

SENATE BILL REPORT

SB 6028

As Reported By Senate Committee On:
Law & Justice, March 1, 1995

Title: An act relating to harassment.

Brief Description: Concerning harassment of a child by a person over age eighteen.

Sponsors: Senators Schow and Roach.

Brief History:

Committee Activity: Law & Justice: 2/28/95, 3/1/95 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6028 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Staff: Lidia Mori (786-7755)

Background: The objective of civil antiharassment protection orders is to prevent further unwanted contact between the victim and the perpetrator. The court will issue the protection order if it finds by a preponderance of the evidence that unlawful harassment exists. The court has broad discretion in fashioning the protection order including restraining the respondent from making any attempts to contact the petitioner and requiring the respondent to stay a certain distance from petitioner's home or workplace. The order is in effect for one year unless the court enters a permanent antiharassment protection order or sets the duration of the order for a fixed time exceeding one year. Any respondent who wilfully violates a civil antiharassment protection order is guilty of a gross misdemeanor.

Summary of Substitute Bill: A parent or guardian of a child under age 18 may petition a court for a protection order in cases of unlawful harassment. The parent or guardian may seek a protection order restraining a person over age 18 from contact with the child of the parent or guardian. The parent or guardian must show that contact with the person to be restrained in the protection order is detrimental to the welfare of the child.

The definition of unlawful harassment is a knowing and willful course of conduct that is directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to the person and which serves no legitimate or lawful purpose. The course of conduct is that which causes a reasonable parent to fear for the well-being of his or her child when the conduct is by a person over the age of 18.

Substitute Bill Compared to Original Bill: A technical change is made.

Appropriation: None.

Fiscal Note: Requested on February 27, 1995.

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

Testimony For: This bill will address the problem of a minor daughter being abused by a boyfriend over age 18 where the daughter is afraid to sign a request for a protection order yet needs the safeguards offered by a protection order. It allows parents to protect a child who is in a bad situation.

Testimony Against: None.

Testified: Senator Schow, prime sponsor.