
HOUSE BILL 1555

State of Washington 60th Legislature 2007 Regular Session

By Representatives Williams, Rodne, Lantz, Chase and Ericks

Read first time 01/22/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to sexual assault protection orders; and amending
2 RCW 7.90.005, 7.90.030, 7.90.110, 7.90.130, and 7.90.140.

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)~~) (3) A knowing violation of a court order issued under this
5 section is punishable under RCW 26.50.110.

6 **Sec. 4.** RCW 7.90.130 and 2006 c 138 s 14 are each amended to read
7 as follows:

8 (1) Any sexual assault protection order shall describe each remedy
9 granted by the court, in reasonable detail and not by reference to any
10 other document, so that the respondent may clearly understand what he
11 or she must do or refrain from doing.

12 (2) A sexual assault protection order shall further state the
13 following:

14 (a) The name of each petitioner that the court finds was the victim
15 of nonconsensual sexual conduct or nonconsensual sexual penetration by
16 the respondent;

17 (b) The date and time the sexual assault protection order was
18 issued, whether it is an ex parte temporary or final order, and the
19 duration of the order;

20 (c) The date, time, and place for any scheduled hearing for renewal
21 of that sexual assault protection order or for another order of greater
22 duration or scope;

23 (d) For each remedy in an ex parte temporary sexual assault
24 protection order, the reason for entering that remedy without prior
25 notice to the respondent or greater notice than was actually given(~~(+~~

26 ~~(e) For ex parte temporary sexual assault protection orders, that~~
27 ~~the respondent may petition the court, to reopen the order if he or she~~
28 ~~did not receive actual prior notice of the hearing and if the~~
29 ~~respondent alleges that he or she had a meritorious defense to the~~
30 ~~order or that the order or its remedy is not authorized by this~~
31 ~~chapter)).~~

32 (3) A sexual assault protection order shall include the following
33 notice, printed in conspicuous type: "A knowing violation of this
34 sexual assault protection order is a criminal offense under chapter
35 26.50 RCW and will subject a violator to arrest. You can be arrested
36 even if any person protected by the order invites or allows you to

1 violate the order's prohibitions. You have the sole responsibility to
2 avoid or refrain from violating the order's provisions. Only the court
3 can change the order."

4 **Sec. 5.** RCW 7.90.140 and 2006 c 138 s 15 are each amended to read
5 as follows:

6 (1) An order issued under this chapter shall be personally served
7 upon the respondent, except as provided in subsection (6) of this
8 section.

9 (2) The sheriff of the county or the peace officers of the
10 municipality in which the respondent resides shall serve the respondent
11 personally unless the petitioner elects to have the respondent served
12 by a private party.

13 (3) If service by a sheriff or municipal peace officer is to be
14 used, the clerk of the court shall have a copy of any order issued
15 under this chapter forwarded on or before the next judicial day to the
16 appropriate law enforcement agency specified in the order for service
17 upon the respondent. Service of an order issued under this chapter
18 shall take precedence over the service of other documents unless they
19 are of a similar emergency nature.

20 (4) If the sheriff or municipal peace officer cannot complete
21 service upon the respondent within ten days, the sheriff or municipal
22 peace officer shall notify the petitioner. The petitioner shall
23 provide information sufficient to permit notification.

24 (5) Returns of service under this chapter shall be made in
25 accordance with the applicable court rules.

26 (6) If an order entered by the court recites that the respondent
27 appeared in person before the court, the necessity for further service
28 is waived and proof of service of that order is not necessary.

29 (7) No fees for filing or service of process may be charged by a
30 public agency to petitioners seeking relief under this chapter.

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