
**Public Safety & Emergency Preparedness
Committee**

SB 5952

Brief Description: Modifying the definition of "sexual orientation" for malicious harassment prosecution purposes.

Sponsors: Senators McDermott, Murray, Fairley, Prentice, Kohl-Welles, Kline, Pridemore, Tom, Regala, Jacobsen, Marr, Oemig, Haugen, Franklin, Hobbs and McAuliffe.

Brief Summary of Bill

- Changes the definition of "sexual orientation" to mirror the definition under the Washington's Labor Regulations Act and subsequently, expanding the definition to include gender expression or gender identity.

Hearing Date: 3/24/09

Staff: Yvonne Walker (786-7841)

Background:

A person is guilty of Malicious Harassment if he or she maliciously and intentionally causes physical injury to a victim, causes physical damage to the property of another, or threatens a specific group of persons, because of his or her perception of the victim's race, color, religion, ancestry, national origin, gender, "sexual orientation," or mental, physical, or sensory handicap.

Under the Washington Criminal Code, "sexual orientation" is defined as heterosexuality, homosexuality, or bisexuality.

Under the Labor Regulations Act (of the Revised Code of Washington 49.60.040), "sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether

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or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

Summary of Bill:

The definition of "sex orientation" is changed to mirror the definition under the Labor Regulations Act. As a result, the definition of "sexual orientation" is expanded to include gender expression or gender identity.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.