

SENATE BILL REPORT

HB 1296

As Reported By Senate Committee On:
Judiciary, March 31, 2005

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

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

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

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

Committee Activity: Judiciary: 3/30/05, 3/31/05 [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, Rasmussen and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: Currently, municipal courts have jurisdiction to hear a criminal action brought under RCW 10.14.120 or RCW 10.14.170 for violation of a civil anti-harassment protection order. However, municipal courts do not have authority to issue civil anti-harassment orders.

Proponents of this legislation believe allowing municipal courts to exercise jurisdiction and cognizance of civil anti-harassment protection orders will increase access to justice.

Under current law, a petitioner may request that a district court grant an anti-harassment protection order against a 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.

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.

Committee/Commission/Task Force Created: No.

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

Testimony For: None.

Testimony Against: None.

Who Testified: No one.