

2 **2SHB 1041** - S AMD 295

3 By Senators Costa, Kline, Long and McAuliffe

4 WITHDRAWN 04/12/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that unlawful
8 harassment directed at a child by a person under the age of eighteen is
9 not acceptable and can have serious consequences. The legislature
10 further finds that some interactions between minors, such as
11 "schoolyard scuffles," though not to be condoned, may not rise to the
12 level of unlawful harassment. It is the intent of the legislature that
13 a protection order sought by the parent or guardian of a child as
14 provided for in this chapter be available only when the alleged
15 behavior of the person under the age of eighteen to be restrained rises
16 to the level set forth in chapter 10.14 RCW.

17 **Sec. 2.** RCW 10.14.020 and 1999 c 27 s 4 are each amended to read
18 as follows:

19 Unless the context clearly requires otherwise, the definitions in
20 this section apply throughout this chapter.

21 (1) "Unlawful harassment" means a knowing and willful course of
22 conduct directed at a specific person which seriously alarms, annoys,
23 harasses, or is detrimental to such person, and which serves no
24 legitimate or lawful purpose. The course of conduct shall be such as
25 would cause a reasonable person to suffer substantial emotional
26 distress, and shall actually cause substantial emotional distress to
27 the petitioner, or, when the course of conduct (~~is contact by a person~~
28 ~~over age eighteen that~~)) would cause a reasonable parent to fear for
29 the well-being of their child.

30 (2) "Course of conduct" means a pattern of conduct composed of a
31 series of acts over a period of time, however short, evidencing a
32 continuity of purpose. "Course of conduct" includes, in addition to
33 any other form of communication, contact, or conduct, the sending of an
34 electronic communication. Constitutionally protected activity is not
35 included within the meaning of "course of conduct."

1 **Sec. 3.** RCW 10.14.040 and 1995 c 292 s 2 and 1995 c 127 s 2 are
2 each reenacted and amended to read as follows:

3 There shall exist an action known as a petition for an order for
4 protection in cases of unlawful harassment.

5 (1) A petition for relief shall allege the existence of harassment
6 and shall be accompanied by an affidavit made under oath stating the
7 specific facts and circumstances from which relief is sought.

8 (2) A petition for relief may be made regardless of whether or not
9 there is a pending lawsuit, complaint, petition, or other action
10 between the parties.

11 (3) All court clerks' offices shall make available simplified forms
12 and instructional brochures. Any assistance or information provided by
13 clerks under this section does not constitute the practice of law and
14 clerks are not responsible for incorrect information contained in a
15 petition.

16 (4) Filing fees are set in RCW 36.18.020, but no filing fee may be
17 charged for a petition filed in an existing action or under an existing
18 cause number brought under this chapter in the jurisdiction where the
19 relief is sought. Forms and instructional brochures shall be provided
20 free of charge.

21 (5) A person is not required to post a bond to obtain relief in any
22 proceeding under this section.

23 (6) The parent or guardian of a child under age eighteen may
24 petition for an order of protection to restrain a person (~~over~~) age
25 eighteen years or over from contact with that child upon a showing that
26 contact with the person to be enjoined is detrimental to the welfare of
27 the child.

28 (7) The parent or guardian of a child under the age of eighteen may
29 petition in superior court for an order of protection to restrain a
30 person under the age of eighteen years from contact with that child
31 only in cases where the person to be restrained has been adjudicated of
32 an offense against the child protected by the order, or is under
33 investigation or has been investigated for such an offense. In issuing
34 a protection order under this subsection, the court shall order that
35 the person restrained in the order may not attend the public or
36 approved private elementary, middle, or high school attended by the
37 person under the age of eighteen years protected by the order. The
38 parents or legal guardians of the person restrained in the order are
39 responsible for transportation and other costs associated with the

1 change of school by the person restrained in the order. The court
2 shall send notice of the restriction on attending the same school as
3 the person protected by the order to the public or approved private
4 school the person restrained by the order will attend and to the school
5 the person protected by the order attends.

6 **Sec. 4.** RCW 10.14.120 and 1989 c 373 s 14 are each amended to read
7 as follows:

8 Any willful disobedience by (~~the respondent~~) a respondent age
9 eighteen years or over of any temporary antiharassment protection order
10 or civil antiharassment protection order issued under this chapter
11 subjects the respondent to criminal penalties under this chapter. Any
12 respondent age eighteen years or over who willfully disobeys the terms
13 of any order issued under this chapter may also, in the court's
14 discretion, be found in contempt of court and subject to penalties
15 under chapter 7.21 RCW. Any respondent under the age of eighteen years
16 who willfully disobeys the terms of an order issued under this chapter
17 may, in the court's discretion, be found in contempt of court and
18 subject to the sanction specified in RCW 7.21.030(4).

19 **Sec. 5.** RCW 10.14.170 and 1987 c 280 s 17 are each amended to read
20 as follows:

21 Any respondent age eighteen years or over who willfully disobeys
22 any civil antiharassment protection order issued pursuant to this
23 chapter shall be guilty of a gross misdemeanor.

24 **Sec. 6.** RCW 7.21.030 and 1998 c 296 s 36 are each amended to read
25 as follows:

26 (1) The court may initiate a proceeding to impose a remedial
27 sanction on its own motion or on the motion of a person aggrieved by a
28 contempt of court in the proceeding to which the contempt is related.
29 Except as provided in RCW 7.21.050, the court, after notice and
30 hearing, may impose a remedial sanction authorized by this chapter.

31 (2) If the court finds that the person has failed or refused to
32 perform an act that is yet within the person's power to perform, the
33 court may find the person in contempt of court and impose one or more
34 of the following remedial sanctions:

1 (a) Imprisonment if the contempt of court is of a type defined in
2 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so
3 long as it serves a coercive purpose.

4 (b) A forfeiture not to exceed two thousand dollars for each day
5 the contempt of court continues.

6 (c) An order designed to ensure compliance with a prior order of
7 the court.

8 (d) Any other remedial sanction other than the sanctions specified
9 in (a) through (c) of this subsection if the court expressly finds that
10 those sanctions would be ineffectual to terminate a continuing contempt
11 of court.

12 (e) In cases under chapters 13.32A, 13.34, and 28A.225 RCW,
13 commitment to juvenile detention for a period of time not to exceed
14 seven days. This sanction may be imposed in addition to, or as an
15 alternative to, any other remedial sanction authorized by this chapter.
16 This remedy is specifically determined to be a remedial sanction.

17 (3) The court may, in addition to the remedial sanctions set forth
18 in subsection (2) of this section, order a person found in contempt of
19 court to pay a party for any losses suffered by the party as a result
20 of the contempt and any costs incurred in connection with the contempt
21 proceeding, including reasonable attorney's fees.

22 (4) If the court finds that a person under the age of eighteen
23 years has willfully disobeyed the terms of an order issued under
24 chapter 10.14 RCW, the court may find the person in contempt of court
25 and may, as a sole sanction for such contempt, commit the person to
26 juvenile detention for a period of time not to exceed seven days.

27 NEW SECTION. Sec. 7. If specific funding for the purposes of this
28 act, referencing this act by bill or chapter number, is not provided by
29 June 30, 2001, in the omnibus appropriations act, this act is null and
30 void."

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34 On page 1, line 1 of the title, after "harassment;" strike the
35 remainder of the title and insert "amending RCW 10.14.020, 10.14.120,

1 10.14.170, and 7.21.030; reenacting and amending RCW 10.14.040; and
2 creating new sections."

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