

# FINAL BILL REPORT

## HB 1296

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Synopsis as Enacted

**Brief Description:** Granting the municipal courts jurisdiction for antiharassment protection orders.

**Sponsors:** By Representatives Lovick, Flannigan, Williams, Priest and Serben.

**House Committee on Judiciary**

**Senate Committee on Judiciary**

### **Background:**

A victim of unlawful harassment (the petitioner) may obtain a civil anti-harassment protection order if the petitioner fears violence or suffers substantial emotional distress from an unrelated person (the respondent) because the petitioner has been seriously alarmed, annoyed, or harassed by the respondent through conduct that serves no legitimate or lawful purpose. Anti-harassment protection orders are separate and distinct from domestic violence protection orders, restraining orders, and domestic violence no-contact orders.

The petitioner may request that a district court grant an anti-harassment protection order against the respondent. If the court finds by a preponderance of the evidence that unlawful harassment exists, it must grant an order to the petitioner that prohibits the respondent from engaging in the harassment. A knowing violation of an anti-harassment protection order is a gross misdemeanor.

There are three types of trial courts in Washington: superior courts, district courts, and municipal courts. Each has differing levels of jurisdiction over the subject matter they have the authority to hear.

District courts have jurisdiction to grant anti-harassment protection orders, and superior courts have concurrent jurisdiction when a case is transferred from a district court. A transfer to superior court is required when the respondent is under 18 years of age. In addition, the district court may transfer an action for an anti-harassment protection order to a superior court when a district court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer. Municipal courts lack statutory jurisdiction over actions for anti-harassment protection orders.

### **Summary:**

Municipal courts may opt to exercise jurisdiction over actions for anti-harassment protection orders. A municipal court may adopt procedures to hear such protection orders through a local court rule. The municipal court must transfer the case to superior court when the respondent is under age 18. The action may be brought in the municipality where the

harassment occurred, where any respondent resides, or where a respondent may be served if it is the same county or judicial district where a respondent resides.

**Votes on Final Passage:**

House	95	0
Senate	41	0

**Effective:** July 24, 2005