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## Judiciary Committee

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### HB 1316

**Title:** An act relating to violations of a temporary protection order.

**Brief Description:** Allowing for an arrest without a warrant when a police officer has probable cause to believe a person has violated certain temporary protection orders.

**Sponsors:** Representatives Stambaugh, Jinkins, Nealey, Hurst, Kilduff, Reykdal, Wilson and Sawyer.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Requires peace officers to arrest without a warrant any person the officer believes has violated certain provisions of a temporary order of protection regarding the abuse of a vulnerable adult.</li></ul>
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**Hearing Date:** 1/27/15

**Staff:** Brent Campbell (786-7152).

**Background:**

Protective Orders.

A person may file a petition asking a judge to grant an order to protect him or her from another person whose behavior is abusive, threatening, exploitive, or seriously alarming. There are multiple types of protections orders, each intended for specific situations. These include domestic violence protection orders, antiharrasment protection orders, sexual assault protection orders, and vulnerable adult protection orders.

A petition for an order for protection of a vulnerable adult may be brought by a vulnerable adult, or an interested person on behalf of the vulnerable adult, in cases of abandonment, abuse, financial exploitation, or neglect.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A temporary protection order may be sought without notice to the respondent in order to protect a petitioner until a hearing on the petition is held. A temporary protection order for a vulnerable adult is granted when it appears that the respondent is committing, or is threatening, to abandon, abuse, exploit, or neglect the vulnerable adult.

Mandatory Arrests.

Peace officers are required to arrest without a warrant and take into custody individuals who the officer has probable cause to believe has violated certain provisions of a protective order or temporary protective order issued relating to domestic violence, stalking, sexual assault, legal separation, child custody. Mandatory arrests relating to vulnerable adult protection orders are only for violations of a protection order, not a temporary protection order. Provisions which require arrest include those that restrain a person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order.

**Summary of Bill:**

Peace officers are required to arrest without a warrant and take into custody any person the officer has a probable cause to believe has violated certain provisions of temporary protection orders regarding the abuse of vulnerable adults. Provisions which require arrest for a violation of such temporary protection orders include those that restrain a person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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