
HOUSE BILL 1041

State of Washington

57th Legislature

2001 Regular Session

By Representatives Ballasiotes, O'Brien, Lambert, Ruderman, Woods and Hurst

Read first time 01/12/2001. Referred to Committee on Juvenile Justice.

1 AN ACT Relating to protection orders for unlawful harassment;
2 amending RCW 10.14.020; and reenacting and amending RCW 10.14.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 10.14.020 and 1999 c 27 s 4 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions
7 in this section apply throughout this chapter.

8 (1) "Unlawful harassment" means a knowing and willful course of
9 conduct directed at a specific person which seriously alarms,
10 annoys, harasses, or is detrimental to such person, and which
11 serves no legitimate or lawful purpose. The course of conduct shall
12 be such as would cause a reasonable person to suffer substantial
13 emotional distress, and shall actually cause substantial emotional
14 distress to the petitioner, or, when the course of conduct (~~is~~
15 ~~contact by a person over age eighteen that~~) would cause a
16 reasonable parent to fear for the well-being of their child.

17 (2) "Course of conduct" means a pattern of conduct composed of
18 a series of acts over a period of time, however short, evidencing

1 a continuity of purpose. "Course of conduct" includes, in addition
2 to any other form of communication, contact, or conduct, the
3 sending of an electronic communication. Constitutionally protected
4 activity is not included within the meaning of "course of
5 conduct."

6 **Sec. 2.** RCW 10.14.040 and 1995 c 292 s 2 and 1995 c 127 s 2 are
7 each reenacted and amended to read as follows:

8 There shall exist an action known as a petition for an order
9 for protection in cases of unlawful harassment.

10 (1) A petition for relief shall allege the existence of
11 harassment and shall be accompanied by an affidavit made under
12 oath stating the specific facts and circumstances from which
13 relief is sought.

14 (2) A petition for relief may be made regardless of whether or
15 not there is a pending lawsuit, complaint, petition, or other
16 action between the parties.

17 (3) All court clerks' offices shall make available simplified
18 forms and instructional brochures. Any assistance or information
19 provided by clerks under this section does not constitute the
20 practice of law and clerks are not responsible for incorrect
21 information contained in a petition.

22 (4) Filing fees are set in RCW 36.18.020, but no filing fee may
23 be charged for a petition filed in an existing action or under an
24 existing cause number brought under this chapter in the
25 jurisdiction where the relief is sought. Forms and instructional
26 brochures shall be provided free of charge.

27 (5) A person is not required to post a bond to obtain relief in
28 any proceeding under this section.

29 (6) The parent or guardian of a child under age eighteen may
30 petition for an order of protection to restrain a person (~~over~~
31 ~~age eighteen~~) from contact with that child upon a showing that
32 contact with the person to be enjoined is detrimental to the
33 welfare of the child.

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