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**SUBSTITUTE HOUSE BILL 1041**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

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

READ FIRST TIME 02/13/01.

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; and  
3 reenacting and amending RCW 10.14.040.

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,  
8 or 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.

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