

SENATE BILL REPORT

2SHB 1041

As Reported By Senate Committee On:
Judiciary, March 29, 2001

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: Judiciary: 3/20/01, 3/29/01 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Hargrove, Kastama, Long, McCaslin and Zarelli.

Staff: Lidia Mori (786-7755)

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 of Amended Bill: 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 that child. The parent or guardian may only petition for such an order when the person to be restrained has been convicted of an offense against the child or is under investigation for such an offense. 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.

Amended Bill Compared to Substitute Bill: The parent or guardian of a child under the age of 18 may petition the court for an anti-harassment order restraining a person under the age of 18 from contact with that child only in cases where the person to be restrained has been convicted of an offense against the child protected by the order or is under investigation for such an offense.

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: None.

Testimony Against: None.

Testified: No one.