

# SENATE BILL REPORT

## SB 5434

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As Reported By Senate Committee On:  
Judiciary, February 16, 2005

**Title:** An act relating to hearings for antiharassment protection orders.

**Brief Description:** Revising standards for antiharassment protection order hearings.

**Sponsors:** Senators Kline, Esser, Hargrove, Johnson, Carrell and Kohl-Welles.

**Brief History:**

**Committee Activity:** Judiciary: 2/9/05, 2/16/05 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

**Staff:** Cindy Fazio (786-7405)

**Background:** Unlawful harassment is a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to the person, and which serves no legitimate or lawful purpose. The course of conduct would cause a reasonable person to suffer substantial emotional distress, and does cause the petitioner to suffer substantial emotional distress. The legislature finds that prevention of such harassment is an important governmental objective. The laws for obtaining protection from this behavior are intended to be a speedy and inexpensive way to obtain civil antiharassment protection orders that prevent all further unwanted contact.

**Summary of Bill:** A petitioner for an antiharassment protection order must provide a petition, and an affidavit stating specific facts and circumstances of the harassment; unless the alleged harassment involves a sex offense(s). If sex offenses are alleged, the petitioner need not provide the affidavit with specific facts and circumstances of the harassment. In both cases, the court must order a hearing no later than fourteen days from the date of the antiharassment protection order.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

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

**Testimony For:** The judges want a clearer statement that will allow them to deny a petitioner's request for a hearing when the petitioner does not provide the requisite factual

basis for the alleged harassment. This does not include cases when the alleged harassment involves a sex offense.

**Testimony Against:** None.

**Who Testified:** PRO: Brett Buckley, District and Municipal Court Judges' Association.