

SENATE BILL REPORT

EHB 2472

As Reported By Senate Committee On:
Law & Justice, February 22, 1996

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: 2/21/96, 2/22/96 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Quigley.

Staff: Susan Carlson (786-7418)

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 increased the penalty for violation of various protection orders to a gross misdemeanor. However, the bill failed to amend one provision that provides that violating a no-contact order issued 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 protection and no-contact orders is not currently collected.

It has been suggested that an aggravating factor for domestic violence crimes should be added to the Sentencing Reform Act for purposes of imposing an exceptional sentence. It

has also been suggested that the third violation of a no-contact or protection order should be a class C felony and that interfering with a report of domestic violence should be a crime.

Summary of Amended Bill: Protection orders, restraining orders, and no-contact orders may specify that the person being restrained may not enter the grounds of 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 protection or no-contact orders, if money is appropriated for that purpose.

In a felony case, the sentencing court may impose an exceptional sentence above the standard range if the offense involved domestic violence and one of the following circumstances: (1) the offense was part of an ongoing pattern of abuse of the victim manifested by multiple incidents over a prolonged period of time; (2) the offense occurred in the presence of the victim's minor children; or (3) the offender's conduct while committing the crime manifested deliberate cruelty or intimidation of the victim.

A gross misdemeanor crime of interference with the reporting of domestic violence is created. The crime is committed if the person prevents or attempts to prevent a victim of or a witness to domestic violence from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement official. This crime is classified as a domestic violence crime for purposes of inclusion in court procedures related to domestic violence crimes and no-contact orders.

A third or subsequent conviction for willful violation of a domestic violence no-contact order is increased from a gross misdemeanor to a class C felony.

Amended Bill Compared to Original Bill: The striking amendment makes technical corrections and adds the provisions allowing an exceptional sentence to be imposed, increasing the third violation of a no-contact order or protection order from a gross misdemeanor to a felony and creating the crime of interference with a domestic violence report.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill cleans up and clarifies domestic violence provisions that were amended last session and requires statistics on violations of no-contact and protection orders to be kept.

Testimony Against: None.

Testified: PRO: Representative Lambert, prime sponsor; Representative Costa, sponsor; Elaine Rose, Attorney General's office.