

2 **2SHB 1041** - S COMM AMD
3 By Committee on Judiciary

4 NOT ADOPTED 04/12/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that unlawful
8 harassment directed at a child by a person under the age of eighteen is
9 not acceptable and can have serious consequences. The legislature
10 further finds that some interactions between minors, such as
11 "schoolyard scuffles," though not to be condoned, may not rise to the
12 level of unlawful harassment. It is the intent of the legislature that
13 a protection order sought by the parent or guardian of a child as
14 provided for in this chapter be available only when the alleged
15 behavior of the person under the age of eighteen to be restrained rises
16 to the level set forth in chapter 10.14 RCW.

17 **Sec. 2.** RCW 10.14.020 and 1999 c 27 s 4 are each amended to read
18 as follows:

19 Unless the context clearly requires otherwise, the definitions in
20 this section apply throughout this chapter.

21 (1) "Unlawful harassment" means a knowing and willful course of
22 conduct directed at a specific person which seriously alarms, annoys,
23 harasses, or is detrimental to such person, and which serves no
24 legitimate or lawful purpose. The course of conduct shall be such as
25 would cause a reasonable person to suffer substantial emotional
26 distress, and shall actually cause substantial emotional distress to
27 the petitioner, or, when the course of conduct (~~is contact by a person~~
28 ~~over age eighteen that~~)) would cause a reasonable parent to fear for
29 the well-being of their child.

30 (2) "Course of conduct" means a pattern of conduct composed of a
31 series of acts over a period of time, however short, evidencing a
32 continuity of purpose. "Course of conduct" includes, in addition to
33 any other form of communication, contact, or conduct, the sending of an
34 electronic communication. Constitutionally protected activity is not
35 included within the meaning of "course of conduct."

1 **Sec. 3.** RCW 10.14.040 and 1995 c 292 s 2 and 1995 c 127 s 2 are
2 each reenacted and amended to read as follows:

3 There shall exist an action known as a petition for an order for
4 protection in cases of unlawful harassment.

5 (1) A petition for relief shall allege the existence of harassment
6 and shall be accompanied by an affidavit made under oath stating the
7 specific facts and circumstances from which relief is sought.

8 (2) A petition for relief may be made regardless of whether or not
9 there is a pending lawsuit, complaint, petition, or other action
10 between the parties.

11 (3) All court clerks' offices shall make available simplified forms
12 and instructional brochures. Any assistance or information provided by
13 clerks under this section does not constitute the practice of law and
14 clerks are not responsible for incorrect information contained in a
15 petition.

16 (4) Filing fees are set in RCW 36.18.020, but no filing fee may be
17 charged for a petition filed in an existing action or under an existing
18 cause number brought under this chapter in the jurisdiction where the
19 relief is sought. Forms and instructional brochures shall be provided
20 free of charge.

21 (5) A person is not required to post a bond to obtain relief in any
22 proceeding under this section.

23 (6) The parent or guardian of a child under age eighteen may
24 petition for an order of protection to restrain a person (~~over~~) age
25 eighteen years or over from contact with that child upon a showing that
26 contact with the person to be enjoined is detrimental to the welfare of
27 the child.

28 (7) The parent or guardian of a child under the age of eighteen may
29 petition for an order of protection to restrain a person under the age
30 of eighteen years from contact with that child only in cases where the
31 person to be restrained has been convicted of an offense against the
32 child protected by the order or is under investigation for such an
33 offense.

34 **Sec. 4.** RCW 10.14.120 and 1989 c 373 s 14 are each amended to read
35 as follows:

36 Any willful disobedience by (~~the respondent~~) a respondent age
37 eighteen years or over of any temporary antiharassment protection order
38 or civil antiharassment protection order issued under this chapter

1 subjects the respondent to criminal penalties under this chapter. Any
2 respondent age eighteen years or over who willfully disobeys the terms
3 of any order issued under this chapter may also, in the court's
4 discretion, be found in contempt of court and subject to penalties
5 under chapter 7.21 RCW. Any respondent under the age of eighteen years
6 who willfully disobeys the terms of an order issued under this chapter
7 may, in the court's discretion, be found in contempt of court and
8 subject to the sanction specified in RCW 7.21.030(4).

9 **Sec. 5.** RCW 10.14.170 and 1987 c 280 s 17 are each amended to read
10 as follows:

11 Any respondent age eighteen years or over who willfully disobeys
12 any civil antiharassment protection order issued pursuant to this
13 chapter shall be guilty of a gross misdemeanor.

14 **Sec. 6.** RCW 7.21.030 and 1998 c 296 s 36 are each amended to read
15 as follows:

16 (1) The court may initiate a proceeding to impose a remedial
17 sanction on its own motion or on the motion of a person aggrieved by a
18 contempt of court in the proceeding to which the contempt is related.
19 Except as provided in RCW 7.21.050, the court, after notice and
20 hearing, may impose a remedial sanction authorized by this chapter.

21 (2) If the court finds that the person has failed or refused to
22 perform an act that is yet within the person's power to perform, the
23 court may find the person in contempt of court and impose one or more
24 of the following remedial sanctions:

25 (a) Imprisonment if the contempt of court is of a type defined in
26 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so
27 long as it serves a coercive purpose.

28 (b) A forfeiture not to exceed two thousand dollars for each day
29 the contempt of court continues.

30 (c) An order designed to ensure compliance with a prior order of
31 the court.

32 (d) Any other remedial sanction other than the sanctions specified
33 in (a) through (c) of this subsection if the court expressly finds that
34 those sanctions would be ineffectual to terminate a continuing contempt
35 of court.

36 (e) In cases under chapters 13.32A, 13.34, and 28A.225 RCW,
37 commitment to juvenile detention for a period of time not to exceed

1 seven days. This sanction may be imposed in addition to, or as an
2 alternative to, any other remedial sanction authorized by this chapter.
3 This remedy is specifically determined to be a remedial sanction.

4 (3) The court may, in addition to the remedial sanctions set forth
5 in subsection (2) of this section, order a person found in contempt of
6 court to pay a party for any losses suffered by the party as a result
7 of the contempt and any costs incurred in connection with the contempt
8 proceeding, including reasonable attorney's fees.

9 (4) If the court finds that a person under the age of eighteen
10 years has willfully disobeyed the terms of an order issued under
11 chapter 10.14 RCW, the court may find the person in contempt of court
12 and may, as a sole sanction for such contempt, commit the person to
13 juvenile detention for a period of time not to exceed seven days.

14 NEW SECTION. Sec. 7. If specific funding for the purposes of this
15 act, referencing this act by bill or chapter number, is not provided by
16 June 30, 2001, in the omnibus appropriations act, this act is null and
17 void."

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21 On page 1, line 1 of the title, after "harassment;" strike the
22 remainder of the title and insert "amending RCW 10.14.020, 10.14.120,
23 10.14.170, and 7.21.030; reenacting and amending RCW 10.14.040; and
24 creating new sections."

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