

HOUSE BILL REPORT

HB 1296

As Passed House:
February 25, 2005

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

Brief Description: Granting the municipal courts jurisdiction for antiharassment protection orders.

Sponsors: By Representatives Lovick, Flannigan, Williams, Priest and Serben.

Brief History:

Committee Activity:

Judiciary: 2/1/05 [DP].

Floor Activity:

Passed House: 2/25/05, 95-0.

Brief Summary of Bill

- Grants municipal courts jurisdiction over actions for civil anti-harassment protection orders.
- Specifies the municipalities in which the action for an anti-harassment protection order may be brought.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Kirby, Serben, Springer and Wood.

Staff: Erik Van Hagen (786-5793).

Background:

A victim of unlawful harassment (the petitioner) may obtain a civil anti-harassment protection order if the petitioner fears violence or suffers substantial emotional distress from an unrelated person (the respondent) because the petitioner has been seriously alarmed, annoyed, or harassed by the respondent through conduct that serves no legitimate or lawful purpose. Antiharassment protection orders are separate and distinct from domestic violence protection orders, restraining orders, and domestic violence no-contact orders.

The petitioner may request that a district court grant an anti-harassment protection order against the respondent. If the court finds by a preponderance of the evidence that unlawful harassment exists, it must grant an order to the petitioner that prohibits the respondent from engaging in the harassment. A knowing violation of an anti-harassment protection order is a gross misdemeanor.

There are three types of trial courts in Washington: superior courts, district courts, and municipal courts. Each has differing levels of jurisdiction over the subject matter they have the authority to hear.

District courts have jurisdiction to grant anti-harassment protection orders, and superior courts have concurrent jurisdiction when a case is transferred from a district court. A transfer to superior court is required when the respondent is under eighteen years of age. In addition, the district court may transfer an action for an anti-harassment protection order to a superior court when a district court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer. Municipal courts lack statutory jurisdiction over actions for anti-harassment protection orders.

Summary of Bill:

Municipal courts may opt to exercise jurisdiction over actions for anti-harassment protection orders. A municipal court may adopt procedures to hear such protection orders through a local court rule. The municipal court must transfer the case to superior court when the respondent is under age eighteen. The action may be brought in the municipality where the harassment occurred, where any respondent resides, or where a respondent may be served if it is the same county or judicial district where a respondent resides.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill will provide greater access to individuals seeking anti-harassment protection orders as there are more municipal courts than district courts. The bill will also ease the workload of district courts. There is a public benefit to having municipal courts grant anti-harassment protection orders as citizens will not have to travel long distances to the county seat to obtain an order. The bill preserves the local option for municipal courts to exercise discretion as to whether they have sufficient resources to permit municipal courts to exercise jurisdiction over anti-harassment protection orders.

Testimony Against: None.

Persons Testifying: (In support) Representative Lovick, prime sponsor; Judge Marilyn Paja, Washington District and Municipal Court Judges' Association; and Tammy Fellin, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.