
SENATE BILL 5881

State of Washington

67th Legislature

2022 Regular Session

By Senators Lovick, Pedersen, and C. Wilson

Read first time 01/17/22. Referred to Committee on Law & Justice.

1 AN ACT Relating to doxing; adding a new section to chapter 9.61
2 RCW; adding a new section to chapter 4.24 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.61 RCW
6 to read as follows:

7 (1) A person is guilty of doxing if:

8 (a) The person intentionally posts another person's personally
9 identifiable information without his or her consent;

10 (b) The person knows that posting the personally identifiable
11 information is reasonably likely to cause the person whose
12 information is posted to experience harassment, bodily injury, or
13 death; and

14 (c) The posting of the personally identifiable information causes
15 the person whose information is posted to experience a substantial
16 life disruption, harassment, bodily injury, or death.

17 (2) It is not an offense under this section for a person to:

18 (a) Provide another person's personally identifiable information
19 when reporting unlawful activity or when providing such information
20 in response to, or in connection with, an investigation conducted by
21 a government agency or employer; or

1 (b) Provide a person's personally identifiable information in
2 connection with lawful and constitutionally protected activity.

3 (3) (a) Except as provided in (b) of this subsection, doxing is a
4 gross misdemeanor.

5 (b) A person who commits cyber harassment is guilty of a class C
6 felony if the person has previously been convicted of doxing.

7 (4) Doxing may be committed in more than one location. The
8 offense is deemed to have been committed in any location in which any
9 element of the offense occurred or in the location in which the
10 person whose personally identifiable information resides.

11 (5) Nothing in this section shall be construed to: Conflict with
12 47 U.S.C. Sec. 230 of the communications decency act; conflict with
13 42 U.S.C. Sec. 1983 of the civil rights act; or prohibit any activity
14 protected under the Constitution of the United States or the state
15 Constitution.

16 (6) For the purposes of this section:

17 (a) "Bodily injury" has the same meaning as provided in RCW
18 9A.04.110.

19 (b) "Electronic communication" means any transfer of signs,
20 signals, writings, images, sounds, data, or intelligence of any
21 nature transmitted in whole or in part by a wire, radio,
22 electromagnetic, photoelectronic, or photooptical system that affects
23 interstate or foreign commerce.

24 (c) "Harassment" means a knowing and willful course of conduct
25 directed at a specific person which seriously alarms, annoys,
26 harasses, or is detrimental to such person, and which serves no
27 legitimate or lawful purpose. The course of conduct must: Be such as
28 would cause a reasonable person to suffer substantial emotional
29 distress, and actually cause substantial emotional distress to the
30 person; or be such as would cause a reasonable parent to fear for the
31 well-being of the parent's child.

32 (d) "Personally identifiable information" means:

33 (i) Any information that can be used to distinguish or trace an
34 individual's identity, such as name, prior legal name, alias,
35 mother's maiden name, social security number, date or place of birth,
36 address, phone number, or biometric data;

37 (ii) Any information that is linked or linkable to an individual,
38 such as medical, financial, education, consumer, or employment
39 information, data, or records;

1 (iii) Any sensitive private information that is linked to a
2 specific identifiable individual, such as gender identity, sexual
3 orientation, or any sexually intimate visual depiction; or

4 (iv) Any information that provides access to a person's
5 teleconferencing, video teleconferencing, or other digital meeting
6 room.

7 (e) "Post" means to circulate, deliver, distribute, disseminate,
8 transmit, or otherwise make available to two or more persons through
9 electronic communication.

10 (f) "Substantial life disruption" means that a person
11 significantly modifies that person's actions or routines either to
12 avoid the person who posted the information or as a result of the
13 posting, such as changing a phone number, changing an electronic mail
14 address, deleting personal electronic accounts or significantly
15 decreasing use of the internet, moving from an established residence,
16 changing daily routines, changing routes to and from work, changing
17 employment or work schedule, or losing time from work or a job.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
19 to read as follows:

20 (1) A person who is a victim of an offense under section 1 of
21 this act may bring a civil action against the person who committed
22 the offense or against any person who knowingly benefits, financially
23 or by receiving anything of value, from participating in any venture
24 that the person knew or should have known violated section 1 of this
25 act, and may recover damages and any other appropriate relief,
26 including reasonable attorneys' fees.

27 (2) A person who is found liable under this section shall be
28 jointly and severally liable with each other person, if any, who is
29 found liable under this section for damages arising from the same
30 conduct.

31 (3) A court in which a suit is brought under this section, on the
32 motion of a party, may issue a temporary restraining order or
33 permanent injunction to restrain or prevent the disclosure or
34 continued disclosure of personally identifiable information.

35 NEW SECTION. **Sec. 3.** If any provision of this act or its
36 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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