

HOUSE BILL REPORT

HB 1041

As Reported by House Committee On:

Juvenile Justice
Appropriations

Title: An act relating to protection orders for unlawful harassment.

Brief Description: Allowing protection orders for unlawful harassment to restrain persons under the age of eighteen.

Sponsors: Representatives Ballasiotes, O'Brien, Lambert, Ruderman, Woods and Hurst.

Brief History:

Committee Activity:

Juvenile Justice: 1/30/01, 2/13/01 [DPS];

Appropriations: 2/2/01, 3/8/01 [DP2S(w/o sub JJ)].

Brief Summary of Second Substitute Bill

- Authorizes a parent to petition the court for a civil anti-harassment protection order restraining a person under the age of 18 from contact with his or her child.

HOUSE COMMITTEE ON JUVENILE JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong, Darneille and Tokuda.

Minority Report: Without recommendation. Signed by 1 member: Representative Carrell.

Staff: Jean Ann Quinn (786-7310).

Background:

A person being unlawfully harassed by another may petition the court for a civil anti-harassment protection order. Unlawful harassment means a knowing and willful course

of conduct aimed at a specific person that seriously alarms, annoys, harasses, or is detrimental to that person and serves no legitimate purpose. If the court finds, by a preponderance of the evidence, that unlawful harassment exists, the court must grant an order to the petitioner prohibiting the respondent from engaging in such harassment.

The parent or guardian of a child under the age of 18 may petition for an anti-harassment order restraining a person over the age of 18 from contact with that child upon a showing that such contact is detrimental to the welfare of the child. The statute does not authorize a parent to petition on behalf of child when the alleged harasser is 18 or under.

Any person who willfully violates a civil anti-harassment protection order is guilty of a gross misdemeanor and may be held in contempt of court.

Summary of Substitute Bill:

The parent or guardian of a child under the age of 18 may petition the court for an anti-harassment protection order restraining a person of any age from contact with the child. It is not a requirement that the alleged harasser be over the age of 18. A person under the age of 18 who willfully disobeys an anti-harassment order is subject to a contempt sanction of not more than seven days detention.

Substitute Bill Compared to Original Bill:

The substitute bill eliminates the application of criminal penalties with respect to a minor who violates an anti-harassment order, and provides that the sole contempt sanction for such a violation is seven days detention.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill is addressing a problem with respect to a very specific situation. If a minor molests a child, there isn't a mechanism under current law to protect the child victim during the pre-charging phase of the criminal case because a parent is not permitted to get an anti-harassment order against a minor. The time between the assault and the criminal case can be months or years, especially when dealing with sexual assault. These kids should have the same protection as adults do in the same situation. Juvenile on juvenile assault is increasing at an alarming rate.

Without this change, parents who are already going through a very traumatic experience must go through the added trauma of being unable to get protection for their kids. The bill remedies a loophole in the law and fixes a tremendous problem.

Testimony Against: None.

Testified: Representative Ballasiotes, prime sponsor; Chris Hoehne; and Suzanne Brown, Washington Coalition of Sexual Assault Programs.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Juvenile Justice. Signed by 30 members: Representatives Sehlin, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, D. Schmidt, Talcott and Tokuda.

Staff: Bernard Dean (786-7130).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Juvenile Justice:

The substitute bill was amended to include a null and void clause. The bill is null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: This bill allows restraining orders regardless of a person's age, and it addresses a gap in current law. Currently, parents are unable to protect their children in the time between criminal investigations and when actual criminal proceedings begin, which is when a person can file for a no-contact order. This bill remedies that problem.

Testimony Against: None.

Testified: Representative O'Brien; and Suzanne Brown, Washington Coalition of Sexual Assault Programs.

