

FINAL BILL REPORT

SHB 1642

C 173 L 07

Synopsis as Enacted

Brief Description: Concerning criminal violations of no-contact orders, protection orders, and restraining orders.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Pedersen, Lantz, Williams, Moeller, Wood, Kirby, O'Brien, Chase, Ormsby and Green).

House Committee on Judiciary
Senate Committee on Judiciary

Background:

There are several different types of no-contact, protection, and restraining orders. The provisions in these orders can vary. For example, domestic violence protection orders may include provisions: (1) restraining the respondent from committing acts of domestic violence; (2) excluding the person from another's residence, workplace, school, or daycare; (3) prohibiting the respondent from coming within a specified distance of a location; (4) restraining the respondent from contact with a victim of domestic violence or the victim's children; and (5) ordering that the petitioner have access to essential personal effects and use of a vehicle.

A restraining order issued in a dissolution proceeding may include many of the same provisions as in a domestic violence protection order, and may also: (1) restrain one party from molesting or disturbing another person; (2) restrain the respondent from transferring, selling, removing, or concealing property; and (3) restrain the respondent from removing a minor child from the jurisdiction.

A no-contact order, which can be issued when a person has been arrested or charged with a domestic violence crime, prohibits the person from having any contact with the victim.

Regardless of the type of order, violations of no-contact, protection, and restraining orders are punishable under the Domestic Violence Protection Act. Depending on the circumstances, violations of these orders can constitute contempt of court, a gross misdemeanor, or a felony. Some trial courts have held that a violation of a restraint provision in one of these orders is a gross misdemeanor only if the violation would require an arrest under the mandatory arrest statute. An arrest is required when, among other things, the person violates a provision restraining the person from committing acts of threats or violence. Thus, some trial courts have ruled that a violation of a no-contact order is a gross misdemeanor when the person violates the restraint provision of the order by committing acts of threats or violence. Short of acts of threats or violence, a violation of a restraint provision in an order is punishable as contempt of court.

Summary:

The provision describing when it is a gross misdemeanor to violate a no-contact, protection, or restraining order is amended.

It is a gross misdemeanor when a person who is subject to a no-contact, protection, or restraining order knows of the order and violates a restraint provision prohibiting acts or threats of violence against, or stalking of, a protected party, or a restraint provision prohibiting contact with a protected party.

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: July 22, 2007