

FINAL BILL REPORT

SHB 1350

C 216 L 19
Synopsis as Enacted

Brief Description: Issuing temporary protection orders.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Kilduff, Irwin, Jinkins, Fey, Leavitt and Ortiz-Self).

House Committee on Civil Rights & Judiciary
Senate Committee on Law & Justice

Background:

Anti-Harassment Law.

"Unlawful harassment" is defined as a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct constitutes unlawful harassment if it:

- would cause a reasonable person to suffer substantial emotional distress, and actually causes such distress to the petitioner; or
- would cause a reasonable parent to fear for the well-being of their child.

The course of conduct may include acts or any other form of communication, contact, or conduct, excluding constitutionally protected activity and speech.

Individuals experiencing unlawful harassment may file a petition for a civil order for protection in cases of unlawful harassment. The petition must allege the existence of harassment and be accompanied by an affidavit describing the situation from which relief is sought. Upon the court's receipt of the petition alleging a prima facie case of unlawful harassment, the court must order a hearing within 14 days from the date of the order.

Temporary Anti-Harassment Protection Orders. The court may issue an ex parte temporary anti-harassment protection order if the petitioner files an affidavit showing reasonable proof of unlawful harassment by the respondent and that great or irreparable harm will result to the petitioner if the temporary order is not granted. Temporary orders are effective for 14 days, or 24 days if service by publication is permitted. A full hearing must be set within 14 days of the issuance of the temporary order or within 24 days if service by publication is permitted.

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.

Anti-Harassment Protection Orders. The court must issue an anti-harassment protection order prohibiting unlawful harassment if it finds that harassment exists by a preponderance of the evidence. This final order is effective for up to one year, unless the court finds that circumstances warrant a longer set time period. At any time within three months before the expiration of the order, the petitioner may apply for a renewal of the order.

Jurisdiction over Anti-Harassment Protection Orders. District courts may issue and enforce anti-harassment protection orders. Municipal courts may also issue and enforce such orders, if the court has adopted local court rules establishing the process. However, district and municipal courts must transfer proceedings to the superior court when the respondent is under age 18, the action involves title or real property, the superior court has exercised discretion over the involved parties, or the action affects the respondent's care, control, or custody of a minor child.

The chapter covering anti-harassment protection orders does not expressly address whether district or municipal courts have jurisdiction to enter temporary orders in unlawful anti-harassment cases that are transferred to superior court.

Summary:

The civil jurisdiction of courts of limited jurisdiction regarding anti-harassment protection orders is limited to the issuance and enforcement of temporary orders for protection in cases that require transfer to superior court. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court must transfer the case after entry of the temporary order.

Votes on Final Passage:

House	60	36
Senate	45	3

Effective: July 28, 2019