

# HOUSE BILL REPORT

## 2SHB 1041

---

---

### As Amended by the Senate

**Title:** An act relating to protection orders for unlawful harassment.

**Brief Description:** Allowing protection orders for unlawful harassment to restrain persons under the age of eighteen.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, O'Brien, Lambert, Ruderman, Woods and Hurst).

**Brief History:**

**Committee Activity:**

Juvenile Justice: 1/30/01, 2/13/01 [DPS];

Appropriations: 2/2/01, 3/8/01 [DP2S(w/o sub JJ)].

**Floor Activity:**

Passed House: 3/13/01, 93-0.

Senate Amended.

Passed Senate: 4/12/01, 47-0.

House Refused to Concur.

Senate Receded.

Senate Amended.

Passed Senate: 4/20/01, 38-0.

<p style="text-align: center;"><b>Brief Summary of Second Substitute Bill</b></p> <p>· Authorizes a parent to petition the court for a civil anti-harassment protection order restraining a person under the age of 18 from contact with his or her child.</p>
--

---

### HOUSE COMMITTEE ON JUVENILE JUSTICE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong, Darneille and Tokuda.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Carrell.

**Staff:** Jean Ann Quinn (786-7310).

---

## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Juvenile Justice. Signed by 30 members: Representatives Sehlin, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, D. Schmidt, Talcott and Tokuda.

**Staff:** Bernard Dean (786-7130).

### **Background:**

A person being unlawfully harassed by another may petition the court for a civil anti-harassment protection order. Unlawful harassment means a knowing and willful course of conduct aimed at a specific person that seriously alarms, annoys, harasses, or is detrimental to that person and serves no legitimate purpose. If the court finds, by a preponderance of the evidence, that unlawful harassment exists, the court must grant an order to the petitioner prohibiting the respondent from engaging in such harassment.

The parent or guardian of a child under the age of 18 may petition for an anti-harassment order restraining a person over the age of 18 from contact with that child upon a showing that such contact is detrimental to the welfare of the child. The statute does not authorize a parent to petition on behalf of child when the alleged harasser is 18 or under.

Any person who willfully violates a civil anti-harassment protection order is guilty of a gross misdemeanor and may be held in contempt of court.

### **Summary:**

The parent or guardian of a child under the age of 18 may petition the court for an anti-harassment protection order restraining a person of any age from contact with the child. It is not a requirement that the alleged harasser be over the age of 18. A person under the age of 18 who willfully disobeys an anti-harassment order is subject to a contempt sanction of not more than seven days detention.

The bill is null and void unless funded in the budget.

## **EFFECT OF SENATE AMENDMENT(S):**

The circumstances under which a parent may petition for a protection order restraining a person under the age of eighteen from contact with his or her child is narrowed to those instances where the person to be restrained has actually been adjudicated of an offense against the child, or is under investigation or has in the past been investigated for an offense against the child. The court must consider the severity of the offense, any continuing danger to the victim, and the difficulty that would be caused by transferring the restrained person to another school. If a protection order is issued, the court may order that the person restrained not attend the same school as the child protected by the order. The court must send notice of this restriction to the school the child attends and the school the restrained person will attend. An intent section is added. The null and void clause is deleted.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

**Testimony For:** (Juvenile Justice) This bill is addressing a problem with respect to a very specific situation. If a minor molests a child, there isn't a mechanism under current law to protect the child victim during the pre-charging phase of the criminal case because a parent is not permitted to get an anti-harassment order against a minor. The time between the assault and the criminal case can be months or years, especially when dealing with sexual assault. These kids should have the same protection as adults do in the same situation. Juvenile on juvenile assault is increasing at an alarming rate. Without this change, parents who are already going through a very traumatic experience must go through the added trauma of being unable to get protection for their kids. The bill remedies a loophole in the law and fixes a tremendous problem.

**Testimony For:** (Appropriations) This bill allows restraining orders regardless of a person's age, and it addresses a gap in current law. Currently, parents are unable to protect their children in the time between criminal investigations and when actual criminal proceedings begin, which is when a person can file for a no-contact order. This bill remedies that problem.

**Testimony Against:** (Juvenile Justice) None.

**Testimony Against:** (Appropriations) None.

**Testified:** (Juvenile Justice) Representative Ballasiotes, prime sponsor; Chris Hoehne; and Suzanne Brown, Washington Coalition of Sexual Assault Programs.

**Testified:** (Appropriations) Representative O'Brien; and Suzanne Brown, Washington Coalition of Sexual Assault Programs.