

HOUSE BILL REPORT

HB 1603

As Reported by House Committee On:
Judiciary

Title: An act relating to hearings for antiharassment protection orders.

Brief Description: Revising standards for antiharassment protection order hearings.

Sponsors: Representatives Flannigan, Campbell, Fromhold, Moeller, Armstrong, Cairnes, Simpson, O'Brien and Delvin.

Brief History:

Committee Activity:

Judiciary: 2/5/04 [DPS].

Brief Summary of Substitute Bill

- Requires a petition for an antiharassment protection order to make a prima facie case of harassment before the court may set a hearing on the petition.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Edie Adams (786-7180).

Background:

A person who is the victim of unlawful harassment may petition the court for a civil antiharassment protection order. A court may grant an ex parte temporary protection order and, after a full hearing, a longer-term antiharassment protection order. Both orders require the respondent to refrain from engaging in harassment.

Unlawful harassment means a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses or is detrimental to such person and that serves no lawful purpose. The course of conduct must be such as would cause a

reasonable person to suffer substantial emotional distress and must actually cause the petitioner to suffer substantial emotional distress.

A petition for an antiharassment protection order must be accompanied by an affidavit made under oath that states the specific facts and circumstances from which relief is sought. Upon receipt of the petition for an antiharassment protection order, the court must order a hearing to be set within 14 days from the date of the order.

A person seeking an antiharassment protection order may obtain an ex parte temporary antiharassment protection order by filing an affidavit that shows reasonable proof of unlawful harassment and irreparable harm if the temporary order is not granted.

A respondent who willfully disobeys an antiharassment protection order is guilty of a gross misdemeanor. The person must know of the order in order to be guilty of the crime.

Summary of Substitute Bill:

A court may order a hearing on a petition for an anti-harassment protection order that does not allege a sex offense only if the petition alleges a prima facie case of harassment. A petition that alleges a sex offense does not need to make this prima facie showing in order for a hearing to be set.

Substitute Bill Compared to Original Bill:

The original bill required all petitions for an anti-harassment protection order to show reasonable proof of harassment before the court could set a hearing on the petition.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.

