

SENATE BILL REPORT

ESHB 1766

As of March 30, 2023

Title: An act relating to the creation of a hope card program.

Brief Description: Creation of a hope card program.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Griffey, Davis, Senn, Dent, Callan and Cheney).

Brief History: Passed House: 3/8/23, 97-0.

Committee Activity: Law & Justice: 3/27/23, 3/28/23 [DPA-WM].

Ways & Means: 3/30/23.

Brief Summary of Amended Bill

- Directs the Administrative Office of the Courts to develop a program for the issuance of protection order Hope Cards in a scannable electronic format by superior and district courts.
- Requires a Hope Card to contain specified information about a full protection order.
- Provides a Hope Card has the same effect as the underlying protection order.
- Permits a person who has been issued a valid full protection order to request a Hope Card from the clerk of the issuing court free of charge for the original and one duplicate Hope Card.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

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

Staff: Tim Ford (786-7423)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Julie Murray (786-7711)

Background: Washington Protection Orders. Washington law allows residents to petition a court to seek protection from harmful or threatening behavior via several types of civil protection orders. These protection orders are divided into six categories:

- domestic violence protection orders;
- sexual assault protection orders;
- stalking protection orders;
- vulnerable adult protection orders;
- extreme risk protection orders; and
- anti-harassment protection orders.

A court may issue a temporary protection order or a full protection order. Temporary protection orders are orders issued before the court has decided whether to issue a full protection order, and may be issued without prior notice to the respondent. Full protection orders are orders issued after notice has been provided to the respondent, and the parties have had the opportunity for a full hearing before the court, or the parties have agreed to resolve the petition without a hearing. When entering a full protection order, a court may grant relief to the petitioner for a fixed period of time or on a permanent basis, though there are statutory limits on the duration of orders that would prohibit the respondent from contacting their minor children.

When entering a protection order, a court may grant broad relief to protect the petitioner, including:

- restraining a respondent from having contact with or threatening another person, including minor children;
- excluding the respondent from certain locations or from coming within a specified distance of certain locations; and
- prohibiting the respondent from harassing, following, or monitoring the petitioner.

Existing Hope Card Programs. Several states have implemented programs, whether by statute or agency action, that provide wallet-sized cards displaying certain information about a protection order to the recipient of the order. These states include Oregon, Idaho, Montana, Illinois, Indiana, Virginia, and Hawaii. Elements of these programs vary between the different states, including which agency is responsible for administering the program, the physical construction of the card, and the contents required to be displayed. However, most programs specifically require the cards be wallet-sized, and contain certain vital information about the order, including issuance and expiration dates and identifying information about the protected individual and the respondent. Many programs also include provisions allowing protection order recipients to request multiple copies of the card

without a fee.

Summary of Amended Bill: The Administrative Office of the Courts (AOC) is directed to develop a Hope Card program in collaboration with the Washington State Superior Court Judges' Association, the Washington State District and Municipal Court Judges Association, the Washington State Association of County Clerks, the Association of Washington Superior Court Administrators, the District and Municipal Court Management Association, and the Washington Association of Sheriffs and Police Chiefs.

A Hope Card must be a durable laminated or plastic card in a scannable electronic format, including but not limited to a barcode, data matrix code, or a quick response code, that contains the following information:

- the restrained person's name, date of birth, sex, race, eye color, hair color, height, weight, and other distinguishing features;
- the protected person's name and date of birth and the names and dates of birth of any minor children protected under the order; and
- information about the protection order including, but not limited to, the issuing court, the case number, the date of issuance and date of expiration of the order, and the relevant details of the order, including any locations from which the person is restrained.

AOC, together with the specified organizations and stakeholder groups, must explore the feasibility of providing this required information in electronic format, including as a barcode on a laminated card.

If feasible, the information stored in scannable electronic format and accessible through a barcode, data matrix code, or a quick response code must include a digital record of the protection order as entered and provide access to the entire case history, including the petition for protection order, statement, declaration, temporary order, hearing notice, and proof of service.

A Hope Card has the same effect as the underlying protection order.

Beginning on July 1, 2024, any person who has been issued a valid domestic violence protection order, sexual assault protection order, stalking protection order, vulnerable adult protection order, or anti-harassment order may request a Hope Card from the clerk of the issuing court at the time the order is issued or any time prior to the expiration of the order.

A person requesting a Hope Card may not be charged a fee for the issuance of an original and one duplicate card.

EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):

- Requires the Hope Card to be provided in a scannable electronic format.

- Requires, if feasible, the information stored in scannable electronic format and accessible through a barcode, data matrix code, or a quick response code to include a digital record of the protection order as entered and provide access to the entire case history, including the petition for protection order, statement, declaration, temporary order, hearing notice, and proof of service.
- Provides a Hope Card has the same effect as the underlying protection order.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Engrossed Substitute House Bill (Law & Justice): *The committee recommended a different version of the bill than what was heard.*
PRO: Give people subject to protection orders more hope. For protection orders to be enforceable victims must carry a packet of paper. It needs to be as portable as the drivers license. Protection orders are cumbersome and the amendatory language relies more on electronic information. They must be easily actionable.

This bill will place our protective order information in a scannable format on a laminated card. It leads to more protection and better communication with police. 83,000 protection orders were filed in Washington. The system is not easy to navigate for victims. Survivors work so hard to stay safe and alive. This bill is bipartisan.

If we can make life much safer lets do it with this bill. There should be a free replacement card.

Persons Testifying (Law & Justice): PRO: Representative Dan Griffey, Prime Sponsor; Jamie Sullivan, DV stalking survivor, initiator of HB 1766- 2023-24; Rebecca Faust.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.

Staff Summary of Public Testimony on Bill as Amended by Law & Justice (Ways & Means): PRO: The HOPE card is a modern way to replace the lengthy and cumbersome paper orders into a wallet sized card that can be scanned by a responding officer when orders are violated and necessitate a call for service. It is a safe, practical and cost-effective solution that lead to more people carrying protection orders. All the data will be there when police respond. Other states have successfully done it. We think it is a great idea.

Persons Testifying (Ways & Means): PRO: James McMahan, WA Assoc Sheriffs & Police Chiefs; Jamie Sullivan, DV stalking survivor, initiator of HB 1766- 2023-24.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.