

HOUSE BILL REPORT

HB 1555

As Reported by House Committee On:
Judiciary

Title: An act relating to sexual assault protection orders.

Brief Description: Addressing sexual assault protection orders.

Sponsors: Representatives Williams, Rodne, Lantz, Chase and Ericks.

Brief History:

Committee Activity:

Judiciary: 1/30/07, 1/31/07 [DPS].

Brief Summary of Substitute Bill

- Provides that a sexual assault protection order is a remedy for victims who do not qualify for a domestic violence protection order.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Trudes Tango (786-7384).

Background:

Last year, the Legislature established a new civil protection order called the sexual assault protection order. Any person who is a victim of nonconsensual sexual conduct or penetration that gives rise to a reasonable fear of future dangerous acts may file a petition for a sexual assault protection order.

A domestic violence protection order is a civil remedy when there has been domestic violence between family or household members. Family or household members include current and former spouses, persons who have a child in common, adults who have in the past or are

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currently residing together, persons 16 years of age or older who have in the past or currently have a dating relationship with a person 16 years of age or older, persons who have a biological or legal parent/child relationship, including stepparents, stepchildren, grandparents, and grandchildren.

Summary of Substitute Bill:

Language is added to explicitly state that a sexual assault protection order is a remedy for victims who do not qualify for a domestic violence protection order.

Substitute Bill Compared to Original Bill:

The original bill: (a) deleted language in current law providing that if a respondent appeared at a hearing for an ex parte temporary order the respondent may file an appearance and testify; (b) removed the requirement that an ex parte temporary contain a specific statement regarding a respondent reopening the order; and (c) prohibited a public agency from charging filing or service of process fees to a petitioner.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This is a housekeeping bill. Survivors of domestic violence are better served by the domestic violence protection orders. Sexual assault protection orders are for a narrow category of victims. The language that the bill deletes does not affect how a respondent can access the court system. There was no intention for the deletions to be substantive. The language in last year's bill that created sexual assault protection orders was based on Illinois' statute. Washington does not use the term "reopen an order."

(Concerns) Cities have fiscal concerns about the bill. It should be discretionary for municipal courts to issue these orders due to the fiscal impact on cities.

(Opposed) This is not just a housekeeping bill. Even if a respondent does not receive notice of an ex parte hearing, the respondent could still appear in court. The respondent should be able to file an appearance and testify. A respondent should be able to reopen the ex parte order if the respondent has a meritorious defense.

Persons Testifying: (In support) Christiane Hurt, Washington Coalition of Sexual Assault Programs.

(Concerns) Tammy Fellin, Association of Washington Cities.

(Opposed) Amy Muth, Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: Marcia Magee.