

SENATE BILL REPORT

SHB 2836

As Reported By Senate Committee On:
Judiciary, February 29, 2008

Title: An act relating to protecting animals from perpetrators of domestic violence.

Brief Description: Protecting animals from perpetrators of domestic violence.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Williams, Dickerson, Upthegrove, Rodne, Simpson, Dunshee, Morrell, Haigh and Ormsby).

Brief History: Passed House: 2/15/08, 94-0.

Committee Activity: Judiciary: 2/20/08, 2/29/08 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, McDermott, Roach and Weinstein.

Staff: Lidia Mori (786-7755)

Background: Domestic violence protection orders are civil orders available when there has been domestic violence committed between one family or household member against another. When issuing an order, the court has discretion to order appropriate relief. Domestic violence protection orders may include provisions: (1) restraining the respondent from committing acts of domestic violence or having any contact with the petitioner or the petitioner's children; (2) excluding the respondent from the residence, workplace, or school of the petitioner, or from the day care or school of a child; (3) prohibiting the respondent from knowingly coming within a certain distance of a specific location; (4) ordering that the petitioner have access to essential personal effects and the use of a vehicle; and (5) providing any other relief as the court deems necessary for the protection of the petitioner and other family or household members.

Depending on the circumstances, a violation of a domestic violence protection order can constitute contempt of court, a gross misdemeanor, or a felony. It is a gross misdemeanor when a person knows of the order and the person violates the restraint provisions of the order prohibiting acts or threats of violence against, or stalking of, a protected party, or violates the restraint provisions prohibiting contact with a protected party. A violation of a protection order becomes a class C felony if the offender has at least two previous convictions for violating the provisions of an order. If a law enforcement officer has probable cause to

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believe that a person knew of the domestic violence protection order and violated a restraint provision in the order, the officer must arrest the person.

Summary of Bill (Recommended Amendments): When issuing a domestic violence protection order, a court may order the possession and use of essential personal effects, including pets. The court may order that the petitioner be granted exclusive custody or control of any pet owned or possessed by the petitioner, respondent, or a minor child residing with either. The court may prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found. It is a gross misdemeanor to violate a provision in a protection order that prohibits acts of violence against, or the harming of, or interfering with the petitioner's efforts to remove a protected animal owned, possessed, leased, kept, or held by the petitioner or respondent or minor child residing with either.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Amendments): At a hearing for an order for protection, the court may order the possession and use of essential personal effects, including pets. The court may order that a petitioner be granted the custody or control of any pet owned or possessed by the petitioner, respondent, or a minor child residing with either. The court may prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found. When a protection order is granted and the person to be restrained knows of the order, it is a gross misdemeanor to violate a provision in the order prohibiting acts of violence against, or the harming of, or interfering with the petitioner's efforts to remove a protected animal owned, possessed, leased, kept, or held by the petitioner or respondent or minor child residing with either.

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.

Staff Summary of Public Testimony on Substitute Bill: PRO: Criminal deviancy towards people often starts with criminal deviancy towards animals. The animal is used to exert leverage over a victim and often it serves to keep the victim in a vulnerable and abusive situation. This bill is an effort to make it clear to the court that it has the authority to protect the animal in a protective order. It is shocking how common this situation is. Fifteen other states have provisions in law that are similar to what is contained in this bill.

CON: This bill is overboard.

Persons Testifying: PRO: Representative Williams, prime sponsor; Lyn Johnson; Seth Dawson, Washington State Association of Children's Advocacy; Grace Huang, Washington State Coalition Against Domestic Violence.

CON: Kim Gordon, Washington Criminal Defense Lawyers, Washington Defender Association.