

# HOUSE BILL ANALYSIS

## HB 2756

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**Title:** An act relating to domestic violence.

**Brief Description:** Changing domestic violence protection orders.

**Sponsors:** Representatives Sheahan, Costa, Lambert, Constantine, Sherstad, Kessler, Ogden, Dickerson, Conway, Cooper, Mason, Anderson, Thompson, Gardner, Wood, Morris and Ballasiotes.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Staff:** Edie Adams (786-7180).

**Background:** *A victim of domestic violence may obtain court-ordered protection under a variety of statutory schemes. Some of those schemes are civil in nature and some are criminal.*

Criminal Provisions Regarding Domestic Violence: When one family or household member is convicted of one of several designated crimes against another family or household member, the court may issue a "no-contact" order prohibiting the offender from having any contact with the victim. The court may also issue a no-contact order against an offender who is charged with or arrested for an offense involving domestic violence if the offender is released from custody. The court is not authorized to restrain the defendant from going within a specified distance of the victim.

Civil Provisions Regarding Domestic Violence: A victim may seek protection from domestic violence through domestic violence protection orders or through restraining orders in domestic relations actions.

A person who is a victim of domestic violence may petition for a domestic violence protection order even if no criminal charges are pending. The court may enter an order that excludes the respondent from the dwelling which the parties share, the residence, workplace, or school of the victim, or from the day care or school of the child. In addition, the court may restrain the respondent from having any contact with the victim or the victim's children or household members. The court is not authorized to restrain the person from going within a specified distance of the victim or the victim's children or household members; or from coming within a specified distance of a shared dwelling, residence, workplace, school or day care.

In a domestic relations case concerning dissolution of marriage, third-party custody actions, and paternity actions, the court may enter a restraining order or a domestic violence protection order. The restraining order may restrain a party from molesting or disturbing the peace of the other party or of any child; or from going onto the grounds of or entering the home, workplace, or school of the other party, or the day care or school of any child. The court is not authorized to restrain the person from acts or threats of violence; from contacting or coming within a specified distance of another party; or from coming within a specified distance of the residence, workplace, school, or day care of another party, or the day care or school of any child.

A court may also enter a restraining order in an action relating to the abuse of a child or dependent person. The order may restrain a person from molesting or disturbing the peace of the victim, entering the family home of the victim, or having any contact with the victim. The court is not specifically authorized to restrain the party from acts or threats of violence; from going onto the grounds of, or coming within a specified distance of, the school or day care of the victim; or from coming within a specified distance of the victim.

Mandatory Arrests: A police officer must arrest a person without a warrant if the officer has probable cause to believe that the person has violated a no-contact, protection, or restraining order, of which the person had knowledge, that restrains the person from acts or threats of violence, or from going onto the grounds of or entering a residence, workplace, school, or day care.

**Summary of Bill:** The restrictions that may be imposed on persons under no-contact, protection, or restraining orders are expanded.

Criminal Provisions Regarding Domestic Violence: The conditions that may be imposed by a court when a person is arrested or convicted of an offense involving domestic violence are expanded to include restraining the person from coming within a specified distance of the victim. The court is authorized to enter an order against the defendant even if the defendant is held in custody. References to "no-contact" order are removed.

Civil Provisions Regarding Domestic Violence: The conditions that may be imposed when a court enters a domestic violence protection order are expanded to include restraints on the person from coming within a specified distance of the victim; or from going onto the grounds of, entering, or coming within a specified distance of a dwelling the parties share, a residence, workplace, school, or day care.

The conditions that may be imposed when a court enters a restraining order are expanded to include restraints against acts or threats of violence; from contacting or coming within a specified distance of another party; or from coming within a

specified distance of the home, workplace, or school of the other party, or the day care or school of a child.

**Mandatory Arrests:** The mandatory arrest provision for a violation of a no-contact, protection, or restraining order is expanded to include violations of provisions restraining the person from contacting or coming within a specified distance of another person, or coming within a specified distance of a residence, workplace, school, or day care.

**Fiscal Note:** Not requested.

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

Office of Program Research