

FINAL BILL REPORT

HB 1055

C 18 L 19
Synopsis as Enacted

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

Sponsors: Representatives Entenman, Orwall, Mosbrucker, Valdez, Goodman, Slatter, Riccelli, Ryu, Blake, Wylie, Irwin, Appleton, Jinkins, Doglio, Stanford, Leavitt and Walen.

House Committee on Public Safety
Senate Committee on Law & Justice

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 victim and forbid the defendant from knowingly coming within or remaining within a specified distance of certain 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

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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, these orders 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:

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

Votes on Final Passage:

House	96	0
Senate	46	0

Effective: July 28, 2019