

TITLE 7. PUBLIC PEACE, MORALS, AND WELFARE

Chapter 7.30

STALKING

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7.30.1. Definitions. As used in this chapter, the following terms have the meanings given below:

(a) "Actual notice" includes, in addition to any other form of actual notice, circumstances in which the other person has a protective order in effect protecting him or her from the person. Actual notice is also presumed when the victim takes means to block the person's means of communication with them, such as blocking the perpetrators' social media accounts or phone number

(b) "Contact" includes, but is not limited to:

(1) Repeatedly coming into and/or remaining in the visual or physical presence of the victim;

(2) Speaking with the victim by any means, including leaving a voicemail message;

(3) Sending or making written communications in any form, including electronic communications, to the victim;

(4) Following the victim, or having that person followed, where "follow" means deliberately maintaining visual or physical proximity to a specific person over a period of time;

(5) Waiting outside the home, residence, real property, work or school of the victim or the victim's children, grandchildren, siblings or other household members;

(6) Committing a crime against the victim;

(7) Damaging or defacing the victim's residence, real property, personal property, place of work, or school;

(8) Delivering directly or through a third person any object to the home, real property, place of work, or school of the victim;

(9) Communicating with the victim through a third person;

(10) Communicating with a third person, with the intent of impacting the third person's relationship with the victim;

(11) Communicating with business entities with the intent of affecting some right or interest of the victim, or gaining knowledge about the victim, including identity theft or an attempt to interfere with the victim's credit;

(12) Using technology to track, monitor or otherwise gain knowledge of the victim's activity, including but not limited to the use of computer spy ware, surveillance equipment, tracking devices, or long-distance magnification devices;

(13) Using the legal system to harass a victim ("litigation abuse") by continuously filing motions for contempt or modifications, or by filing retaliatory protection order applications or criminal charges against the victim;

(14) Harassing a victim through visitation or custody arrangements;

(15) Harming or attempting to harm oneself in the presence of the victim;

(16) Using cultural context to stalk or scare a victim, such as immigration related threats or threats of community or religious ostracism;

(17) Killing a victim's family pet, or leaving a dead animal on the victim's property;

(18) Contacting a victim's employer or forcing a victim to take time off from work;

(19) Using humiliating or degrading tactics such as posting pictures of a victim on the internet, or disseminating embarrassing or inaccurate information about the victim;

(20) Interacting with children with whom the victim has a relationship, to harass or monitor the victim; or

(21) Impersonating the victim through technology or other means.

(c) "Course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(d) "Electronic communication" means any form of expression or exchange of information by speech, photographs or written form using electronic means. Electronic communication includes, but is not limited to, communication via telephone, facsimile, electronic mail, social media, text messaging, instant messaging, and other electronic forms.

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

(fe) "Harass" means engaging in a credible threat of violence or a knowing and willful course of conduct directed at a specific person that seriously alarms or annoys the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner, or when the course of conduct would cause a reasonable parent to fear for the well-being of ~~his or her~~that parent's child.

(ge) "Protection order" means any valid temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person, including but not limited to a protection order from any jurisdiction, including but not limited to domestic violence protection orders, sexual assault protection orders, vulnerable adult protection orders, ~~and~~ anti-harassment protection orders, and criminal no-contact orders.

(hf) "Repeatedly" means on two or more separate occasions. (Res. 2020-137, passed Sep. 14, 2020; amended by Res.)

7.30.2. Stalking. (a) A person commits the crime of stalking if, without lawful authority, the person:

(1) Intentionally and repeatedly harasses another person;

(2) Intentionally and repeatedly follows another person;

(3) Intentionally contacts, follows, tracks, or monitors, or attempts to contact, follow, track, or monitor another person after being given actual notice that the person does not want to be contacted, followed, tracked, or monitored; or

(4) Knowingly and without consent installs or monitors an electronic tracking device, or causes an electronic tracking device to be installed, placed, or used, to track the location of another person; and

~~(b) The person being harassed, followed, tracked, or monitored suffers substantial emotional distress or is placed in fear that the stalker intends to injure him or her that person, or another person, or his or her that person's property or the property of another person, or, in the circumstances identified in (a)(4) of this subsection, the victim's knowledge of the tracking device would reasonably elicit substantial emotional distress or fear. The feeling of substantial emotional distress or fear must be one that a reasonable person in the same situation would experience given the totality of the circumstances. He or she intentionally and repeatedly harasses or repeatedly follows another person; and~~

~~(c) It is not a defense to the crime of stalking under subsection (a)(1), (2), or (4) of this section that the stalker was not given actual notice that the person did not want the stalker to contact, follow, track, or monitor him or her the person; and it is not a defense to the crime of stalking under subsection (a)(1) of this section that the stalker did not intend to frighten or intimidate the person or place the person in substantial emotional distress.~~

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

~~(c) The stalker either: (1) Intends to frighten, intimidate, or harass the person; or~~

~~(2) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.~~

~~(d) It is not a defense to the crime of stalking under subsection 7.30.2e(c)(1) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person.~~

~~(e) It is not a defense to the crime of stalking under subsection 7.30.2(c)(2) of this section that the stalker did not intend to frighten, intimidate, or harass the person. (Res. 2020-137, passed Sep. 14, 2020; amended by Res.)~~

7.30.3. Attempts to Contact or Follow. Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. (Res. 2020-137, passed Sep. 14, 2020)

7.30.4. Authorized Sentences of Offenders. A person who stalks another person is guilty of a gross misdemeanor except that the person is guilty of a felony if any of the following applies:

(a) The stalker has previously been convicted in any jurisdiction of any crime of harassment, as defined in S.T.C. § 7.5.10, or RCW 9A.46.060 or similar statute of another jurisdiction;

(b) The stalking violates any protection order protecting the person being stalked;

(c) The stalker has previously been convicted of an offense under this section or a gross misdemeanor or felony stalking offense under federal or state law for stalking another person;

(d) The stalker was armed with a dangerous weapon while stalking the person;

(e) The stalker's victim is or was a law enforcement officer, judge, juror, attorney, victim advocate, legislator, or probation officer, and the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or

(f) The stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony. (Res. 2020-137, passed Sep. 14, 2020)