
SECOND SUBSTITUTE HOUSE BILL 1041

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, O'Brien, Lambert, Ruderman, Woods and Hurst)

READ FIRST TIME 03/8/01.

1 AN ACT Relating to protection orders for unlawful harassment;
2 amending RCW 10.14.020, 10.14.120, 10.14.170, and 7.21.030;
3 reenacting and amending RCW 10.14.040; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 10.14.020 and 1999 c 27 s 4 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions
8 in this section apply throughout this chapter.

9 (1) "Unlawful harassment" means a knowing and willful course of
10 conduct directed at a specific person which seriously alarms,
11 annoys, harasses, or is detrimental to such person, and which
12 serves no legitimate or lawful purpose. The course of conduct shall
13 be such as would cause a reasonable person to suffer substantial
14 emotional distress, and shall actually cause substantial emotional
15 distress to the petitioner, or, when the course of conduct (~~is~~
16 ~~contact by a person over age eighteen that~~) would cause a
17 reasonable parent to fear for the well-being of their child.

18 (2) "Course of conduct" means a pattern of conduct composed of

1 a series of acts over a period of time, however short, evidencing
2 a continuity of purpose. "Course of conduct" includes, in addition
3 to any other form of communication, contact, or conduct, the
4 sending of an electronic communication. Constitutionally protected
5 activity is not included within the meaning of "course of
6 conduct."

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

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

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

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

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

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

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

30 (6) The parent or guardian of a child under age eighteen may
31 petition for an order of protection to restrain a person (~~over~~
32 ~~age eighteen~~) from contact with that child upon a showing that
33 contact with the person to be enjoined is detrimental to the
34 welfare of the child.

35 **Sec. 3.** RCW 10.14.120 and 1989 c 373 s 14 are each amended to read
36 as follows:

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

13 **Sec. 4.** RCW 10.14.170 and 1987 c 280 s 17 are each amended to read
14 as follows:

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

18 **Sec. 5.** RCW 7.21.030 and 1998 c 296 s 36 are each amended to read
19 as follows:

20 (1) The court may initiate a proceeding to impose a remedial
21 sanction on its own motion or on the motion of a person aggrieved
22 by a contempt of court in the proceeding to which the contempt is
23 related. Except as provided in RCW 7.21.050, the court, after
24 notice and hearing, may impose a remedial sanction authorized by
25 this chapter.

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

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

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

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

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

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

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

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

23 NEW SECTION. Sec. 6. If specific funding for the purposes of
24 this act, referencing this act by bill or chapter number, is not
25 provided by June 30, 2001, in the omnibus appropriations act, this
26 act is null and void.

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