

SENATE BILL REPORT

HB 1294

As Reported By Senate Committee On:
Judiciary, March 30, 2005

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 History: Passed House: 3/08/05, 98-0.

Committee Activity: Judiciary: 3/23/05, 3/30/05 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin and Rasmussen.

Staff: Cindy Fazio (786-7405)

Background: Unlawful harassment is a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to the person, and which serves no legitimate or lawful purpose. The course of conduct would cause a reasonable person to suffer substantial emotional distress, and does cause the petitioner to suffer substantial emotional distress. The laws for obtaining protection from this behavior are intended to be a speedy and inexpensive way to obtain civil antiharassment protection orders that prevent all further unwanted contact.

Summary of Bill: A petitioner for an antiharassment protection order, in addition to filing the petition, must file an affidavit stating specific facts and circumstances of the harassment; unless the alleged harassment involves a sex offense(s). If sex offenses are alleged, the petitioner need not file the affidavit with specific facts and circumstances of the harassment. In both cases, the court must order a hearing no later than fourteen days from the date of the antiharassment protection order.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This legislation clarifies the law about the requirement for a foundation showing of harassment before a hearing is ordered. Judges can make a determination about

the sufficiency of meeting this requirement without having to schedule a hearing just for that purpose

Testimony Against: None.

Who Testified: PRO: Representative Brendan Williams, prime sponsor; Judge Stephen Holman, District and Municipal Court Judges Association.