

FINAL BILL REPORT

SHB 1241

C 292 L 24
Synopsis as Enacted

Brief Description: Addressing harassment.

Sponsors: House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representatives Leavitt, Reeves, Reed, Morgan and Bronoske).

House Committee on Community Safety, Justice, & Reentry
Senate Committee on Law & Justice

Background:

Harassment.

A person commits the crime of harassment by knowingly threatening another person, and by words or conduct placing the threatened person in reasonable fear that the threat will be carried out. For the communication to constitute harassment it must threaten bodily injury, property damage, physical confinement or restraint, or a malicious act. Actions that constitute harassment include any form of communication, including electronic.

Harassment is a gross misdemeanor, except that harassment is a class C felony when the person has previously been convicted of harassment, threatens to kill another person, or if the threatened person is a criminal justice participant performing their official duties when the threat is made or because of an action the criminal justice participant took during the course of performing their official duties.

A "criminal justice participant" is any government law enforcement agency employee; prosecuting attorney; staff to corrections institutions or detention facilities; staff to juvenile corrections institutions or juvenile facilities; community corrections, probation, or parole officers; members of the Indeterminate Sentencing Review Board; advocates for crime victim or witness programs; or defense attorneys.

Cyber Harassment.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

A person commits the crime of cyber harassment if the person makes an electronic communication of a specified nature with the intent to harass or intimidate the threatened person. Cyber harassment must cause emotional distress or fear for the threatened person's safety.

To qualify as cyber harassment, a communication must:

- use or suggest lewd, lascivious, indecent, or obscene words, images, or language;
- be made anonymously or repeatedly; or
- threaten to inflict bodily injury on the threatened person or a third party.

Cyber harassment is a gross misdemeanor except that cyber harassment is a class C felony when a person has previously been convicted of harassment, threatens to kill another person, threatens a criminal justice participant or election official who is performing their official duties at the time the communication is made, or violates a protective order.

For cyber harassment, a "criminal justice participant" includes all people identified in the harassment definition, and also includes judges and court staff. An "election official" is any staff member of the Secretary of the State or a county auditor's office, including temporary and part-time staff, whose duties relate to voter registration or the processing of votes.

Address Confidentiality Program.

The Address Confidentiality Program allows a person to apply to the Secretary of State for a separate address to keep the person's actual address confidential. The program is available for individuals including but not limited to victims of domestic violence, sexual assault, trafficking, or stalking, who fear for their safety. A person may apply on their own behalf or on behalf of a minor or incapacitated person who are targets for threats or harassment because of their involvement in the criminal justice system.

A criminal justice participant and family members are eligible for the address confidentiality program under both the harassment and cyber harassment statutes. An election official is only eligible for the address confidentiality program under the cyber harassment statute.

Summary:

A definition for "election official" is established in the criminal harassment statute, and it is a class C felony to harass election officials who are performing their official duties or because of an action the election official took during the course of performing their official duties. Election officials include any staff member of the Office of the Secretary of State or county auditor's office, including temporary or part-time staff, regardless of whether the person is working on a temporary or part-time basis, whose duties relate to voter registration or processing of votes.

Any election official who is a target for threats or harassment prohibited under the criminal

harassment law, and any person residing with such person, may apply for the address confidentiality program.

Votes on Final Passage:

House 90 7

House 86 11

Senate 45 4 (Senate amended)

House 88 9 (House concurred)

Effective: March 26, 2024