

# HOUSE BILL REPORT

## HB 2595

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### As Amended by the Senate

**Title:** An act relating to protection orders.

**Brief Description:** Authorizing entry of protection order information in the judicial information system.

**Sponsors:** Representatives Ogden, Lovick, Hankins, Radcliff, Mitchell and Kagi.

**Brief History:**

**Committee Activity:**

Judiciary: 2/3/00 [DP].

**Floor Activity:**

Passed House: 2/10/00, 93-0.

Senate Amended.

Passed Senate: 3/2/00, 46-0.

Brief Summary of Bill
<ul style="list-style-type: none"><li>Requires frail elder and vulnerable adult protection orders to be entered into the Judicial Information System.</li></ul>

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

**Staff:** Edie Adams (786-7180).

**Background:**

The Judicial Information System (JIS) was created to help provide courts with information for the issuance of protection orders and to help prevent the issuance of competing protection orders. The JIS must include all protection orders issued in proceedings involving: domestic violence protection orders, criminal no-contact

orders, anti-harassment orders, dissolution of marriage, third-party custody actions, and paternity actions. The information must include the names of the parties, the cause number, the criminal histories of the parties, and any other relevant information necessary to assist courts.

State law provides procedures and remedies for frail elder and vulnerable adults who may be suffering abuse or exploitation. In addition to other remedies, a frail elder or vulnerable adult may file a petition with the court seeking a protection order against an abusive or exploitative person. The court may issue a protection order that, in addition to other protections, restrains a person from abusing or exploiting the frail elder or vulnerable adult, excludes the person from the frail elder or vulnerable adult's residence, or prohibits the person from contacting the frail elder or vulnerable adult.

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**Summary of Bill:**

The JIS must contain every frail elder or vulnerable adult protection order issued by the court. The clerk of court must enter into the JIS any frail elder or vulnerable adult protection order issued by the court.

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**EFFECT OF SENATE AMENDMENT(S):** The bill is substantially expanded to include provisions relating to domestic violence protection orders, no-contact orders, restraining orders, and foreign protection orders. In addition, provisions relating to vulnerable adult protection orders are expanded. The new provisions are similar to provisions contained in SHB 2402 and E2SSB 6400.

Domestic violence protection orders, no-contact orders, restraining orders and vulnerable adult protection orders may prohibit a person from coming or remaining within a specified distance of a location. A police officer must arrest a person who the officer has probable cause to believe has violated such a location provision of any of these orders, or of a foreign protection order. A violation of a location provision is a crime.

The provisions governing violations of domestic violence protection orders, no-contact orders, restraining orders, foreign protection orders and vulnerable adult protection orders are consolidated into one section and the same penalty is established, regardless of the type of order violated. (Currently restraining order violations are misdemeanors, whereas protection order and no-contact order violations are gross misdemeanors, or class C felonies under certain circumstances).

The definition of domestic violence includes violations of court orders relating to domestic violence in all types of proceedings.

Vulnerable adult protection orders may prohibit a person from coming within a specified distance of a location. A violation of the restraint, exclusion or location provisions of a vulnerable adult protection order is a crime.

The DSHS may seek a vulnerable adult protection order on behalf of a vulnerable adult. Vulnerable adult protection orders must include notice that a violation of the restraint, exclusion or location provisions is a crime.

The Judicial Information System (JIS) must include any foreign protection orders that are filed in the state. With respect to vulnerable adult protection orders, and if a guardian or the DSHS instituted the court action, the JIS must include the name of the vulnerable adult as the party.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill is simply a matter of having the same information available regarding vulnerable adult protection orders as is available for other victims. It will supplement the court's information and allow the court to check for duplicative orders.

**Testimony Against:** None.

**Testified:** Lonnie Johns-Brown, National Association of Social Workers.