

FINAL BILL REPORT

HB 1294

C 144 L 05

Synopsis as Enacted

Brief Description: Revising standards for antiharassment protection order hearings.

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

House Committee on Judiciary
Senate Committee on Judiciary

Background:

A person who is the victim of unlawful harassment may petition the court for a civil anti-harassment protection order against the alleged harasser. Unlawful harassment means a willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person and that has no legitimate purpose. The course of conduct must be of a type that would cause a reasonable person to suffer substantial emotional distress and must actually cause the petitioner to suffer substantial emotional distress.

A court may grant an ex parte temporary anti-harassment protection order and, after a full hearing, a longer-term anti-harassment protection order. Both orders require the respondent to refrain from engaging in harassment and may include provisions prohibiting the respondent from contacting the petitioner or from going within a certain distance of the petitioner's home or workplace. A respondent who knows of and willfully disobeys an anti-harassment protection order is guilty of a gross misdemeanor.

A petition for an anti-harassment protection order must be accompanied by an affidavit that states the specific facts and circumstances of the alleged harassment. The court must order a hearing within 14 days upon receipt of the petition for an anti-harassment protection order.

If the petitioner seeks an ex parte temporary anti-harassment protection order, the petitioner must file an affidavit that shows reasonable proof of unlawful harassment and irreparable harm if the temporary order is not granted.

Summary:

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 shows 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 the court to set a hearing on the petition.

Votes on Final Passage:

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| House | 98 | 0 |
| Senate | 45 | 0 |

Effective: July 24, 2005