

HOUSE BILL REPORT

EHB 2472

As Amended by the Senate:

Title: An act relating to domestic violence.

Brief Description: Clarifying domestic violence provisions.

Sponsors: Representatives Lambert, Costa, Conway and Veloria.

Brief History:

Committee Activity:

Law & Justice: 1/30/96 [DP].

Floor Activity:

Passed House: 2/6/96, 98-0.

Senate Amended.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith and Sterk.

Staff: Pat Shelledy (786-7149).

Background: In 1995, the Legislature passed ESSB 5219, which contained numerous provisions governing domestic violence. In particular, the bill attempted to reconcile minor differences between provisions governing restraining orders, no-contact orders, and protection orders issued under a variety of statutes. Another provision of the bill clarified that the court could restrain a person subject to the order from entering a residence shared with the petitioner, the petitioner's workplace or school, or the school or day care center of a child protected by the order.

The bill also attempted to reconcile penalty provisions for violations of various protection orders by making violations gross misdemeanors. However, the bill failed to amend one provision that provides that violating a no-contact order after a conviction of a domestic violence crime is a misdemeanor. The bill also tried to ensure that more than one order from different courts would not be issued involving the same parties.

Finally, the bill provided that a law enforcement officer could enforce a protection order if the officer was presented with an unexpired, certified copy of the order, even if the officer could not find the order in the computer-based intelligence information system where current orders are supposed to be retained.

The Washington Association of Sheriffs and Police Chiefs collects statewide data on incidents of domestic violence. Data on violations of protections and no-contact orders is not currently collected.

Summary of Bill: Protection orders, restraining orders, and no-contact orders may specify that the person being restrained may not enter the grounds of a building where the respondent may not enter, such as a home, school, workplace, or day care center.

A violation of a no-contact order issued following conviction of a crime of domestic violence is raised from a misdemeanor to a gross misdemeanor. The order must warn the person subject to the order of the consequences of violating the order, and that the respondent is responsible for observing it even if the petitioner protected by it invites or allows the respondent to violate the order.

When a petitioner applies for a civil domestic violence protection order, the petitioner must notify the court of the existence of any other restraining, protection, or no-contact order between the parties.

Presentation of an unexpired, certified copy of a protection order that is not on the computer base is sufficient for enforcement, if proof of service is also presented. Presentation without proof of service is sufficient for a law enforcement officer to mandate prospective compliance with the order.

The Washington Association of Sheriffs and Police Chiefs must collect data on violations of protections or no-contact orders, if money is appropriated for that purpose.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment combines EHB 2472 as it passed the House with the House Law and Justice amendment to SB 6462 with some modifications. The differences are as follows.

The main difference is a rewrite of the provisions to SB 6462, making the third violation of a no-contact order or domestic violence protection order a class C felony. The House Law and Justice committee amendment to SB 6462 operates in the same manner as the "three strikes and you're out" provision for persistent offenders. In other words, each crime had to occur after the conviction of the previous crime. The Senate version requires that the defendant have at least two prior convictions for violating an order. The third conviction is a class C felony.

The Senate version drops a provision contained in one of the statutes in EHB 2742 that governs violations of no-contact orders. That provision requires the order to contain a warning to the respondent that the protected person cannot waive the provisions of the no-contact order.

A technical rewrite of EHB 2742 improves some language regarding prospective enforcement of orders when served on a respondent.

The amendment adopts the House Law and Justice version of the new crime of interfering with reporting domestic violence, except it deletes a provision that duplicates another provision. The substance of the new crime is the same.

The House version of 2472 places a "null and void" provision in the section requiring collection of data about violations of no-contact and protection orders. The House amendment to SB 6462 places the null and void provision in a separate section. The Senate version adopts the EHB 2472 version.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is a technical cleanup bill that clarifies sections of last year's ESSB 5219. It also reconciles the penalty for violating a no-contact order issued following conviction with penalty provisions for similar statutes.

Testimony Against: None.

Testified: Representative Lambert, prime sponsor; and Mary Pontarolo, Washington State Coalition Against Domestic Violence.