

SENATE BILL REPORT

SB 6300

As Reported By Senate Committee On:
Law & Justice, January 31, 1996

Title: An act relating to domestic violence.

Brief Description: Clarifying domestic violence provisions.

Sponsors: Senators Smith, McCaslin, Wojahn, Long, Roach, Rasmussen, Kohl, Haugen and Winsley.

Brief History:

Committee Activity: Law & Justice: 1/30/96, 1/31/96 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6300 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Staff: Susan Carlson (786-7418)

Background: In the 1995 session, comprehensive legislation was enacted to strengthen and clarify the domestic violence laws. Restraining order provisions excluding a person from a residence were more specifically described as provisions restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another. The legislation also authorized service of a protection order by mail in specific circumstances. However, amendments were not made reflecting these changes in all the relevant statutes.

The 1995 legislation increased the penalty for violation of a domestic violence restraining order from a misdemeanor to a gross misdemeanor. Violation of a no-contact order issued as part of a sentence in a criminal proceeding involving domestic violence was not increased and remains a misdemeanor.

The bill also provided that presentation of an unexpired, certified copy of a protection order is sufficient for a law enforcement officer to enforce the order. However, the provision did not address the authority of law enforcement if there was not proof of service of the order.

A number of technical and clarifying amendments have been recommended to make the domestic violence laws consistent with the amendments adopted by the Legislature last year.

Summary of Substitute Bill: Restraining order provisions are amended to specify restraining the person from going onto the grounds of or entering the residence, workplace,

school, or day care of the person protected by the order. References to service by mail are added to several provisions.

Violation of a no contact order issued as part of the sentence in a domestic violence case is increased from a misdemeanor to a gross misdemeanor.

After serving a protection order on the respondent, the law enforcement officer must enforce prospective compliance with the order.

Other technical and clarifying amendments are made to the domestic violence laws.

Substitute Bill Compared to Original Bill: The provision on prospective compliance with an order is clarified and moved. Other minor technical amendments are made.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill makes technical and clarifying amendments to the domestic violence laws that are consistent with changes made last session.

Testimony Against: None.

Testified: PRO: Mary Pontarolo, WA Coalition Against Domestic Violence; Judy Turpin, NW Women's Law Center; Merrill Cousin, Snohomish Co. Center for Battered Women.