

HOUSE BILL REPORT

HB 1437

As Passed House:
February 12, 2007

Title: An act relating to sexual assault protection orders.

Brief Description: Concerning fees for petitioners of sexual assault protection orders.

Sponsors: By Representatives Eddy, Williams, Lantz, Seaquist, Appleton, Darneille, Rolfes, Lovick, Moeller and Ericks.

Brief History:

Committee Activity:

Judiciary: 1/30/07, 1/31/07 [DP].

Floor Activity:

Passed House: 2/12/07, 96-0.

Brief Summary of Bill

- Prohibits a public agency from charging a petitioner filing fees or service of process fees in sexual assault protection order proceedings.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Trudes Tango (786-7384).

Background:

Last year, the Legislature established a new civil protection order called the sexual assault protection order. Any person who is a victim of nonconsensual sexual conduct or penetration that gives rise to a reasonable fear of future dangerous acts may file a petition for a sexual assault protection order.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Once the court receives the petition, it must order a hearing to be held within 14 days of issuing its order. The respondent must be personally served by the local sheriff or law enforcement agency or, if the petitioner prefers, by a private party.

No filing fees may be charged for sexual assault protection order proceedings. The necessary number of certified copies must be provided free of charge. The statutes do not address the sheriff or law enforcement agency charging the petitioner a fee for service of process.

Summary of Bill:

A public agency may not charge filing fees or service of process fees to petitioners seeking relief under a sexual assault protection order. Petitioners must be provided the necessary number of certified copies at no cost.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This corrects an oversight in the sexual assault protection order bill from last year. Sheriffs can't serve process without charging a fee unless the Legislature authorizes the agency to waive the fee. Victims need to be protected. This is the right public policy. Victims should not have to worry about costs when they need safety.

(Concerns) Previous bills gave municipal courts authority to issue protection orders. District courts already have a process established to process these orders. Allowing municipal courts to do it creates confusion to victims. It should be discretionary for municipal courts to process these orders.

(Opposed) None.

Persons Testifying: (In support) Representative Eddy, prime sponsor; Craig Adams, Pierce County Sheriff's Office; and Marcia Magee.

(Concerns) Tammy Fellin, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.