

SENATE BILL REPORT

SB 5209

As of January 31, 2005

Title: An act relating to antiharassment protection orders.

Brief Description: Making the third violation of antiharassment protection order a class C felony.

Sponsors: Senators Hargrove, McAuliffe, Rasmussen and Oke.

Brief History:

Committee Activity: Judiciary: 2/2/05.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: A person commits a class C felony when he or she violates an order issued under RCW 26.50 (domestic violence protection order), 10.99 (no-contact order), 26.09 (restraining order), 26.10 (restraining order), 26.26 (restraining order), or 74.34 (order for protection of a vulnerable adult) and he or she has at least two previous convictions for violating the provisions of a protection order, restraining order, or no contact order. There is concern that no matter how many prior convictions a defendant may have for violating an anti-harassment order, the defendant can only be charged with a gross misdemeanor. A civil anti-harassment order may restrain a person from making any attempts to contact the petitioner or keep that person under surveillance, require the person restrained to stay a certain distance from the petitioner's residence and workplace, and possibly require the person restrained to surrender any firearm or dangerous weapon and not obtain or possess a firearm or dangerous weapon.

Summary of Bill: A third violation of a civil anti-harassment protection order is a class C felony. The first two convictions may involve the same victim or other victims that are specifically protected by the anti-harassment orders the offender violated.

Appropriation: None.

Fiscal Note: Requested on January 31, 2005.

Committee/Commission/Task Force Created: No.

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

Testimony For: If a person is aware that he or she is restrained from coming onto someone's property as a result of some sort of restraining order or anti-harassment order and that person violates the order, that person should be liable for the violation even if he or she was invited. In one example, the person restrained was a repeat offender and there were numerous restraining orders against him. This person killed people's pets, shot a gun that narrowly

missed a child, attempted to sell a person's credit card information, and has sued many people as a means of harassment. These repeated violations of anti-harassment orders need to be taken more seriously so that the offender, on the third offense, is subject to a class C felony.

Testimony Against: None.

Who Testified: PRO: Sally K. Thomas.