

authorized by this chapter; and (d) imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest such person.

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CHAPTER 288

[Engrossed Substitute Senate Bill No. 3012]

HARASSMENT

AN ACT Relating to harassment; amending RCW 9.61.230; adding a new chapter to Title 9A RCW; creating a new section; providing penalties; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that the prevention of serious, personal harassment is an important government objective. Toward that end, this chapter is aimed at making unlawful the repeated invasions of a person's privacy by acts and threats which show a pattern of harassment designed to coerce, intimidate, or humiliate the victim.

The legislature further finds that the protection of such persons from harassment can be accomplished without infringing on constitutionally protected speech or activity.

NEW SECTION. Sec. 2. (1) A person is guilty of harassment if:

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

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

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

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

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

(b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out.

(2) A person who harasses another is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW, unless the person has previously been convicted in this or any other state of any crime of harassment, as defined in section 6 of this act, of the same victim or members of the victim's family or household or any person specifically named in a no-contact or no-harassment order, in which case the person is guilty of a class C felony punishable under chapter 9A.20 RCW.

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

NEW SECTION. Sec. 3. Any harassment offense committed as set forth in section 2 of this act may be deemed to have been committed where the conduct occurred or at the place from which the threat or threats were made or at the place where the threats were received.

NEW SECTION. Sec. 4. (1) Because of the likelihood of repeated harassment directed at those who have been victims of harassment in the past, when any defendant charged with a crime involving harassment is released from custody before trial on bail or personal recognizance, the court authorizing the release may require that the defendant:

(a) Stay away from the home, school, business, or place of employment of the victim or victims of the alleged offense or other location, as shall be specifically named by the court in the order;

(b) Refrain from contacting, intimidating, threatening, or otherwise interfering with the victim or victims of the alleged offense and such other persons, including but not limited to members of the family or household of the victim, as shall be specifically named by the court in the order.

(2) An intentional violation of a court order issued under this section is a misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter __ RCW (chapter __, Laws of 1985). A certified copy of the order shall be provided to the victim by the clerk of the court.

NEW SECTION. Sec. 5. A defendant who is charged by citation, complaint, or information with an offense involving harassment and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information. At that appearance, the court shall determine the necessity of imposing a no-contact or no-harassment order or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

NEW SECTION. Sec. 6. As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (section 2 of this act);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.010);
- (5) Assault in the second degree (RCW 9A.36.020);
- (6) Simple assault (RCW 9A.36.040);
- (7) Reckless endangerment (RCW 9A.36.050);
- (8) Extortion in the first degree (RCW 9A.56.120);
- (9) Extortion in the second degree (RCW 9A.56.130);
- (10) Coercion (RCW 9A.36.070);
- (11) Burglary in the first degree (RCW 9A.52.020);
- (12) Burglary in the second degree (RCW 9A.52.030);
- (13) Criminal trespass in the first degree (RCW 9A.52.070);
- (14) Criminal trespass in the second degree (RCW 9A.52.080);
- (15) Malicious mischief in the first degree (RCW 9A.48.070);
- (16) Malicious mischief in the second degree (RCW 9A.48.080);
- (17) Malicious mischief in the third degree (RCW 9A.48.090);
- (18) Kidnapping in the first degree (RCW 9A.40.020);
- (19) Kidnapping in the second degree (RCW 9A.40.030);
- (20) Unlawful imprisonment (RCW 9A.40.040);
- (21) Rape in the first degree (RCW 9A.44.040);
- (22) Rape in the second degree (RCW 9A.44.050);
- (23) Rape in the third degree (RCW 9A.44.060);
- (24) Indecent liberties (RCW 9A.44.100);
- (25) Statutory rape in the first degree (RCW 9A.44.070);
- (26) Statutory rape in the second degree (RCW 9A.44.080); and
- (27) Statutory rape in the third degree (RCW 9A.44.090).

NEW SECTION. Sec. 7. Any law enforcement agency in this state may enforce this chapter as it relates to orders restricting the defendants' ability to have contact with the victim or others.

NEW SECTION. Sec. 8. The victim shall be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim is involved. If a defendant is found guilty of a crime of harassment and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition shall be recorded and a written certified copy of that order shall be provided to the victim or witnesses by the clerk of the court. Willful violation of a court order issued under this section is a misdemeanor. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A.—RCW (sections 1 through 10 of this act) and will subject a violator to arrest.

NEW SECTION. Sec. 9. A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith

of a court order, or any other action or omission in good faith under this chapter arising from an alleged incident of harassment brought by any party to the incident.

NEW SECTION. Sec. 10. As used in RCW 9.61.230 or section 2 of this act, a person has been "convicted" at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing, posttrial motions, and appeals.

Sec. 11. Section 1, chapter 16, Laws of 1967 and RCW 9.61.230 are each amended to read as follows:

Every person who, with intent to harass, intimidate, torment or embarrass any other person, shall make a telephone call to such other person:

(1) Using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; or

(2) Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or

(3) Threatening to inflict injury on the person or property of the person called or any member of his or her family(;

(4) without purpose of legitimate communication)) or household; shall be guilty of a ((misdemeanor)) gross misdemeanor, unless that person has previously been convicted of any crime of harassment, as defined in section 6 of this 1985 act, with the same victim or member of the victim's family or household or any person specifically named in a no-contact or no-harassment order in this or any other state, in which case the person is guilty of a class C felony punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 12. This act shall be known as the anti-harassment act of 1985.

NEW SECTION. Sec. 13. Sections 1 through 10 of this act shall constitute a new chapter in Title 9A RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect May 1, 1985.

Passed the Senate April 27, 1985.

Passed the House April 26, 1985.

Approved by the Governor Má y 13, 1985.

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