

SENATE BILL REPORT

HB 1148

As Reported by Senate Committee On:
Judiciary, March 25, 2009

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

Brief Description: Protecting animals from perpetrators of domestic violence.

Sponsors: Representatives Williams, Rodne, Simpson, Upthegrove, Haigh, Nelson, Rolfes, Sullivan, Hunt, Liias, Chase, Moeller, Goodman, Ormsby, Hurst, Kenney, Kirby, Eddy, Conway, Pedersen, Dunshee, Dickerson, Hasegawa, Sells, Appleton, Campbell and Herrera.

Brief History: Passed House: 2/23/09, 95-2.

Committee Activity: Judiciary: 3/20/09, 3/25/09 [DPA, w/oRec].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Regala, Vice Chair; Hargrove, Kohl-Welles and Tom.

Minority Report: That it be referred without recommendation.

Signed by Senators Carrell and Roach.

Staff: Kim Johnson (786-7472)

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 the following 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 (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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Amendments): When a court orders that the petitioner have possession and use of essential personal effects, "personal effects" may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned or possessed by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent. The court may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also 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 if the person subject to a protection order knows of the order and violates a provision that prohibits the person from interfering with the petitioner's efforts to remove a pet.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Amendments): Changes are made to provide for consistency between the kind of conduct the court is authorized to prohibit in a protection order regarding pets, and the kind of conduct that violates the order and is defined as a gross misdemeanor. Specifically, when a court has granted custody of a pet to a petitioner in a protection order, the order may also include a provision prohibiting a respondent from interfering with a petitioner's effort to remove the pet. The amendment removes the provision that criminalized the violation of a protection order when a respondent commits acts of violence or harm against a pet.

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 Original Bill: PRO: This bill was heard last year. This bill is really about protecting domestic violence victims from the perpetrators of that violence. Pets are often used as tools of manipulation against a victim through actual harm or threats of harm to the animal. There is scientific evidence that persons who injure animals often move on to injure human beings. Amongst all the personal effects that can be removed and protected under a domestic violence protective order, pets are not specifically listed. Advocates of the survivors have indicated that they may have an amendment and I support it.

We often hear from our programs that a victim is afraid to leave a situation because of the uncertainty of what will happen to their pet. Perpetrators of domestic violence know this and use it against their victims. Also, some courts seem to think that they do not have the authority to include pets under current law, so this would clarify for the courts that pets may be included in a protection order. We would like the committee to consider an amendment to provide consistency between the substance of the protection order and the penalty for conduct violating the order.

Our organization provides help to animals in Thurston County. We wanted to just give the committee some examples of how pets are abused in domestic violence situations. One case

we recently had was a woman who called us to ask if we could help pay for the vet bills for her dog. Her husband had stabbed the dog. In another case many of you have seen in news recently, a man killed his wife and daughters with an axe, and it turns out he had also attacked the family's animals.

Persons Testifying: PRO: Representative Williams, prime sponsor; Grace Huang, Washington State Coalition Against Domestic Violence; Donna Snow, Concern for Animals.