FINAL BILL REPORT
SSB 5835

C 93 L 95
Synopsis as Enacted

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).

Senate Committee on Law & Justice
House Committee on Law & Justice

Background: A police officer may make a warrantless arrest of a person if the officer has probable cause to believe that the person has knowingly violated a restraining order issued pursuant to a criminal or civil action involving domestic violence.

Two statutes in the chapters concerning divorce and child custody also give the courts power to issue restraining orders. Those two sections are not specifically referenced in the statute granting police officers authority to arrest violators of restraining orders. Concern has been expressed that the lack of express statutory authority to arrest violators of restraining orders issued under those two sections exposes police officers to civil liability for improper arrest.

The statutes that allow courts to enter restraining orders require the orders to contain a provision which gives notice to the person being restrained that a violation of the order is a criminal offense, and that violating it will subject the person to arrest. Those statutes also provide that the court has authority to forward the order to law enforcement agencies for inclusion within a computer-based criminal intelligence information system.

Summary: The statute that allows police officers to arrest without a warrant those persons who violate restraining orders is amended to reference two statutes in the domestic relations chapters that also allow courts to issue restraining orders. Those two statutes are also amended to require that orders entered contain a provision notifying the person being restrained that violating the order is a criminal violation. They are further amended to require courts to forward the restraining order, and either the law enforcement information sheet or proof of service of the order, to a law enforcement agency for inclusion within the computer-based criminal intelligence information system.

Votes on Final Passage:

    Senate   48 0
    House   97 0

Effective: July 23, 1995