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**Judiciary Committee**

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**HB 1294**

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

**Brief Description:** Revising standards for antiharassment protection order hearings.

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

**Brief Summary of Bill**

- Requires a petition for an antiharassment protection order that does not allege a sex offense to make a prima facie case of harassment before the court may set a hearing on the petition.

**Hearing Date:** 2/1/05

**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 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 antiharassment protection order and, after a full hearing, a longer-term antiharassment 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 antiharassment protection order is guilty of a gross misdemeanor.

A petition for an antiharassment 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 antiharassment protection order.

If the petitioner seeks an ex-parte temporary antiharassment 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 of Bill:**

A court may order a hearing on a petition for an antiharassment 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 the court to set a hearing on the petition.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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