminine and neuter genders; and in

1 the singular shall include the plural; and in the plural shall include
2 the singular.

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