

government and its existing public institutions, and shall take effect immediately.

Passed the House March 8, 1984.
 Passed the Senate March 8, 1984.
 Approved by the Governor March 28, 1984.
 Filed in Office of Secretary of State March 28, 1984.

CHAPTER 268

[Engrossed Senate Bill No. 4228]

MALICIOUS HARASSMENT—MENTAL, PHYSICAL, OR SENSORY HANDICAP

AN ACT Relating to malicious harassment; and amending section 1, chapter 267, Laws of 1981 and RCW 9A.36.080.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 267, Laws of 1981 and RCW 9A.36.080 are each amended to read as follows:

(1) A person is guilty of malicious harassment if he maliciously and with the intent to intimidate or harass another person because of that person's race, color, religion, ancestry, ~~((or))~~ national origin, or mental, physical, or sensory handicap:

(a) Causes physical injury to another person; or

(b) By words or conduct places another person in reasonable fear of harm to his person or property or harm to the person or property of a third person: PROVIDED, HOWEVER, That it shall not constitute malicious harassment for a person to speak or act in a critical, insulting, or deprecatory way so long as his or her words or actions do not constitute a threat of harm to the body or property of another person; or

(c) Causes physical damage to or destruction of the property of another person.

(2) Malicious harassment is a class C felony.

(3) In addition to the criminal penalty provided in subsection (2) of this section, there is hereby created a civil cause of action for malicious harassment. A person may be liable to the victim of malicious harassment for actual damages and punitive damages of up to ten thousand dollars.

(4) The penalties provided in this section for malicious harassment do not preclude the victims from seeking any other remedies otherwise available under law.

Passed the Senate January 30, 1984.
 Passed the House March 3, 1984.
 Approved by the Governor March 28, 1984.
 Filed in Office of Secretary of State March 28, 1984.