

SENATE BILL REPORT

SB 6347

AS REPORTED BY COMMITTEE ON WAYS & MEANS, FEBRUARY 11, 1992

Brief Description: Making changes to the domestic violence statute.

SPONSORS: Senators Nelson, A. Smith, Erwin, Madsen, Rinehart, Thorsness and von Reichbauer

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6347 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Susan Carlson (786-7418)

Hearing Dates: February 5, 1992; February 7, 1992

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6347 be substituted therefor, and the second substitute bill do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, M. Kreidler, Metcalf, Murray, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, Williams, and Wojahn.

Staff: Steve Jones (786-7715)

Hearing Dates: February 10, 1992; February 11, 1992

BACKGROUND:

The Domestic Violence Task Force created by the Legislature in 1990 issued its final report in June 1991. The report included recommendations that the Legislature mandate the use of simplified form protection orders, provide additional training for professionals who deal frequently with domestic violence, and require centralized statewide collection of domestic violence incidents. The task force also recommended that mutual protection orders be prohibited absent proper legal process.

The King County Human Services Roundtable along with members of the task force and other domestic violence groups have worked together to formulate a domestic violence bill addressing some of the task force recommendations. In addition, concern has been expressed about the high rates of

violence in juvenile dating relationships and the need to make protection orders available in these circumstances.

SUMMARY:

The Legislature finds that domestic violence is a problem of immense proportions, and it is at the core of other major social problems. Domestic violence costs the state millions of dollars annually and the crisis is growing.

By January 1, 1993, the Administrator for the Courts, in consultation with interested persons, is required to prepare standard petition and order forms to be used by all courts. After April 15, 1993, these forms must be used for all petitions and orders. The administrator shall also prepare instructions and informational brochures describing the protection order process and listing community resources. The instructions and informational brochures must be translated into five specified languages.

Orders for protection may not be granted except upon filing of a petition, notice to the other party, and a scheduled hearing on the petition. For purposes of the domestic violence statutes, "family or household members" includes persons 16 years of age or older with whom a respondent 16 years of age or older has had a dating relationship. A juvenile who is 16 years of age or older may seek a protection order on his or her own behalf, but the court may appoint a guardian ad litem if it deems necessary.

Beginning January 1, 1993, all law enforcement agencies must submit records of incidents of domestic violence to the Washington Association of Sheriffs and Police Chiefs. A compilation of this data is required to be included in the annual report of crime produced by the association.

The Department of Social and Health Services, along with other agencies, is required to review and report on the current level of domestic violence education available to professions that deal with domestic violence. The analysis must include suggestions for achieving any needed additional education. The department is required to report its findings and recommendations to the House Judiciary Committee and the Senate Law and Justice committee by September 1, 1992.

EFFECT OF PROPOSED SUBSTITUTE:

The substitute provides a definition for "dating relationship," amends the appropriation in accord with the fiscal note, and makes other technical corrections to the bill.

EFFECT OF PROPOSED SECOND SUBSTITUTE:

Portions of the bill are made contingent on funding being provided in the budget act.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR (Law & Justice):

The bill implements some of the more important recommendations of the Domestic Violence Task Force, including requiring mandatory forms and prohibiting mutual protection orders without due process. Also, the bill takes an important step in addressing increasing violence in teen dating relationships by allowing persons 16 years of age or older to seek protection orders.

TESTIMONY AGAINST (Law & Justice): None

TESTIFIED (Law & Justice): PRO: Judge Laura Inveen, Seattle District Court; Mary Pontarolo, Washington State Coalition Against Domestic Violence; Nancy Ashley, Human Services Roundtable; Maia Ingram, New Beginnings; Ann Tipton, YWCA Domestic Violence

TESTIMONY FOR (Ways & Means):

The bill will help domestic violence victims receive the protection they need. Protection will be extended for the first time to teenagers. The bill will also facilitate data collection on crimes of domestic violence. The cost of the bill will be lower than indicated in the fiscal note because the new duties under the bill will overlap with existing functions.

TESTIMONY AGAINST (Ways & Means): None

TESTIFIED (Ways & Means): PRO: Mike Ryherd, King County Human Services Roundtable; Deborah Senn and Mary Pontarolo, Washington State Coalition Against Domestic Violence