H-0603.1

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**HOUSE BILL 1449**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Mosbrucker, Caldier, Graham, and Rule

AN ACT Relating to creating the crime of coercive control; amending RCW 9A.46.060; reenacting and amending RCW 10.99.020; adding a new section to chapter 9A.46 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. **Sec.**  (1) The legislature recognizes the hidden pandemic of domestic violence occurring alongside the COVID-19 pandemic. As early as June 2020, experts were reporting increases in the incidence and severity of domestic violence. The causes are multifaceted, including layoffs, loss of income, extended stay-at-home orders, and psychological stressors. At the same time, victims are facing unprecedented challenges in safely connecting with services. Homicide rates are now increasing across the nation. These trends cannot be ignored. Therefore, the legislature finds that the state must act to address abusive and unstable behavior before it escalates to life-threatening violence.

(2) Perpetrators of domestic violence are known to engage in controlling behaviors, including monitoring and directing the lives of their victims. Victims lose control slowly, piece by piece over months or years. This psychologically abusive behavior is a stepping stone to violence, yet it often goes unaddressed. Victims seek help from law enforcement and service providers, but find that little can be done until their perpetrators put them in the hospital. The COVID-19 pandemic has worsened these conditions for victims, who have little reprieve from perpetrators residing in their homes.

(3) The legislature hereby prohibits persons from engaging in psychologically coercive and controlling behavior. The crime of coercive control is established, barring any person from engaging in a course of conduct against a family or household member or intimate partner without his or her consent in order to limit or restrict, in full or in part, his or her behavior, movement, associations, or access to or use of his or her own finances or financial information.

NEW SECTION. **Sec.**  A new section is added to chapter 9A.46 RCW to read as follows:

(1) A person is guilty of coercive control if he or she engages in a course of conduct against a family or household member or intimate partner, as those terms are defined in RCW 10.99.020, without his or her consent in order to limit or restrict, in full or in part, his or her behavior, movement, associations, or access to or use of his or her own finances or financial information.

(2) For the purposes of this section, lack of consent results from forcible compulsion or from fear that refusal to consent will result in further actions limiting or restricting the family or household member or intimate partner's behavior, movement, associations, or access to or use of his or her own finances or financial information.

(3) This section does not apply to actions taken pursuant to a legal arrangement granting one person power or authority over another person including, but not limited to, power of attorney arrangements, guardianships, or parental control of a minor child.

(4) Coercive control is a gross misdemeanor.

**Sec.**  RCW 9A.46.060 and 2019 c 271 s 8 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

(1) Harassment (RCW 9A.46.020);

(2) Hate crime (RCW 9A.36.080);

(3) Telephone harassment (RCW 9.61.230);

(4) Assault in the first degree (RCW 9A.36.011);

(5) Assault of a child in the first degree (RCW 9A.36.120);

(6) Assault in the second degree (RCW 9A.36.021);

(7) Assault of a child in the second degree (RCW 9A.36.130);

(8) Assault in the fourth degree (RCW 9A.36.041);

(9) Reckless endangerment (RCW 9A.36.050);

(10) Extortion in the first degree (RCW 9A.56.120);

(11) Extortion in the second degree (RCW 9A.56.130);

(12) Coercion (RCW 9A.36.070);

(13) Burglary in the first degree (RCW 9A.52.020);

(14) Burglary in the second degree (RCW 9A.52.030);

(15) Criminal trespass in the first degree (RCW 9A.52.070);

(16) Criminal trespass in the second degree (RCW 9A.52.080);

(17) Malicious mischief in the first degree (RCW 9A.48.070);

(18) Malicious mischief in the second degree (RCW 9A.48.080);

(19) Malicious mischief in the third degree (RCW 9A.48.090);

(20) Kidnapping in the first degree (RCW 9A.40.020);

(21) Kidnapping in the second degree (RCW 9A.40.030);

(22) Unlawful imprisonment (RCW 9A.40.040);

(23) Rape in the first degree (RCW 9A.44.040);

(24) Rape in the second degree (RCW 9A.44.050);

(25) Rape in the third degree (RCW 9A.44.060);

(26) Indecent liberties (RCW 9A.44.100);

(27) Rape of a child in the first degree (RCW 9A.44.073);

(28) Rape of a child in the second degree (RCW 9A.44.076);

(29) Rape of a child in the third degree (RCW 9A.44.079);

(30) Child molestation in the first degree (RCW 9A.44.083);

(31) Child molestation in the second degree (RCW 9A.44.086);

(32) Child molestation in the third degree (RCW 9A.44.089);

(33) Stalking (RCW 9A.46.110);

(34) Cyberstalking (RCW 9.61.260);

(35) Residential burglary (RCW 9A.52.025);

(36) Violation of a temporary, permanent, or final protective order issued pursuant to chapter 7.90, 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;

(37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); ((~~and~~))

(38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030); and

(39) Coercive control (section 2 of this act).

**Sec.**  RCW 10.99.020 and 2020 c 296 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

(2) "Association" means the Washington association of sheriffs and police chiefs.

(3) "Dating relationship" has the same meaning as in RCW 26.50.010.

(4) "Domestic violence" includes but is not limited to any of the following crimes when committed either by (a) one family or household member against another family or household member, or (b) one intimate partner against another intimate partner:

(i) Assault in the first degree (RCW 9A.36.011);

(ii) Assault in the second degree (RCW 9A.36.021);

(iii) Assault in the third degree (RCW 9A.36.031);

(iv) Assault in the fourth degree (RCW 9A.36.041);

(v) Drive-by shooting (RCW 9A.36.045);

(vi) Reckless endangerment (RCW 9A.36.050);

(vii) Coercion (RCW 9A.36.070);

(viii) Burglary in the first degree (RCW 9A.52.020);

(ix) Burglary in the second degree (RCW 9A.52.030);

(x) Criminal trespass in the first degree (RCW 9A.52.070);

(xi) Criminal trespass in the second degree (RCW 9A.52.080);

(xii) Malicious mischief in the first degree (RCW 9A.48.070);

(xiii) Malicious mischief in the second degree (RCW 9A.48.080);

(xiv) Malicious mischief in the third degree (RCW 9A.48.090);

(xv) Kidnapping in the first degree (RCW 9A.40.020);

(xvi) Kidnapping in the second degree (RCW 9A.40.030);

(xvii) Unlawful imprisonment (RCW 9A.40.040);

(xviii) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);

(xix) Rape in the first degree (RCW 9A.44.040);

(xx) Rape in the second degree (RCW 9A.44.050);

(xxi) Residential burglary (RCW 9A.52.025);

(xxii) Stalking (RCW 9A.46.110); ((~~and~~))

(xxiii) Interference with the reporting of domestic violence (RCW 9A.36.150); and

(xxiv) Coercive control (section 2 of this act).

(5) "Electronic monitoring" means the same as in RCW 9.94A.030.

(6) "Employee" means any person currently employed with an agency.

(7) "Family or household members" means the same as in RCW 26.50.010.

(8) "Intimate partners" means the same as in RCW 26.50.010.

(9) "Sworn employee" means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under chapter 36.28 RCW.

(10) "Victim" means a family or household member or an intimate partner who has been subjected to domestic violence.

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