
SUBSTITUTE HOUSE BILL 1555

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Williams, Rodne, Lantz, Chase and Ericks)

READ FIRST TIME 02/02/07.

1 AN ACT Relating to sexual assault protection orders; and amending
2 RCW 7.90.005, 7.90.030, and 7.90.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 7.90.005 and 2006 c 138 s 1 are each amended to read
5 as follows:

6 Sexual assault is the most heinous crime against another person
7 short of murder. Sexual assault inflicts humiliation, degradation, and
8 terror on victims. According to the FBI, a woman is raped every six
9 minutes in the United States. Rape is recognized as the most
10 underreported crime; estimates suggest that only one in seven rapes is
11 reported to authorities. Victims who do not report the crime still
12 desire safety and protection from future interactions with the
13 offender. Some cases in which the rape is reported are not prosecuted.
14 In these situations, the victim should be able to seek a civil remedy
15 requiring that the offender stay away from the victim. It is the
16 intent of the legislature that the sexual assault protection order
17 created by this chapter be a remedy for victims who do not qualify for
18 a domestic violence order of protection.

1 **Sec. 2.** RCW 7.90.030 and 2006 c 138 s 3 are each amended to read
2 as follows:

3 (1) A petition for a sexual assault protection order may be filed
4 by a person:

5 ~~((1))~~ (a) Who does not qualify for a protection order under
6 chapter 26.50 RCW and who is a victim of nonconsensual sexual conduct
7 or nonconsensual sexual penetration, including a single incident of
8 nonconsensual sexual conduct or nonconsensual sexual penetration; or

9 ~~((2))~~ (b) On behalf of any of the following persons who is a
10 victim of nonconsensual sexual conduct or nonconsensual sexual
11 penetration and who does not qualify for a protection order under
12 chapter 26.50 RCW:

13 ~~((a))~~ (i) A minor child;

14 ~~((b))~~ (ii) A vulnerable adult as defined in RCW 74.34.020 or
15 74.34.021; or

16 ~~((c))~~ (iii) Any other adult who, because of age, disability,
17 health, or inaccessibility, cannot file the petition.

18 **Sec. 3.** RCW 7.90.110 and 2006 c 138 s 12 are each amended to read
19 as follows:

20 (1) An ex parte temporary sexual assault protection order shall
21 issue if the petitioner satisfies the requirements of this subsection
22 by a preponderance of the evidence. The petitioner shall establish
23 that:

24 (a) The petitioner has been a victim of nonconsensual sexual
25 conduct or nonconsensual sexual penetration by the respondent; and

26 (b) There is good cause to grant the remedy, regardless of the lack
27 of prior service of process or of notice upon the respondent, because
28 the harm which that remedy is intended to prevent would be likely to
29 occur if the respondent were given any prior notice, or greater notice
30 than was actually given, of the petitioner's efforts to obtain judicial
31 relief.

32 (2) If the respondent appears in court for this hearing for an ex
33 parte temporary order, he or she may elect to file a general appearance
34 and testify. Any resulting order may be an ex parte temporary order,
35 governed by this section.

36 (3) If the court declines to issue an ex parte temporary sexual

1 assault protection order, the court shall state the particular reasons
2 for the court's denial. The court's denial of a motion for an ex parte
3 (~~(temporary)~~) temporary order shall be filed with the court.

4 (4) A knowing violation of a court order issued under this section
5 is punishable under RCW 26.50.110.

--- END ---