
SUBSTITUTE HOUSE BILL 1241

State of Washington

68th Legislature

2023 Regular Session

By House Community Safety, Justice, & Reentry (originally sponsored by Representatives Leavitt, Reeves, Reed, Morgan, and Bronoske)

READ FIRST TIME 01/27/23.

1 AN ACT Relating to harassment; and amending RCW 9A.46.020 and
2 40.24.030.

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

4 **Sec. 1.** RCW 9A.46.020 and 2011 c 64 s 1 are each amended to read
5 as follows:

6 (1) A person is guilty of harassment if:

7 (a) Without lawful authority, the person knowingly threatens:

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

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

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

14 (iv) Maliciously to do any other act which is intended to
15 substantially harm the person threatened or another with respect to
16 his or her physical or mental health or safety; and

17 (b) The person by words or conduct places the person threatened
18 in reasonable fear that the threat will be carried out. "Words or
19 conduct" includes, in addition to any other form of communication or
20 conduct, the sending of an electronic communication.

1 (2) (a) Except as provided in (b) of this subsection, a person who
2 harasses another is guilty of a gross misdemeanor.

3 (b) A person who harasses another is guilty of a class C felony
4 if any of the following apply: (i) The person has previously been
5 convicted in this or any other state of any crime of harassment, as
6 defined in RCW 9A.46.060, of the same victim or members of the
7 victim's family or household or any person specifically named in a
8 no-contact or no-harassment order; (ii) the person harasses another
9 person under subsection (1)(a)(i) of this section by threatening to
10 kill the person threatened or any other person; (iii) the person
11 harasses a criminal justice participant or election official who is
12 performing his or her official duties at the time the threat is made;
13 or (iv) the person harasses a criminal justice participant or
14 election official because of an action taken or decision made by the
15 criminal justice participant or election official during the
16 performance of his or her official duties. For the purposes of
17 (b)(iii) and (iv) of this subsection, the fear from the threat must
18 be a fear that a reasonable criminal justice participant or election
19 official would have under all the circumstances. Threatening words do
20 not constitute harassment if it is apparent to the criminal justice
21 participant or election official that the person does not have the
22 present and future ability to carry out the threat.

23 (3) Any criminal justice participant or election official who is
24 a target for threats or harassment prohibited under subsection
25 (2)(b)(iii) or (iv) of this section, and any family members residing
26 with him or her, shall be eligible for the address confidentiality
27 program created under RCW 40.24.030.

28 (4) For purposes of this section, a criminal justice participant
29 includes any (a) federal, state, or local law enforcement agency
30 employee; (b) federal, state, or local prosecuting attorney or deputy
31 prosecuting attorney; (c) staff member of any adult corrections
32 institution or local adult detention facility; (d) staff member of
33 any juvenile corrections institution or local juvenile detention
34 facility; (e) community corrections officer, probation, or parole
35 officer; (f) member of the indeterminate sentence review board; (g)
36 advocate from a crime victim/witness program; or (h) defense
37 attorney.

38 (5) For the purposes of this section, an election official
39 includes any staff member of the office of the secretary of state or
40 staff member of a county auditor's office, regardless of whether the

1 member is employed on a temporary or part-time basis, whose duties
2 relate to voter registration or the processing of votes as provided
3 in Title 29A RCW.

4 (6) The penalties provided in this section for harassment do not
5 preclude the victim from seeking any other remedy otherwise available
6 under law.

7 **Sec. 2.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to
8 read as follows:

9 (1) (a) An adult person, a parent or guardian acting on behalf of
10 a minor, or a guardian acting on behalf of an (~~incapacitated person,~~
11 ~~as defined in RCW 11.88.010~~) individual subject to guardianship as
12 defined in RCW 11.130.010, (b) any election official as described in
13 RCW 9A.46.020 or 9A.90.120 who is a target for threats or harassment
14 prohibited under RCW 9A.46.020 or 9A.90.120(2)(b) (iii) or (iv), and
15 any family members residing with him or her, and (c) any criminal
16 justice participant as defined in RCW 9A.46.020 who is a target for
17 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
18 (iv) and any criminal justice participant as defined in RCW 9A.90.120
19 who is a target for threats or harassment prohibited under RCW
20 9A.90.120(2)(b) (iii) or (iv), and any family members residing with
21 him or her, may apply to the secretary of state to have an address
22 designated by the secretary of state serve as the person's address or
23 the address of the minor or incapacitated person. The secretary of
24 state shall approve an application if it is filed in the manner and
25 on the form prescribed by the secretary of state and if it contains:

26 (i) A sworn statement, under penalty of perjury, by the applicant
27 that the applicant has good reason to believe (A) that the applicant,
28 or the minor or incapacitated person on whose behalf the application
29 is made, is a victim of domestic violence, sexual assault,
30 trafficking, or stalking and that the applicant fears for his or her
31 safety or his or her children's safety, or the safety of the minor or
32 incapacitated person on whose behalf the application is made; (B)
33 that the applicant, as an election official as described in RCW
34 9A.46.020 or 9A.90.120, is a target for threats or harassment
35 prohibited under RCW 9A.46.020 or 9A.90.120(2)(b) (iii) or (iv); or
36 (C) that the applicant, as a criminal justice participant as defined
37 in RCW 9A.46.020, is a target for threats or harassment prohibited
38 under RCW 9A.46.020(2)(b) (iii) or (iv), or that the applicant, as a
39 criminal justice participant as defined in RCW 9A.90.120 is a target

1 for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii)
2 or (iv);

3 (ii) If applicable, a sworn statement, under penalty of perjury,
4 by the applicant, that the applicant has reason to believe they are a
5 victim of (A) domestic violence, sexual assault, or stalking
6 perpetrated by an employee of a law enforcement agency, or ~~((+))~~ (B)
7 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or
8 (iv) or 9A.46.020(2)(b) (iii) or (iv);

9 (iii) A designation of the secretary of state as agent for
10 purposes of service of process and for the purpose of receipt of
11 mail;

12 (iv) The residential address and any telephone number where the
13 applicant can be contacted by the secretary of state, which shall not
14 be disclosed because disclosure will increase the risk of (A)
15 domestic violence, sexual assault, trafficking, or stalking, or (B)
16 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or
17 (iv) or 9A.46.020(2)(b) (iii) or (iv);

18 (v) The signature of the applicant and of any individual or
19 representative of any office designated in writing under RCW
20 40.24.080 who assisted in the preparation of the application, and the
21 date on which the applicant signed the application.

22 (2) Applications shall be filed with the office of the secretary
23 of state.

24 (3) Upon filing a properly completed application, the secretary
25 of state shall certify the applicant as a program participant.
26 Applicants shall be certified for four years following the date of
27 filing unless the certification is withdrawn or invalidated before
28 that date. The secretary of state shall by rule establish a renewal
29 procedure.

30 (4)(a) During the application process, the secretary of state
31 shall provide each applicant a form to direct the department of
32 licensing to change the address of registration for vehicles or
33 vessels solely or jointly registered to the applicant and the address
34 associated with the applicant's driver's license or identicard to the
35 applicant's address as designated by the secretary of state upon
36 certification in the program. The directive to the department of
37 licensing is only valid if signed by the applicant. The directive may
38 only include information required by the department of licensing to
39 verify the applicant's identity and ownership information for
40 vehicles and vessels. This information is limited to the:

1 (i) Applicant's full legal name;
2 (ii) Applicant's Washington driver's license or identicard
3 number;
4 (iii) Applicant's date of birth;
5 (iv) Vehicle identification number and license plate number for
6 each vehicle solely or jointly registered to the applicant; and
7 (v) Hull identification number or vessel document number and
8 vessel decal number for each vessel solely or jointly registered to
9 the applicant.

10 (b) Upon certification of the applicants, the secretary of state
11 shall transmit completed and signed directives to the department of
12 licensing.

13 (c) Within 30 days of receiving a completed and signed directive,
14 the department of licensing shall update the applicant's address on
15 registration and licensing records.

16 (d) Applicants are not required to sign the directive to the
17 department of licensing to be certified as a program participant.

18 (5) A person who knowingly provides false or incorrect
19 information upon making an application or falsely attests in an
20 application that disclosure of the applicant's address would endanger
21 (a) the applicant's safety or the safety of the applicant's children
22 or the minor or incapacitated person on whose behalf the application
23 is made, (b) the safety of any election official as described in RCW
24 9A.46.020 or 9A.90.120 who is a target for threats or harassment
25 prohibited under RCW 9A.46.020 or 9A.90.120(2)(b) (iii) or (iv), or
26 (c) the safety of any criminal justice participant as defined in RCW
27 9A.46.020 who is a target for threats or harassment prohibited under
28 RCW 9A.46.020(2)(b) (iii) or (iv) or of any criminal justice
29 participant as defined in RCW 9A.90.120 who is a target for threats
30 or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), or
31 any family members residing with him or her, shall be punished under
32 RCW 40.16.030 or other applicable statutes.

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