
Judiciary Committee

HB 1603

Title: An act relating to hearings for antiharassment protection orders.

Brief Description: Revising standards for antiharassment protection order hearings.

Sponsors: Representatives Flannigan, Campbell, Fromhold, Moeller, Armstrong, Cairnes, Simpson, O'Brien and Delvin.

Brief Summary of Bill

- Requires a petitioner for an antiharassment protection order to make a showing of reasonable proof that harassment has occurred before the court may set a hearing on the petition.

Hearing Date: 2/13/03

Staff: Edie Adams (786-7180).

Background:

A person who is the victim of unlawful harassment may petition the court for a civil antiharassment protection order. A court may grant an ex parte temporary protection order and, after a full hearing, a longer-term antiharassment protection order. Both orders require the respondent to refrain from engaging in harassment.

Unlawful harassment means 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 lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause the petitioner to suffer substantial emotional distress.

A petition for an antiharassment protection order must be accompanied by an affidavit made under oath that states the specific facts and circumstances from which relief is sought. Upon receipt of the petition for an antiharassment protection order, the court must order a hearing to be set within 14 days from the date of the order.

A person seeking an antiharassment protection order may obtain an ex parte temporary antiharassment protection order by filing an affidavit that shows reasonable proof of unlawful harassment and irreparable harm if the temporary order is not granted.

A respondent who willfully disobeys an antiharassment protection order is guilty of a gross misdemeanor. The person must know of the order in order to be guilty of the crime.

Summary of Bill:

A court receiving a petition for an antiharassment protection order may only order a hearing on the petition if the petitioner has first made a showing of reasonable proof that harassment has occurred.

Appropriation: None.

Fiscal Note: Not Requested.

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