

SENATE BILL REPORT

SHB 1603

As Reported By Senate Committee On:
Judiciary, February 26, 2004

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

Brief Description: Revising standards for antiharassment protection order hearings.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Flannigan, Campbell, Fromhold, Moeller, Armstrong, Cairnes, G. Simpson, O'Brien and Delvin).

Brief History:

Committee Activity: Judiciary: 2/25/04, 2/26/04 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Staff: Lidia Mori (786-7755)

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 may order a hearing on a petition for an antiharassment protection order that does not allege a sex offense only if the petition alleges a prima facie case of

harassment. A petition that alleges a sex offense does not need to make this prima facie showing in order for a hearing to be set.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: As things are now, the law is unclear. This bill will make it clear that judges will only set an antiharassment protection order hearing if the petition makes a prima facie case of harassment. It allows parties not to have to come to court for a meaningless petition. The petitioner can amend the petition if the court finds it to be inadequate.

Testimony Against: None.

Testified: Brett Buckley, Commissioner, District and Municipal Court Judges (pro).