
Judiciary Committee

HB 2836

Title: An act relating to protecting animals from perpetrators of domestic violence.

Brief Description: Protecting animals from perpetrators of domestic violence.

Sponsors: Representatives Williams, Dickerson, Upthegrove, Rodne, Simpson, Dunshee, Morrell, Haigh and Ormsby.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Allows a court, when issuing a domestic violence protection order, to order that the respondent stay away from, and not threaten or harm, any animal owned, possessed, leased, kept, or held by the petitioner, respondent, or their minor children.
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Hearing Date: 1/23/08

Staff: Trudes Tango (786-7384).

Background:

Domestic violence protection orders are civil orders available when there has been domestic violence committed between one family or household member against another. When issuing an order, the court has discretion to order appropriate relief.

Domestic violence protection orders may include provisions: (1) restraining the respondent from committing acts of domestic violence or having any contact with the petitioner or the petitioner's children; (2) excluding the respondent from the residence, workplace, or school of the petitioner or from the day care or school of a child; (3) prohibiting the respondent from knowingly coming within a certain distance of a specific location; (4) ordering that the petitioner have access to essential personal effects and the use of a vehicle; and (5) providing any other relief as the court deems necessary for the protection of the petitioner and other family or household members.

Depending on the circumstances, a violation of a domestic violence protection order can constitute contempt of court, a gross misdemeanor, or a felony. It is a gross misdemeanor when a person knows of the order and the person violates the restraint provisions of the order prohibiting

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acts or threats of violence against, or stalking of, a protected party, or violates the restraint provisions prohibiting contact with a protected party. A violation of a protection order becomes a class C felony if the offender has at least two previous convictions for violating the provisions of an order.

A law enforcement officer must arrest and take into custody a person if the officer has probable cause to believe that the person arrested knew of the domestic violence protection order and violated a restraint provision in the order.

Summary of Bill:

When issuing a domestic violence protection order, a court may order that the petitioner be granted exclusive care, custody, or control over any animal owned, possessed, leased, kept, or held by the petitioner or respondent or a minor child residing with either. The court may also order the respondent to stay away from the animal and forbid the respondent from taking, transferring, concealing, attacking, striking, threatening, harming, or otherwise disposing of the animal.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.