

HOUSE BILL REPORT

SHB 2466

As Passed House:
February 7, 2018

Title: An act relating to authorizing law enforcement to arrest persons in violation of certain no-contact orders involving victims of trafficking and promoting prostitution offenses.

Brief Description: Authorizing law enforcement to arrest persons in violation of certain no-contact orders involving victims of trafficking and promoting prostitution offenses.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Orwall, Klippert, McCabe, Griffey, Muri, Stanford, Van Werven, Haler and Doglio).

Brief History:

Committee Activity:

Public Safety: 1/16/18, 1/25/18 [DPS].

Floor Activity:

Passed House: 2/7/18, 98-0.

Brief Summary of Substitute Bill

- Includes no-contact orders issued in Promoting Prostitution and Trafficking cases in the list of orders to which the warrantless arrest statute applies.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

Staff: Omeara Harrington (786-7136).

Background:

No-Contact Orders.

A court may issue a no-contact order to protect a victim during the pendency of criminal proceedings or upon conviction. No-contact orders prohibit contact of any kind with the

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victim and forbid the defendant from knowingly coming or remaining within specific locations. A violation of a no-contact order is generally a gross misdemeanor, but is punishable as a class C felony in certain circumstances.

There are specialized procedures and requirements for no-contact orders entered in different kinds of criminal cases, including no-contact orders issued in Harassment, Domestic Violence, Sexual Assault, and Stalking cases. Legislation enacted in 2017 created two new specialized no-contact orders for cases involving Promoting Prostitution and Trafficking.

Warrantless Arrest.

A police officer who has probable cause to believe a person has committed a felony has the authority to arrest the person without a warrant. Generally, an officer may only arrest a person without a warrant for a misdemeanor or gross misdemeanor offense when the offense is committed in the presence of the officer.

Under the warrantless arrest statute, an officer must or may make a warrantless arrest and take a person into custody, pending release on bail, personal recognizance, or court order in certain situations. Among other circumstances, an officer must make a warrantless arrest when the officer has probable cause to believe that a listed protective order has been issued that restrains a person, the restrained person knows about the order, and the restrained person has violated certain terms of the order restraining the person from acts or threats of violence, or from going to or remaining within certain locations.

Provisions in the statutes governing no-contact orders entered in Promoting Prostitution and Trafficking cases provide that violators are subject to arrest upon violation of the order. However, no-contact orders entered in these cases are not included in the list of orders in the general warrantless arrest statute, which outlines the circumstances under which mandatory warrantless arrest for violation of a protective order is required.

Summary of Substitute Bill:

No-contact orders entered in Promoting Prostitution and Trafficking cases are included in the list of orders to which the warrantless arrest statute applies.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is a technical fix to the legislation enacted last year that created no-contact orders for Trafficking and Promoting Prostitution cases. Violation of a no-contact order is a gross misdemeanor so statutory authority is needed to make a warrantless arrest. This change allows law enforcement to make warrantless arrests in these cases, which was an oversight in the previous legislation. This change is warranted, both in terms of aligning these new no-

contact orders with all other kinds of no-contact orders, and also due to the factual circumstances of these crimes. These cases involve a high-level of coercion and exploitation, and traffickers will often try to contact their victims. Often contact happens outside of law enforcement presence. It is also important to uphold the same standards for sexual exploitation as for other situations. In addition, there are currently some liability issues, as law enforcement have to be trained to not assume these orders are subject to the same procedures as other types of orders.

(Opposed) None.

Persons Testifying: Representative Orwall, prime sponsor; Farshad Talebi, Office of the Attorney General; and Kyra Doubek, Kent Youth & Family Services.

Persons Signed In To Testify But Not Testifying: None.