

SENATE BILL REPORT

SHB 1591

As Reported By Senate Committee On:
Judiciary, March 27, 2001

Title: An act relating to service of orders in harassment matters.

Brief Description: Revising requirements for service of orders in harassment matters.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Esser, Lantz, O'Brien, Lisk, Kirby, B. Chandler, Linville and Doumit).

Brief History:

Committee Activity: Judiciary: 3/20/01, 3/27/01 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: A party may obtain a temporary antiharassment order with or without notice to the respondent. An ex parte order may not exceed 14 days or 24 days if service was by publication. A full hearing is also scheduled within that time period. The respondent may then be personally served, with the temporary order and notice of the hearing, or served by publication if the court allows. Generally, antiharassment orders are served by the sheriff or by a private service agency. If a final order entered by a court states that the respondent appeared in person, further service is not necessary.

Summary of Amended Bill: The contents of the notice of the hearing must be the same whether it is personally served or served by publication. If the respondent has been served with the temporary order and fails to appear at the hearing, the respondent need not be served with the final order as long as the terms have not changed and the temporary order was personally served.

Amended Bill Compared to Substitute Bill: The contents of the exparte order and notice are specifically enumerated.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This helps protect victims from unscrupulous people who are trying to take advantage of the system.

Testimony Against: Respondents should get actual notice of the final order as it is signed by the court after the hearing.

Testified: PRO: Representative Esser, prime sponsor; Judge Kip Stilz, District and Municipal Court Judges' Association; CON: Mark Muenster, Washington Association of Criminal Defense Lawyers.