

HOUSE BILL REPORT

SHB 2836

As Passed House:
February 15, 2008

Title: An act relating to protecting animals from perpetrators of domestic violence.

Brief Description: Protecting animals from perpetrators of domestic violence.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Williams, Dickerson, Upthegrove, Rodne, Simpson, Dunshee, Morrell, Haigh and Ormsby).

Brief History:

Committee Activity:

Judiciary: 1/23/08, 2/4/08 [DPS].

Floor Activity:

Passed House: 2/15/08, 94-0.

Brief Summary of Substitute Bill

- Allows a court, when issuing a domestic violence protection order, to order that the respondent stay away from, and not threaten or harm, any animal owned, possessed, leased, kept, or held by the petitioner, respondent, or their minor children.
- Makes it a gross misdemeanor for a person to violate a provision in a protection order that prohibits the person from harming or committing acts of violence against the animal or interfering with the petitioner's efforts to remove the animal.

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:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Domestic violence protection orders are civil orders available when there has been domestic violence committed between one family or household member against another. When issuing an order, the court has discretion to order appropriate relief.

Domestic violence protection orders may include provisions: (1) restraining the respondent from committing acts of domestic violence or having any contact with the petitioner or the petitioner's children; (2) excluding the respondent from the residence, workplace, or school of the petitioner or from the day care or school of a child; (3) prohibiting the respondent from knowingly coming within a certain distance of a specific location; (4) ordering that the petitioner have access to essential personal effects and the use of a vehicle; and (5) providing any other relief as the court deems necessary for the protection of the petitioner and other family or household members.

Depending on the circumstances, a violation of a domestic violence protection order can constitute contempt of court, a gross misdemeanor, or a felony. It is a gross misdemeanor when a person knows of the order and the person violates the restraint provisions of the order prohibiting acts or threats of violence against, or stalking of, a protected party, or violates the restraint provisions prohibiting contact with a protected party. A violation of a protection order becomes a class C felony if the offender has at least two previous convictions for violating the provisions of an order.

A law enforcement officer must arrest and take into custody a person if the officer has probable cause to believe that the person arrested knew of the domestic violence protection order and violated a restraint provision in the order.

Summary of Substitute Bill:

When issuing a domestic violence protection order, a court may order that the petitioner be granted exclusive care, custody, or control over any animal owned, possessed, leased, kept, or held by the petitioner or respondent or a minor child residing with either. The court may also order the respondent to stay away from the animal and forbid the respondent from taking, transferring, concealing, attacking, striking, threatening, harming, or otherwise disposing of the animal.

It is a gross misdemeanor to violate a provision in a protection order that prohibits a person from harming or committing acts of violence against a protected animal or interfering with the petitioner's efforts to remove a protected animal.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) Pets are used as tools of power and control in domestic violence. The abuse of animals is often a precursor to violence against humans. Under current law, a petitioner of a domestic violence order may seek to get the petitioner's essential personal items, but the statute does not expressly provide for the protection of pets. There are times when the victim will not go into a shelter because she does not want to leave the pets behind. The bill gives judges clear direction that they can include these kinds of provisions in an order.

(In support with concerns) The bill is unclear how it interacts with the mandatory arrest statute. Law enforcement might have to arrest a respondent for a violation of the order but not for a crime.

(Opposed) None.

Persons Testifying: (In support) Representative Williams, prime sponsor.

(In support with concerns) Grace Huang, Washington State Coalition Against Domestic Violence.

Persons Signed In To Testify But Not Testifying: None.