

SHB 2836 - S COMM AMD
By Committee on Judiciary

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 26.50.060 and 2000 c 119 s 15 are each amended to
4 read as follows:

5 (1) Upon notice and after hearing, the court may provide relief as
6 follows:

7 (a) Restrain the respondent from committing acts of domestic
8 violence;

9 (b) Exclude the respondent from the dwelling that the parties
10 share, from the residence, workplace, or school of the petitioner, or
11 from the day care or school of a child;

12 (c) Prohibit the respondent from knowingly coming within, or
13 knowingly remaining within, a specified distance from a specified
14 location;

15 (d) On the same basis as is provided in chapter 26.09 RCW, the
16 court shall make residential provision with regard to minor children of
17 the parties. However, parenting plans as specified in chapter 26.09
18 RCW shall not be required under this chapter;

19 (e) Order the respondent to participate in a domestic violence
20 perpetrator treatment program approved under RCW 26.50.150;

21 (f) Order other relief as it deems necessary for the protection of
22 the petitioner and other family or household members sought to be
23 protected, including orders or directives to a peace officer, as
24 allowed under this chapter;

25 (g) Require the respondent to pay the administrative court costs
26 and service fees, as established by the county or municipality
27 incurring the expense and to reimburse the petitioner for costs
28 incurred in bringing the action, including reasonable attorneys' fees;

29 (h) Restrain the respondent from having any contact with the victim

1 of domestic violence or the victim's children or members of the
2 victim's household;

3 (i) Require the respondent to submit to electronic monitoring. The
4 order shall specify who shall provide the electronic monitoring
5 services and the terms under which the monitoring must be performed.
6 The order also may include a requirement that the respondent pay the
7 costs of the monitoring. The court shall consider the ability of the
8 respondent to pay for electronic monitoring;

9 (j) Consider the provisions of RCW 9.41.800;

10 (k) Order possession and use of essential personal effects. The
11 court shall list the essential personal effects with sufficient
12 specificity to make it clear which property is included. Personal
13 effects may include pets. The court may order that a petitioner be
14 granted the exclusive custody or control of any pet owned or possessed
15 by the petitioner, respondent, or a minor child residing with either
16 the petitioner or the respondent and may prohibit the respondent from
17 knowingly coming within, or knowingly remaining within, a specified
18 distance of specified locations where the pet is regularly found; and

19 (1) Order use of a vehicle.

20 (2) If a protection order restrains the respondent from contacting
21 the respondent's minor children the restraint shall be for a fixed
22 period not to exceed one year. This limitation is not applicable to
23 orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW.
24 With regard to other relief, if the petitioner has petitioned for
25 relief on his or her own behalf or on behalf of the petitioner's family
26 or household members or minor children, and the court finds that the
27 respondent is likely to resume acts of domestic violence against the
28 petitioner or the petitioner's family or household members or minor
29 children when the order expires, the court may either grant relief for
30 a fixed period or enter a permanent order of protection.

31 If the petitioner has petitioned for relief on behalf of the
32 respondent's minor children, the court shall advise the petitioner that
33 if the petitioner wants to continue protection for a period beyond one
34 year the petitioner may either petition for renewal pursuant to the
35 provisions of this chapter or may seek relief pursuant to the
36 provisions of chapter 26.09 or 26.26 RCW.

37 (3) If the court grants an order for a fixed time period, the
38 petitioner may apply for renewal of the order by filing a petition for

1 renewal at any time within the three months before the order expires.
2 The petition for renewal shall state the reasons why the petitioner
3 seeks to renew the protection order. Upon receipt of the petition for
4 renewal the court shall order a hearing which shall be not later than
5 fourteen days from the date of the order. Except as provided in RCW
6 26.50.085, personal service shall be made on the respondent not less
7 than five days before the hearing. If timely service cannot be made
8 the court shall set a new hearing date and shall either require
9 additional attempts at obtaining personal service or permit service by
10 publication as provided in RCW 26.50.085 or by mail as provided in RCW
11 26.50.123. If the court permits service by publication or mail, the
12 court shall set the new hearing date not later than twenty-four days
13 from the date of the order. If the order expires because timely
14 service cannot be made the court shall grant an ex parte order of
15 protection as provided in RCW 26.50.070. The court shall grant the
16 petition for renewal unless the respondent proves by a preponderance of
17 the evidence that the respondent will not resume acts of domestic
18 violence against the petitioner or the petitioner's children or family
19 or household members when the order expires. The court may renew the
20 protection order for another fixed time period or may enter a permanent
21 order as provided in this section. The court may award court costs,
22 service fees, and reasonable attorneys' fees as provided in subsection
23 (1)((+f+)) (g) of this section.

24 (4) In providing relief under this chapter, the court may realign
25 the designation of the parties as "petitioner" and "respondent" where
26 the court finds that the original petitioner is the abuser and the
27 original respondent is the victim of domestic violence and may issue an
28 ex parte temporary order for protection in accordance with RCW
29 26.50.070 on behalf of the victim until the victim is able to prepare
30 a petition for an order for protection in accordance with RCW
31 26.50.030.

32 (5) Except as provided in subsection (4) of this section, no order
33 for protection shall grant relief to any party except upon notice to
34 the respondent and hearing pursuant to a petition or counter-petition
35 filed and served by the party seeking relief in accordance with RCW
36 26.50.050.

37 (6) The court order shall specify the date the order expires if
38 any. The court order shall also state whether the court issued the

1 protection order following personal service, service by publication, or
2 service by mail and whether the court has approved service by
3 publication or mail of an order issued under this section.

4 (7) If the court declines to issue an order for protection or
5 declines to renew an order for protection, the court shall state in
6 writing on the order the particular reasons for the court's denial.

7 **Sec. 2.** RCW 26.50.110 and 2007 c 173 s 2 are each amended to read
8 as follows:

9 (1)(a) Whenever an order is granted under this chapter, chapter
10 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid
11 foreign protection order as defined in RCW 26.52.020, and the
12 respondent or person to be restrained knows of the order, a violation
13 of any of the following provisions of the order is a gross misdemeanor,
14 except as provided in subsections (4) and (5) of this section:

15 (i) The restraint provisions prohibiting acts or threats of
16 violence against, or stalking of, a protected party, or restraint
17 provisions prohibiting contact with a protected party;

18 (ii) A provision excluding the person from a residence, workplace,
19 school, or day care;

20 (iii) A provision prohibiting a person from knowingly coming
21 within, or knowingly remaining within, a specified distance of a
22 location; (~~(e)~~)

23 (iv) A provision prohibiting acts of violence against, or the
24 harming of, or interfering with the petitioner's efforts to remove, a
25 protected animal owned, possessed, leased, kept, or held by the
26 petitioner or respondent or minor child residing with either the
27 petitioner or respondent; or

28 (v) A provision of a foreign protection order specifically
29 indicating that a violation will be a crime.

30 (b) Upon conviction, and in addition to any other penalties
31 provided by law, the court may require that the respondent submit to
32 electronic monitoring. The court shall specify who shall provide the
33 electronic monitoring services, and the terms under which the
34 monitoring shall be performed. The order also may include a
35 requirement that the respondent pay the costs of the monitoring. The
36 court shall consider the ability of the convicted person to pay for
37 electronic monitoring.

1 (2) A peace officer shall arrest without a warrant and take into
2 custody a person whom the peace officer has probable cause to believe
3 has violated an order issued under this chapter, chapter 7.90, 10.99,
4 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order
5 as defined in RCW 26.52.020, that restrains the person or excludes the
6 person from a residence, workplace, school, or day care, or prohibits
7 the person from knowingly coming within, or knowingly remaining within,
8 a specified distance of a location, if the person restrained knows of
9 the order. Presence of the order in the law enforcement computer-based
10 criminal intelligence information system is not the only means of
11 establishing knowledge of the order.

12 (3) A violation of an order issued under this chapter, chapter
13 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign
14 protection order as defined in RCW 26.52.020, shall also constitute
15 contempt of court, and is subject to the penalties prescribed by law.

16 (4) Any assault that is a violation of an order issued under this
17 chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of
18 a valid foreign protection order as defined in RCW 26.52.020, and that
19 does not amount to assault in the first or second degree under RCW
20 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in
21 violation of such an order that is reckless and creates a substantial
22 risk of death or serious physical injury to another person is a class
23 C felony.

24 (5) A violation of a court order issued under this chapter, chapter
25 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign
26 protection order as defined in RCW 26.52.020, is a class C felony if
27 the offender has at least two previous convictions for violating the
28 provisions of an order issued under this chapter, chapter 7.90, 10.99,
29 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order
30 as defined in RCW 26.52.020. The previous convictions may involve the
31 same victim or other victims specifically protected by the orders the
32 offender violated.

33 (6) Upon the filing of an affidavit by the petitioner or any peace
34 officer alleging that the respondent has violated an order granted
35 under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34
36 RCW, or a valid foreign protection order as defined in RCW 26.52.020,
37 the court may issue an order to the respondent, requiring the
38 respondent to appear and show cause within fourteen days why the

1 respondent should not be found in contempt of court and punished
2 accordingly. The hearing may be held in the court of any county or
3 municipality in which the petitioner or respondent temporarily or
4 permanently resides at the time of the alleged violation."

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5 On page 1, line 2 of the title, after "violence;" strike the
6 remainder of the title and insert "and amending RCW 26.50.060 and
7 26.50.110."

EFFECT: The restrictive language is made more precise. Instead
of the court ordering the respondent to "stay away from the animal,"
the respondent is prohibited from doing specific acts such as
concealing or striking the animal.

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