

FINAL BILL REPORT

2SHB 1041

C 260 L 01

Synopsis as Enacted

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).

House Committee on Juvenile Justice
House Committee on Appropriations
Senate Committee on Judiciary

Background:

A person who is unlawfully harassed by another may petition the court for a civil anti-harassment protection order. Unlawful harassment— is defined to mean 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 other person 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 under the age of 18 from contact with his or her child if the person to be restrained has 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. In considering the petition, the court must take into account the severity of the offense, any continuing danger to the victim, and any difficulty that may 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.

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.

Votes on Final Passage:

House 93 0
Senate 47 0 (Senate amended)
House (House refused to concur)
Senate 38 0 (Senate amended)
House 86 0 (House concurred)

Effective: July 22, 2001