

# SENATE BILL REPORT

## SB 5416

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As Reported By Senate Committee On:  
Law & Justice, February 27, 1995

**Title:** An act relating to antiharassment and domestic violence restraining orders.

**Brief Description:** Creating a state-wide registry of antiharassment and domestic violence restraining orders.

**Sponsors:** Senators Fraser, Smith, Winsley, Wood, C. Anderson, Kohl and Rasmussen.

**Brief History:**

**Committee Activity:** Law & Justice: 2/21/95, 2/27/95 [DPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5416 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

**Staff:** Susan Carlson (786-7418)

**Background:** Victims of stalking may obtain a protection order prohibiting the stalker from contacting them. However, some victims continue to be harassed by the stalker and find that they need to relocate to avoid the unwanted contacts. In some cases, a stalker has hired a private detective to investigate the victim, and to find out information about the location of a victim's home, workplace, or school.

Under current law, victims of domestic violence who move after the offense has occurred may participate in the Address Confidentiality Program. This program, implemented by the Secretary of State, provides a victim a substitute address for use in establishing government records, personal business and mailing. The program is intended to diminish the opportunity of trackers to locate victims through public records.

It has been suggested that the use of private detectives or third parties to locate victims who have obtained a protection order should be prohibited, and that the Address Confidentiality Program be revised to allow participation by victims of stalking.

**Summary of Substitute Bill:** Civil antiharassment protection orders and domestic violence protection orders that prohibit contact with the petitioner or others must also prohibit the respondent from violating, or attempting to violate, the order by hiring or requesting a person to locate, trace, or contact the petitioner or other person protected by the order. If a defendant who is found guilty of a crime of harassment is prohibited from contacting the victim or witnesses, the order must also prohibit the defendant from hiring or requesting a person to locate, trace, or contact the victim or witnesses. An exception is provided for

hiring or requesting an attorney, registered process server or a law enforcement officer to serve process on a person protected by an order.

Private detectives are subject to license suspension or revocation if they assist a client to locate, trace, or contact another person when the detective knew or should have known that the client is prohibited by court order from harassing or contacting the person.

Victims of stalking may participate in the Address Confidentiality Program.

**Substitute Bill Compared to Original Bill:** The original bill included establishment of a statewide registry of protection orders and required private detectives to check the registry before proceeding with a case. The original bill also added all crimes of harassment to the Address Confidentiality Program.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The bill strengthens protection orders by specifying that hiring or requesting others to assist in violating orders is prohibited.

**Testimony Against:** None.

**Testified:** PRO: Senator Fraser, prime sponsor; Lonnie Johns-Brown, WA Coalition of Sexual Assault Victims; Debbie Wilke, WA Assoc. of County Officials; Pam Davenport, Secretary of State's Office; Mary Pontarola, WA Coalition Against Domestic Violence; Judy Turpin, NW Women's Law Center.