

HOUSE BILL REPORT

SSB 5835

As Passed House:

April 6, 1995

Title: An act relating to restraining orders.

Brief Description: Changing provisions relating to restraining orders.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Johnson, Smith, Roach, McCaslin, Schow, Long and Winsley).

Brief History:

Committee Activity:

Law & Justice: 3/31/95 [DP].

Floor Activity:

Passed House: 4/6/95, 97-0.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith; Thibaudeau and Veloria.

Staff: Pat Shelledy (786-7149).

Background: A police officer may arrest a person without a warrant when the officer has probable cause to believe that the person has knowingly violated a restraining order issued under certain criminal or civil actions involving domestic violence.

Other statutes in chapters governing divorce and child custody also give the courts power to issue restraining orders. Three of those statutes are not specifically referenced in the statute granting police officers authority to arrest violators of restraining orders without a warrant.

When a divorce action or third-party action for child custody is filed, the superior court may issue a restraining order, restraining a party from acts or threats of violence or excluding a person from the residence. A violation is a misdemeanor.

A "domestic violence protection" order or an "antiharassment protection order" is available to victims of domestic violence or harassment even when a divorce action or third-party action for custody is not pending. Domestic violence protection orders and antiharassment protection orders must be entered into the Washington State Patrol's criminal intelligence information system. Domestic violence protection orders and antiharassment orders are not specifically available under the divorce and third-party custody action provisions.

Summary of Bill: Two additional statutes that authorize courts to issue restraining orders in domestic relations cases are referenced in the statute that authorizes police officers to arrest without a warrant a person violating a restraining order.

In dissolution cases and third-party actions for custody, the court may issue a domestic violence protection order or an antiharassment protection order.

Additional language is added to provisions governing restraining orders that may be issued in divorce cases or third-party custody actions. A person may be restrained from going to the grounds of or entering the home, workplace, or school of the other party or day care or school of any child. In addition, the order must state that a violation of the order is a criminal offense, and a violation of the order may subject the person to arrest.

Any restraining order, domestic violence protection order, or antiharassment order issued under a divorce action or third-party custody action must be forwarded to the criminal intelligence information system.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill clarifies that the police may arrest a person without a warrant if the person violates a restraining order. Defendants will be notified of the possibility of arrest for violating the order.

Testimony Against: None.

Testified: Senator Stephen Johnson, prime sponsor.