

# SENATE BILL REPORT

## SB 6151

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As Passed Senate, February 3, 2016

**Title:** An act relating to sexual assault protection orders.

**Brief Description:** Concerning sexual assault protection orders.

**Sponsors:** Senators Litzow, Fain, Pedersen and Frockt.

**Brief History:**

**Committee Activity:** Law & Justice: 1/18/16, 1/26/16 [DP].

Passed Senate: 2/03/16, 48-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

**Staff:** Melissa Burke-Cain (786-7755)

**Background:** Sexual assault protection orders provide a civil court remedy for persons who are victims of nonconsensual sexual conduct or sexual penetration, and fear repeated harm from the attacker. A court may issue a 14-day temporary protection order requiring an attacker to stay away from the victim. The temporary protection order may be granted based only on the victim's sworn statement. With notice, a court may issue a final sexual assault protection order effective for up to two years. The protection orders can be extended for additional time if needed. The protection order is available when a victim does not qualify for a domestic violence protection order. An order may be issued on behalf of a minor, a vulnerable adult defined bylaw, or any other adult who is not able to ask the court for an order because of age, disability, health, or court access. Violation of a sexual assault protection order results in criminal charges against the attacker.

**Summary of Bill:** After notice, a final sexual assault protection order may be entered requiring the offender to stay away from the victim permanently, or for a specific period of time, unless a law provides otherwise. The court may renew a temporary or non-permanent protection order, or make the protection order permanent, if there is a timely request. The court must grant a renewed order unless the offender proves there is a material change in circumstances such that, on a more likely than not basis, they will not repeat, or try to repeat,

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the harm. The court only considers factors addressing the likelihood that the respondent will engage in or attempt to engage in physical or nonphysical contact with the petitioner when the order expires. Compliance with the order or time passed since the order, by itself, does not satisfy the respondent's proof burden. In deciding, the court may give equal weight to a non-exclusive list of respondents' actions occurring after entry of the order. The listed actions are: committing or threatening violent acts; violating the order; threatening or attempting suicide; conviction of a crime; acknowledging responsibility for acts of sexual assault or successfully completing sexual assault perpetrator treatment or counseling; continuing involvement with drug or alcohol abuse if the abuse was a factor when the order was entered; relocating away from the victim.

**Appropriation:** None

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No

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

**Staff Summary of Public Testimony:** PRO: Currently Sexual Assault Protection Orders (SAPOs) have a maximum duration of two years. Victims don't like the limited duration of Sexual Assault Protection Orders because two years may be inadequate length of time to protect them. Victims who must go back to court to renew the SAPO re-live the trauma of the assault, must take time from work or school, must confront the perpetrator in the court room. A longer-duration SAPO would save court time by reducing repeated appearances. The enumerated criteria for the court to consider in deciding whether there has been a material change in circumstances will reduce situations in which courts now deny renewed or permanent SAPOs only because the order has not been violated. No violations means the order is working, but may not be a predictor of the offender's behavior once the order expires. If the SAPO's duration can be extended beyond two years or made permanent, these orders will be comparable to protection orders for domestic violence and stalking, providing better consistency for victims. Victims continue to experience fear of harm after an SAPO expires. Victims infrequently seek renewed orders because they must include graphic information about the facts of the assault, must answer questions about their behavior before, during, and after the attack for the limited benefit of a short-duration order. The court will have discretion to enter an order best suited to individual circumstances. The explicit factors give courts clear guidance, promote consistent decisions, yet still preserve court discretion.

**Persons Testifying:** PRO: Andrea Piper-Wentland, WA Coalition of Sexual Assault Programs; Laura Jones, King County Sexual Assault Resource Center; Riddhi Mukhopadhyay, Sexual Violence Legal Services, YWCA.

**Persons Signed In To Testify But Not Testifying:** No One.