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ENGROSSED SUBSTITUTE HOUSE BILL 1569

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State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Veloria, Wineberry, Romero, Wang, Locke, Thibaudeau, Wolfe, Brough, Miller, Leonard, Campbell, Cothorn, L. Johnson, J. Kohl and Anderson)

Read first time 02/26/93.

1 AN ACT Relating to malicious harassment; amending RCW 9A.36.080 and  
2 13.40.0357; adding new sections to chapter 9A.36 RCW; adding a new  
3 section to chapter 36.28A RCW; adding a new section to chapter 43.101  
4 RCW; creating a new section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.36 RCW  
7 to read as follows:

8 The legislature finds that crimes and threats against persons  
9 because of their race, color, religion, ancestry, national origin,  
10 gender, sexual orientation, or mental, physical, or sensory handicaps  
11 are serious and increasing. The legislature also finds that crimes and  
12 threats are often directed against interracial couples and their  
13 children or couples of mixed religions, colors, ancestries, or national  
14 origins because of bias and bigotry against the race, color, religion,  
15 ancestry, or national origin of one person in the couple or family.  
16 The legislature finds that the state interest in preventing crimes and  
17 threats motivated by bigotry and bias goes beyond the state interest in  
18 preventing other felonies or misdemeanors such as criminal trespass,  
19 malicious mischief, assault, or other crimes that are not motivated by

1 hatred, bigotry, and bias, and that prosecution of those other crimes  
2 inadequately protects citizens from crimes and threats motivated by  
3 bigotry and bias. Therefore, the legislature finds that protection of  
4 those citizens from threats of harm due to bias and bigotry is a  
5 compelling state interest.

6 The legislature also finds that in many cases, certain discrete  
7 words or symbols are used to threaten the victims. Those discrete  
8 words or symbols have historically or traditionally been used to  
9 connote hatred or threats towards members of the class of which the  
10 victim or a member of the victim's family or household is a member. In  
11 particular, the legislature finds that cross burnings historically and  
12 traditionally have been used to threaten, terrorize, intimidate, and  
13 harass African Americans and their families. Cross burnings often  
14 preceded lynchings, murders, burning of homes, and other acts of  
15 terror. Further, Nazi swastikas historically and traditionally have  
16 been used to threaten, terrorize, intimidate, and harass Jewish people  
17 and their families. Swastikas symbolize the massive destruction of the  
18 Jewish population, commonly known as the holocaust. Therefore, the  
19 legislature finds that any person who burns or attempts to burn a cross  
20 or displays a swastika on the property of the victim or burns a cross  
21 or displays a swastika as part of a series of acts directed towards a  
22 particular person, the person's family or household members, or a  
23 particular group, knows or reasonably should know that the cross  
24 burning or swastika may create a reasonable fear of harm in the mind of  
25 the person, the person's family and household members, or the group.

26 The legislature also finds that a hate crime committed against a  
27 victim because of the victim's gender may be identified in the same  
28 manner that a hate crime committed against a victim of another  
29 protected group is identified. Affirmative indications of hatred  
30 towards gender as a class is the predominant factor to consider. Other  
31 factors to consider include the perpetrator's use of language, slurs,  
32 or symbols expressing hatred towards the victim's gender as a class;  
33 the severity of the attack including mutilation of the victim's sexual  
34 organs; a history of similar attacks against victims of the same gender  
35 by the perpetrator or a history of similar incidents in the same area;  
36 a lack of provocation; an absence of any other apparent motivation; and  
37 common sense.

1       **Sec. 2.** RCW 9A.36.080 and 1989 c 95 s 1 are each amended to read  
2 as follows:

3       (1) A person is guilty of malicious harassment if he or she  
4 maliciously and ~~((with the intent to intimidate or harass another~~  
5 ~~person because of, or in a way that is reasonably related to,~~  
6 ~~associated with, or directed toward, that person's))~~ intentionally  
7 commits one of the following acts because of his or her perception of  
8 the victim's race, color, religion, ancestry, national origin, gender,  
9 sexual orientation, or mental, physical, or sensory handicap:

10       (a) Causes physical injury to the victim or another person; ~~((or))~~

11       (b) ~~((By words or conduct places another person in reasonable fear~~  
12 ~~of harm to his person or property or harm to the person or property of~~  
13 ~~a third person. Such words or conduct include, but are not limited to,~~  
14 ~~(i) cross burning, (ii) painting, drawing, or depicting symbols or~~  
15 ~~words on the property of the victim when the symbols or words~~  
16 ~~historically or traditionally connote hatred or threats toward the~~  
17 ~~victim, or (iii) written or oral communication designed to intimidate~~  
18 ~~or harass because of, or in a way that is reasonably related to,~~  
19 ~~associated with, or directed toward, that person's race, color,~~  
20 ~~religion, ancestry, national origin, or mental, physical, or sensory~~  
21 ~~handicap. However, it does not constitute malicious harassment for a~~  
22 ~~person to speak or act in a critical, insulting, or deprecatory way~~  
23 ~~unless the context or circumstances surrounding the words or conduct~~  
24 ~~places another person in reasonable fear of harm to his or her person~~  
25 ~~or property or harm to the person or property of a third person; or~~

26       ~~(c))~~ Causes physical damage to or destruction of the property of  
27 the victim or another person; or

28       (c) Threatens a specific person or group of persons and places that  
29 person, or members of the specific group of persons, in reasonable fear  
30 of harm to person or property. The fear must be a fear that a  
31 reasonable person would have under all the circumstances. For purposes  
32 of this section, a "reasonable person" is a reasonable person who is a  
33 member of the victim's race, color, religion, ancestry, national  
34 origin, gender, or sexual orientation, or who has the same mental,  
35 physical, or sensory handicap as the victim. Words alone do not  
36 constitute malicious harassment unless the context or circumstances  
37 surrounding the words indicate the words are a threat. Threatening  
38 words do not constitute malicious harassment if it is apparent to the

1 victim that the person does not have the ability to carry out the  
2 threat.

3 ~~(2) ((The following constitute per se violations of this section:~~

4 ~~(a) Cross burning; or~~

5 ~~(b) Defacement of the property of the victim or a third person with~~  
6 ~~symbols or words when the symbols or words historically or~~  
7 ~~traditionally connote hatred or threats toward the victim.~~

8 ~~(3))~~ In any prosecution for malicious harassment, unless evidence  
9 exists which explains to the trier of fact's satisfaction that the  
10 person did not intend to threaten the victim or victims, the trier of  
11 fact may infer that the person intended to threaten a specific victim  
12 or group of victims because of the person's perception of the victim's  
13 or victims' race, color, religion, ancestry, national origin, gender,  
14 sexual orientation, or mental, physical, or sensory handicap if the  
15 person commits one of the following acts:

16 (a) Burns a cross on property of a victim who is or who the actor  
17 perceives to be of African American heritage; or

18 (b) Defaces property of a victim who is or who the actor perceives  
19 to be of Jewish heritage by defacing the property with a swastika.

20 This subsection only applies to the creation of a reasonable  
21 inference for evidentiary purposes. This subsection does not restrict  
22 the state's ability to prosecute a person under subsection (1) of this  
23 section when the facts of a particular case do not fall within (a) or  
24 (b) of this subsection.

25 (3) It is not a defense that the accused was mistaken that the  
26 victim was a member of a certain race, color, religion, ancestry,  
27 national origin, gender, or sexual orientation, or had a mental,  
28 physical, or sensory handicap.

29 (4) Evidence of expressions or associations of the accused may not  
30 be introduced as substantive evidence at trial unless the evidence  
31 specifically relates to the crime charged. Nothing in this chapter  
32 shall affect the rules of evidence governing impeachment of a witness.

33 (5) Every person who commits another crime during the commission of  
34 a crime under this section may be punished and prosecuted for the other  
35 crime separately.

36 (6) "Sexual orientation" for the purposes of this section means  
37 heterosexuality, homosexuality, or bisexuality.

38 (7) Malicious harassment is a class C felony.



1	B	Malicious Mischief 1 (9A.48.070)	C
2	C	Malicious Mischief 2 (9A.48.080)	D
3	D	Malicious Mischief 3 (<\$50 is	
4		E class) (9A.48.090)	E
5	E	Tampering with Fire Alarm	
6		Apparatus (9.40.100)	E
7	A	Possession of Incendiary Device	
8		(9.40.120)	B+
9		Assault and Other Crimes	
10		Involving Physical Harm	
11	A	Assault 1 (9A.36.011)	B+
12	B+	Assault 2 (9A.36.021)	C+
13	C+	Assault 3 (9A.36.031)	D+
14	D+	Assault 4 (9A.36.041)	E
15	D+	Reckless Endangerment	
16		(9A.36.050)	E
17	C+	Promoting Suicide Attempt	
18		(9A.36.060)	D+
19	D+	Coercion (9A.36.070)	E
20	C+	Custodial Assault (9A.36.100)	D+
21	<u>C</u>	<u>Malicious Harassment (9A.36.080)</u>	<u>D+</u>
22		Burglary and Trespass	
23	B+	Burglary 1 (9A.52.020)	C+
24	B	Burglary 2 (9A.52.030)	C
25	D	Burglary Tools (Possession of)	
26		(9A.52.060)	E
27	D	Criminal Trespass 1 (9A.52.070)	E
28	E	Criminal Trespass 2 (9A.52.080)	E
29	D	Vehicle Prowling (9A.52.100)	E
30		Drugs	
31	E	Possession/Consumption of Alcohol	
32		(66.44.270)	E
33	C	Illegally Obtaining Legend Drug	
34		(69.41.020)	D

1	C+	Sale, Delivery, Possession of Legend	
2		Drug with Intent to Sell	
3		(69.41.030)	D+
4	E	Possession of Legend Drug	
5		(69.41.030)	E
6	B+	Violation of Uniform Controlled	
7		Substances Act - Narcotic Sale	
8		(69.50.401(a)(1)(i))	B+
9	C	Violation of Uniform Controlled	
10		Substances Act - Nonnarcotic Sale	
11		(69.50.401(a)(1)(ii))	C
12	E	Possession of Marihuana <40 grams	
13		(69.50.401(e))	E
14	C	Fraudulently Obtaining Controlled	
15		Substance (69.50.403)	C
16	C+	Sale of Controlled Substance	
17		for Profit (69.50.410)	C+
18	E	<del>((Glue Sniffing (9.47A.050))</del>	
19		<u>Unlawful Inhalation (9.47A.020)</u>	E
20	B	Violation of Uniform Controlled	
21		Substances Act - Narcotic	
22		Counterfeit Substances	
23		(69.50.401(b)(1)(i))	B
24	C	Violation of Uniform Controlled	
25		Substances Act - Nonnarcotic	
26		Counterfeit Substances	
27		(69.50.401(b)(1) (ii), (iii), (iv))	C
28	C	Violation of Uniform Controlled	
29		Substances Act - Possession of a	
30		Controlled Substance	
31		(69.50.401(d))	C
32	C	Violation of Uniform Controlled	
33		Substances Act - Possession of a	
34		Controlled Substance	
35		(69.50.401(c))	C
36		Firearms and Weapons	
37	<del>((C+</del>	<del>Committing Crime when Armed</del>	
38		<del>(9.41.025)</del>	<del>D+))</del>

1	E	Carrying Loaded Pistol Without	
2		Permit (9.41.050)	E
3	E	Use of Firearms by Minor (<14)	
4		(9.41.240)	E
5	D+	Possession of Dangerous Weapon	
6		(9.41.250)	E
7	D	Intimidating Another Person by use	
8		of Weapon (9.41.270)	E
9		Homicide	
10	A+	Murder 1 (9A.32.030)	A
11	A+	Murder 2 (9A.32.050)	B+
12	B+	Manslaughter 1 (9A.32.060)	C+
13	C+	Manslaughter 2 (9A.32.070)	D+
14	B+	Vehicular Homicide (46.61.520)	C+
15		Kidnapping	
16	A	Kidnap 1 (9A.40.020)	B+
17	B+	Kidnap 2 (9A.40.030)	C+
18	C+	Unlawful Imprisonment	
19		(9A.40.040)	D+
20	((D	<del>Custodial Interference</del>	
21		<del>(9A.40.050)</del>	<del>E))</del>
22		Obstructing Governmental Operation	
23	E	Obstructing a Public Servant	
24		(9A.76.020)	E
25	E	Resisting Arrest (9A.76.040)	E
26	B	Introducing Contraband 1	
27		(9A.76.140)	C
28	C	Introducing Contraband 2	
29		(9A.76.150)	D
30	E	Introducing Contraband 3	
31		(9A.76.160)	E
32	B+	Intimidating a Public Servant	
33		(9A.76.180)	C+
34	B+	Intimidating a Witness	
35		(9A.72.110)	C+

1	<del>((E</del>	<del>Criminal Contempt</del>	
2		<del>(9.23.010)</del>	<del>E))</del>
3		Public Disturbance	
4	C+	Riot with Weapon (9A.84.010)	D+
5	D+	Riot Without Weapon	
6		(9A.84.010)	E
7	E	Failure to Disperse (9A.84.020)	E
8	E	Disorderly Conduct (9A.84.030)	E
9		Sex Crimes	
10	A	Rape 1 (9A.44.040)	B+
11	A-	Rape 2 (9A.44.050)	B+
12	C+	Rape 3 (9A.44.060)	D+
13	A-	Rape of a Child 1 (9A.44.073)	B+
14	B	Rape of a Child 2 (9A.44.076)	C+
15	B	Incest 1 (9A.64.020(1))	C
16	C	Incest 2 (9A.64.020(2))	D
17	D+	<del>((Public Indecency))</del> <u>Indecent Exposure</u>	
18		(Victim <14) (9A.88.010)	E
19	E	<del>((Public Indecency))</del> <u>Indecent Exposure</u>	
20		(Victim 14 or over) (9A.88.010)	E
21	B+	Promoting Prostitution 1	
22		(9A.88.070)	C+
23	C+	Promoting Prostitution 2	
24		(9A.88.080)	D+
25	E	O & A (Prostitution) (9A.88.030)	E
26	B+	Indecent Liberties (9A.44.100)	C+
27	B+	Child Molestation 1 (9A.44.083)	C+
28	C+	Child Molestation 2 (9A.44.086)	C
29		Theft, Robbery, Extortion, and Forgery	
30	B	Theft 1 (9A.56.030)	C
31	C	Theft 2 (9A.56.040)	D
32	D	Theft 3 (9A.56.050)	E
33	B	Theft of Livestock (9A.56.080)	C
34	C	Forgery ( <del>((9A.56.020))</del> ) <u>(9A.60.020)</u>	D
35	A	Robbery 1 (9A.56.200)	B+
36	B+	Robbery 2 (9A.56.210)	C+

1	B+	Extortion 1 (9A.56.120)	C+
2	C+	Extortion 2 (9A.56.130)	D+
3	B	Possession of Stolen Property 1	
4		(9A.56.150)	C
5	C	Possession of Stolen Property 2	
6		(9A.56.160)	D
7	D	Possession of Stolen Property 3	
8		(9A.56.170)	E
9	C	Taking Motor Vehicle Without	
10		Owner's Permission (9A.56.070)	D
11		Motor Vehicle Related Crimes	
12	E	Driving Without a License	
13		(46.20.021)	E
14	C	Hit and Run - Injury	
15		(46.52.020(4))	D
16	D	Hit and Run-Attended	
17		(46.52.020(5))	E
18	E	Hit and Run-Unattended	
19		(46.52.010)	E
20	C	Vehicular Assault (46.61.522)	D
21	C	Attempting to Elude Pursuing	
22		Police Vehicle (46.61.024)	D
23	E	Reckless Driving (46.61.500)	E
24	D	Driving While Under the Influence	
25		(46.61.515)	E
26	<del>((B+</del>	<del>Negligent Homicide by Motor</del>	
27		<del>Vehicle (46.61.520)</del>	<del>C+))</del>
28	D	Vehicle Prowling (9A.52.100)	E
29	C	Taking Motor Vehicle Without	
30		Owner's Permission (9A.56.070)	D
31		Other	
32	B	Bomb Threat (9.61.160)	C
33	C	Escape 1 (9A.76.110)	C
34	C	Escape 2 (9A.76.120)	C
35	D	Escape 3 (9A.76.130)	E
36	C	Failure to Appear in Court	
37		(10.19.130)	D

1	((E	<del>Tampering with Fire Alarm</del>	
2		<del>Apparatus (9.40.100)</del>	<del>E))</del>
3	E	Obscene, Harassing, Etc.,	
4		Phone Calls (9.61.230)	E
5	A	Other Offense Equivalent to an	
6		Adult Class A Felony	B+
7	B	Other Offense Equivalent to an	
8		Adult Class B Felony	C
9	C	Other Offense Equivalent to an	
10		Adult Class C Felony	D
11	D	Other Offense Equivalent to an	
12		Adult Gross Misdemeanor	E
13	E	Other Offense Equivalent to an	
14		Adult Misdemeanor	E
15	V	Violation of Order of Restitution,	
16		Community Supervision, or	
17		Confinement (13.40.200)	V

18 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
19 and the standard range is established as follows:

20 1st escape or attempted escape during 12-month period - 4 weeks  
21 confinement

22 2nd escape or attempted escape during 12-month period - 8 weeks  
23 confinement

24 3rd and subsequent escape or attempted escape during 12-month  
25 period - 12 weeks confinement

26 If the court finds that a respondent has violated terms of an order,  
27 it may impose a penalty of up to 30 days of confinement.

28 SCHEDULE B  
29 PRIOR OFFENSE INCREASE FACTOR

30 For use with all CURRENT OFFENSES occurring on or after July 1,  
31 1989.

32 TIME SPAN

1	OFFENSE	0-12	13-24	25 Months
2	CATEGORY	Months	Months	or More
3	.....			
4	A+	.9	.9	.9
5	A	.9	.8	.6
6	A-	.9	.8	.5
7	B+	.9	.7	.4
8	B	.9	.6	.3
9	C+	.6	.3	.2
10	C	.5	.2	.2
11	D+	.3	.2	.1
12	D	.2	.1	.1
13	E	.1	.1	.1

14 Prior history - Any offense in which a diversion agreement or counsel  
15 and release form was signed, or any offense which has been adjudicated  
16 by court to be correct prior to the commission of the current  
17 offense(s).

18 SCHEDULE C  
19 CURRENT OFFENSE POINTS

20 For use with all CURRENT OFFENSES occurring on or after July 1,  
21 1989.

22	AGE						
23	OFFENSE	12 &					
24	CATEGORY	Under	13	14	15	16	17
25	.....						
26	A+	STANDARD	RANGE	180-224	WEEKS		
27	A	250	300	350	375	375	375
28	A-	150	150	150	200	200	200
29	B+	110	110	120	130	140	150
30	B	45	45	50	50	57	57
31	C+	44	44	49	49	55	55
32	C	40	40	45	45	50	50
33	D+	16	18	20	22	24	26

1	D	14	16	18	20	22	24
2	E	4	4	4	6	8	10

3 JUVENILE SENTENCING STANDARDS

4 SCHEDULE D-1

5 This schedule may only be used for minor/first offenders. After the  
6 determination is made that a youth is a minor/first offender, the court  
7 has the discretion to select sentencing option A, B, or C.

8 MINOR/FIRST OFFENDER

9 OPTION A

10 STANDARD RANGE

11		Community	Community	Community
12		Supervision	Service	Fine
13	Points		Hours	
14	1-9	0-3 months	and/or 0-8	and/or 0-\$10
15	10-19	0-3 months	and/or 0-8	and/or 0-\$10
16	20-29	0-3 months	and/or 0-16	and/or 0-\$10
17	30-39	0-3 months	and/or 8-24	and/or 0-\$25
18	40-49	3-6 months	and/or 16-32	and/or 0-\$25
19	50-59	3-6 months	and/or 24-40	and/or 0-\$25
20	60-69	6-9 months	and/or 32-48	and/or 0-\$50
21	70-79	6-9 months	and/or 40-55	and/or 0-\$50
22	80-89	9-12 months	and/or 48-64	and/or 10-\$100
23	90-109	9-12 months	and/or 56-72	and/or 10-\$100

24 OR

25 OPTION B

26 STATUTORY OPTION

- 27 0-12 Months Community Supervision
- 28 0-150 Hours Community Service
- 29 0-100 Fine

1 A term of community supervision with a maximum of 150 hours, \$100.00  
2 fine, and 12 months supervision.

3 OR

4 OPTION C  
5 MANIFEST INJUSTICE

6 When a term of community supervision would effectuate a manifest  
7 injustice, another disposition may be imposed. When a judge imposes a  
8 sentence of confinement exceeding 30 days, the court shall sentence the  
9 juvenile to a maximum term and the provisions of RCW (~~(13.40.030(5))~~)  
10 13.40.030(2), as now or hereafter amended, shall be used to determine  
11 the range.

12 JUVENILE SENTENCING STANDARDS  
13 SCHEDULE D-2

14 This schedule may only be used for middle offenders. After the  
15 determination is made that a youth is a middle offender, the court has  
16 the discretion to select sentencing option A, B, or C.

17 MIDDLE OFFENDER

18 OPTION A  
19 STANDARD RANGE

20	Community				21
21	Community	Service			Confinement
22	Points	Supervision	Hours	Fine	Days Weeks
23	.....	.....	.....	.....	.....
24	1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
25	10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
26	20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
27	30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
28	40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
29	50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
30	60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10

1	70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
2	80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
3	90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
4	110-129				8-12
5	130-149				13-16
6	150-199				21-28
7	200-249				30-40
8	250-299				52-65
9	300-374				80-100
10	375+				103-129

11 Middle offenders with more than 110 points do not have to be committed.  
12 They may be assigned community supervision under option B.  
13 All A+ offenses 180-224 weeks

14 OR

15

16 OPTION B

17 STATUTORY OPTION

18 0-12 Months Community Supervision

19 0-150 Hours Community Service

20 0-100 Fine

21 The court may impose a determinate disposition of community supervision  
22 and/or up to 30 days confinement; in which case, if confinement has  
23 been imposed, the court shall state either aggravating or mitigating  
24 factors as set forth in RCW 13.40.150, as now or hereafter amended.

25 OR

26

27 OPTION C

28 MANIFEST INJUSTICE

29 If the court determines that a disposition under A or B would  
30 effectuate a manifest injustice, the court shall sentence the juvenile  
31 to a maximum term and the provisions of RCW (~~13.40.030(5)~~)  
32 13.40.030(2), as now or hereafter amended, shall be used to determine  
33 range.

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-3

3 This schedule may only be used for serious offenders. After the  
4 determination is made that a youth is a serious offender, the court has  
5 the discretion to select sentencing option A or B.

6 SERIOUS OFFENDER

7 OPTION A

8 STANDARD RANGE

9	Points	Institution Time
10	0-129	8-12 weeks
11	130-149	13-16 weeks
12	150-199	21-28 weeks
13	200-249	30-40 weeks
14	250-299	52-65 weeks
15	300-374	80-100 weeks
16	375+	103-129 weeks
17	All A+	
18	Offenses	180-224 weeks

19 OR

21 OPTION B

22 MANIFEST INJUSTICE

23 A disposition outside the standard range shall be determined and shall  
24 be comprised of confinement or community supervision or a combination  
25 thereof. When a judge finds a manifest injustice and imposes a  
26 sentence of confinement exceeding 30 days, the court shall sentence the  
27 juvenile to a maximum term, and the provisions of RCW (~~(13.40.030(5))~~)  
28 13.40.030(2), as now or hereafter amended, shall be used to determine  
29 the range.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.28A RCW  
31 to read as follows:

1 (1) The Washington association of sheriffs and police chiefs shall  
2 establish and maintain a central repository for the collection and  
3 classification of information regarding violations of RCW 9A.36.080.  
4 Upon establishing such a repository, the association shall develop a  
5 procedure to monitor, record, and classify information relating to  
6 violations of RCW 9A.36.080 and any other crimes of bigotry or bias  
7 apparently directed against other persons because the people committing  
8 the crimes perceived that their victims were of a particular race,  
9 color, religion, ancestry, national origin, gender, sexual orientation,  
10 or had a mental, physical, or sensory handicap.

11 (2) All local law enforcement agencies shall report monthly to the  
12 association concerning all violations of RCW 9A.36.080 and any other  
13 crimes of bigotry or bias in such form and in such manner as prescribed  
14 by rules adopted by the association. Agency participation in the  
15 association's reporting programs, with regard to the specific data  
16 requirements associated with violations of RCW 9A.36.080 and any other  
17 crimes of bigotry or bias, shall be deemed to meet agency reporting  
18 requirements. The association must summarize the information received  
19 and file an annual report with the governor and the senate law and  
20 justice committee and the house of representatives judiciary committee.

21 (3) The association shall disseminate the information according to  
22 the provisions of chapters 10.97 and 10.98 RCW, and all other  
23 confidentiality requirements imposed by federal or Washington law.

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.101 RCW  
25 to read as follows:

26 The criminal justice training commission shall provide training for  
27 law enforcement officers in identifying, responding to, and reporting  
28 all violations of RCW 9A.36.080 and any other crimes of bigotry or  
29 bias.

30 NEW SECTION. **Sec. 7.** If specific funding for the purposes of  
31 implementing section 6 of this act, referencing this act by bill and  
32 section number, is not provided by June 30, 1993, in the omnibus  
33 appropriations act, section 6 of this act shall be null and void.

34 NEW SECTION. **Sec. 8.** If any provision of this act or its  
35 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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