

# SENATE BILL REPORT

## SB 5562

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As Reported By Senate Committee On:  
Judiciary, February 26, 2001

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

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

**Sponsors:** Senators Costa, McCaslin, Kohl-Welles, Deccio, B. Sheldon, Sheahan and T. Sheldon.

**Brief History:**

**Committee Activity:** Judiciary: 2/12/01, 2/26/01 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5562 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, 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 Substitute 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.

**Substitute Bill Compared to Original Bill:** The contents of the ex parte order and notice are specified. The final order need not be personally served if the material terms are the same as those in the temporary order and the temporary order was personally served.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Some respondents intentionally elude service for the purpose of preventing enforcement and forcing the petitioner to return to court multiple times. The respondents' constitutional rights are preserved while providing for increased court efficiency. This will apply in few cases, but often some serious ones.

**Testimony Against:** No greater protection to victims is provided.

**Testified:** PRO: Judge Peter Lukevich, DMCJA; Suzanne Brown, Washington Coalition of Sexual Assault Programs. CON: Sherry Appleton, Washington Defender's Association/ Washington Association of Criminal Defense Lawyers.