

SENATE BILL REPORT

SB 5637

As Reported By Senate Committee On:
Judiciary, February 13, 2007

Title: An act relating to sexual assault protection orders.

Brief Description: Concerning fees for petitioners of sexual assault protection orders.

Sponsors: Senators Regala, Franklin, Kastama and Rasmussen.

Brief History:

Committee Activity: Judiciary: 2/06/07, 2/13/07 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Roach and Weinstein.

Staff: Juliana Roe (786-7405)

Background: Sexual assault protection orders were created by the Legislature during the 2006 legislative session. These orders provide protection for victims of sexual assault. Not all sexual assaults are reported to authorities. Victims who do not report the crime still desire safety and protection from future interactions with the offender. Some cases in which sexual assault is reported are not prosecuted. In these situations, the victim should be able to seek a civil remedy requiring that the offender stay away from the victim.

Summary of Bill: Petitioners for sexual assault protection orders are not required to pay a filing fee to obtain the protection order. In addition, there is no fee for the related service of process. Certified copies of the order are required to be provided at no charge.

Appropriation: None.

Fiscal Note: Requested on February 6, 2007.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill changes some unfinished business from last year. Under current law, no fees are charged for the filing of sexual assault protection orders, nor are there fees charged for certified copies of the order. These protection

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orders must be served, typically by the sheriff's department, and it was likely an oversight that the service of process fee was not made free of charge in the bill passed last year.

In Pierce County last year, there were only six instances where service of process of the sexual assault protection orders was requested. To those few victims, it was further victimization to require them to pay for the service of process fee. The Pierce County Sheriff's Office will gladly accept this unfunded mandate. The change in this bill mirrors the domestic violence statute already in effect. It would allow all victims of sexual assault access to the remedies provided in sexual assault protection orders, rather than only those who can afford to pay the additional cost.

Persons Testifying: PRO: Senator Regala, prime sponsor; Craig Adams, Legal Advisor for Pierce County Sheriff's Department; Kelly O'Connell, Staff Attorney for Washington Coalition of Sexual Assault Programs.