



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

Washington Fact Sheet

Intimidating a Public Servant

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on Washington's relevant law.

Washington State Code, § 9A.76.180

(1) A person is guilty of intimidating a public servant if, by use of a threat, he or she attempts to influence a public servant's vote, opinion, decision, or other official action as a public servant.

(2) For purposes of this section "public servant" shall not include jurors.

(3) "Threat" as used in this section means:

- (a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
- (b) Threats as defined in RCW 9A.04.110.

(4) Intimidating a public servant is a class B felony.

Relevant Definitions



Washington State Code, § 9A.04.110

Government includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit.

Governmental function includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government.

Public servant means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function.

Penalties

Washington State Code, §9A.20.021

Up to 10 years imprisonment and/or up to \$20,000 fine

Summary

A person is guilty of intimidating a public servant when he/she uses threat to attempt to influence a public servant's vote, opinion, decision, or other official action. This applies to state and local public servants. "Public servant" includes any employee of government. "Government" includes any branch, subdivision, or agency of the state. If convicted, a person faces up to 10 years imprisonment and/or up to a \$20,000 fine.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

Washington State Code, § 9A.76.180 prohibits intimidating a public servant. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email threatening harm to the Washington Secretary of Health for implementing a mask mandate.] ***This may constitute a violation of § 9A.76.180. If convicted, you face up to 10 years imprisonment and/or a fine of up to \$20,000***

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*