
SUBSTITUTE SENATE BILL 5307

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Regala, Hatfield and Kohl-Welles; by request of Department of Corrections)

READ FIRST TIME 02/13/07.

1 AN ACT Relating to increasing penalties for stalking persons who
2 work with prisoners; and amending RCW 9A.46.110.

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

4 **Sec. 1.** RCW 9A.46.110 and 2006 c 95 s 3 are each amended to read
5 as follows:

6 (1) A person commits the crime of stalking if, without lawful
7 authority and under circumstances not amounting to a felony attempt of
8 another crime:

9 (a) He or she intentionally and repeatedly harasses or repeatedly
10 follows another person; and

11 (b) The person being harassed or followed is placed in fear that
12 the stalker intends to injure the person, another person, or property
13 of the person or of another person. The feeling of fear must be one
14 that a reasonable person in the same situation would experience under
15 all the circumstances; and

16 (c) The stalker either:

17 (i) Intends to frighten, intimidate, or harass the person; or

18 (ii) Knows or reasonably should know that the person is afraid,

1 intimidated, or harassed even if the stalker did not intend to place
2 the person in fear or intimidate or harass the person.

3 (2)(a) It is not a defense to the crime of stalking under
4 subsection (1)(c)(i) of this section that the stalker was not given
5 actual notice that the person did not want the stalker to contact or
6 follow the person; and

7 (b) It is not a defense to the crime of stalking under subsection
8 (1)(c)(ii) of this section that the stalker did not intend to frighten,
9 intimidate, or harass the person.

10 (3) It shall be a defense to the crime of stalking that the
11 defendant is a licensed private investigator acting within the capacity
12 of his or her license as provided by chapter 18.165 RCW.

13 (4) Attempts to contact or follow the person after being given
14 actual notice that the person does not want to be contacted or followed
15 constitutes prima facie evidence that the stalker intends to intimidate
16 or harass the person. "Contact" includes, in addition to any other
17 form of contact or communication, the sending of an electronic
18 communication to the person.

19 (5)(a) Except as provided in (b) of this subsection, a person who
20 stalks another person is guilty of a gross misdemeanor.

21 (b) A person who stalks another is guilty of a class C felony if
22 any of the following applies: (i) The stalker has previously been
23 convicted in this state or any other state of any crime of harassment,
24 as defined in RCW 9A.46.060, of the same victim or members of the
25 victim's family or household or any person specifically named in a
26 protective order; (ii) the stalking violates any protective order
27 protecting the person being stalked; (iii) the stalker has previously
28 been convicted of a gross misdemeanor or felony stalking offense under
29 this section for stalking another person; (iv) the stalker was armed
30 with a deadly weapon, as defined in RCW 9.94A.602, while stalking the
31 person; (v) (A) the stalker's victim is or was a law enforcement
32 officer((τ))i judge((τ))i juror((τ))i attorney((τ))i victim
33 advocate((τ))i legislator((τ))i community ((~~correction's~~)) corrections
34 officer((τ-~~or~~))i an employee, contract staff person, or volunteer of a
35 correctional agency; an employee of the child protective, child
36 welfare, or adult protective services division within the department of
37 social and health services((τ))i a person working for the department of
38 natural resources in a correctional setting; or a member or employee of

1 the indeterminate sentence review board; and (B) the stalker stalked
2 the victim to retaliate against the victim for an act the victim
3 performed during the course of official duties or to influence the
4 victim's performance of official duties; or (vi) the stalker's victim
5 is a current, former, or prospective witness in an adjudicative
6 proceeding, and the stalker stalked the victim to retaliate against the
7 victim as a result of the victim's testimony or potential testimony.

8 (6) As used in this section:

9 (a) "Follows" means deliberately maintaining visual or physical
10 proximity to a specific person over a period of time. A finding that
11 the alleged stalker repeatedly and deliberately appears at the person's
12 home, school, place of employment, business, or any other location to
13 maintain visual or physical proximity to the person is sufficient to
14 find that the alleged stalker follows the person. It is not necessary
15 to establish that the alleged stalker follows the person while in
16 transit from one location to another.

17 (b) "Harasses" means unlawful harassment as defined in RCW
18 10.14.020.

19 (c) "Protective order" means any temporary or permanent court order
20 prohibiting or limiting violence against, harassment of, contact or
21 communication with, or physical proximity to another person.

22 (d) "Repeatedly" means on two or more separate occasions.

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