

# SENATE BILL REPORT

## HB 2595

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As Reported By Senate Committee On:  
Judiciary, February 25, 2000

**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: 2/24/2000, 2/25/2000 [DPA].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Long, Roach, Thibaudeau and Zarelli.

**Staff:** Aldo Melchiori (786-7439)

**Background:** In cases of domestic violence, criminal no-contact, antiharassment, dissolution, parentage, and third party custody, a person may petition the court for an order of protection. To prevent the issuance of competing protection orders and assist the courts in these cases, the judicial information system includes a database containing specified information from the orders.

**Summary of Bill:** Foreign protection orders filed under RCW 26.52 and orders for protection of vulnerable adults must be entered into the domestic violence database of the Judicial Information System.

The provision that any other relevant and necessary information must be entered in the Judicial Information System database is eliminated. The information entered is limited to the names of the parties, the cause number for every potentially competing order or action, the criminal history of the parties, birth dates and the contact addresses of the parties, and drivers license numbers and states of issue. Addresses assigned through the address confidentiality program may be used as contact addresses. No other personally identifying information may be entered into the database.

The Department of Social and Health Services (DSHS) is authorized to seek orders for protection under RCW 26.50 on behalf of and with the consent of vulnerable adults. Such protection orders may prohibit a person from coming within a specified distances of locations. Violation of the order is a criminal offense if the person to be restrained knows of the order.

Violations of restraint provisions of court orders related to domestic violence issued in all types of proceedings where authorized triggers arrest when a police officer has probable cause to believe an order was issued, the person restrained had knowledge of the order, and a violation has occurred. A prohibition against a person coming within a specified distance of a location is a restraint provision which, if violated, will lead to arrest. Courts are authorized to order parties not to come within specified distances of locations in the following proceedings: dissolution, paternity, nonparental actions for custody, and order for protection cases. It is an affirmative defense that the person charged with violating an order did not initiate the contact with the person protected by the order and did not unreasonably continue the contact.

It is a class C felony to violate a no-contact order, a foreign protection order, or restraining order issued in a dissolution, paternity, or nonparental action for custody if the violation constituted an assault, not amounting to assault in the first or second degree, reckless endangerment, or the offender has two or more previous such convictions. A violation of a no-contact order, foreign protection order or restraining order that does not constitute a class C felony is a gross misdemeanor. Felony violations of domestic violence protection orders are assigned to a seriousness Level V.

**Amended Bill Compared to Original Bill:** The original bill only provided that foreign protection orders filed under RCW 26.52 and orders for protection of vulnerable adults must to be entered into the domestic violence database of the Judicial Information System. All of the other provisions are added by the striking amendment.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Entry of these orders into the JIS database was a strong recommendation by the Governor's report on the protection of vulnerable adults. Judges rely on this database because people are often not thinking clearly by the time they get to court.

**Testimony Against:** None.

**Testified:** Lonnie Johns-Brown City of Seattle (pro); Kim Prochnace, Board of Judicial Administration (concerns w/amendment); Judge Kip Stilz (concerns w/amendment); Judge Dale Ramesman (concerns w/amendment).