

# SENATE BILL REPORT

## SB 5435

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

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

**Brief Description:** Granting the municipal courts jurisdiction for antiharassment protection orders.

**Sponsors:** Senators Kline, Esser, Johnson and McCaslin.

**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:** Lidia Mori (786-7755)

**Background:** Currently, municipal courts have jurisdiction to hear a criminal action brought under RCW 10.14.120 or RCW 10.14.170 for violation of a civil anti-harassment protection order. However, municipal courts do not have authority to issue civil anti-harassment orders. Proponents of this legislation believe allowing municipal courts to exercise jurisdiction and cognizance of civil anti-harassment protection orders will increase access to justice.

**Summary of Bill:** Municipal courts have the authority to exercise jurisdiction and cognizance of any civil harassment action brought under RCW 10.14. Municipal courts are directed to transfer civil anti-harassment protection order actions to the superior court when the respondent to the petition is under 18 years of age.

A civil anti-harassment action may be brought in the municipality in which: (1) the alleged acts of unlawful harassment occurred; (2) where any respondent resides at the time the petition is filed; or (3) where a respondent may be served if it is the same county or judicial district where a respondent resides.

**Appropriation:** None.

**Fiscal Note:** Requested on February 8, 2005.

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

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

**Testimony For:** The reason this bill makes municipal court jurisdiction of antiharassment protection orders discretionary is because the cities have raised concerns about mandatory

jurisdiction. There could also be a technical problem with making the jurisdiction mandatory because the antiharassment statute provides for a hearing within 14 days of the filing of the petition, but some courts in smaller jurisdictions do not hold court every 14 days. It could be once a month. Some jurisdictions would like to provide this service but some smaller ones cannot do it.

**Testimony Against:** None.

**Who Testified:** PRO: Judge Brett Buckley, District and Municipal Court Judges Assn; Tammy Fellin, Assn of WA Cities.