
Judiciary Committee

HB 1180

Title: An act relating to expanding the protections for victims of stalking and harassment in antiharassment protection orders.

Brief Description: Expanding the protections for victims of stalking and harassment in antiharassment protection orders.

Sponsors: Representatives Goodman, Pedersen, Roberts, Maxwell, Kenney, Orwall, Rolfes, Liias, Kelley, Hurst, Frockt, Fitzgibbon, Upthegrove, Ladenburg, Stanford, Dickerson and Jinkins.

Brief Summary of Bill

- Allows courts to require respondents to civil anti-harassment protection orders to submit to electronic monitoring.
- Requires the courts to designate a civil anti-harassment protection order as based on stalking when unlawful harassment by a respondent constitutes stalking.
- Requires mandatory arrests for violations of civil anti-harassment protection orders based on stalking.

Hearing Date: 1/31/11

Staff: Kelly Pfundheller (786-7289).

Background:

Civil Anti-Harassment Protection Orders.

A person who is the victim of unlawful harassment may petition the court for a civil anti-harassment protection order against the alleged harasser (the respondent). Unlawful harassment means a willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person and that has no legitimate purpose. The course of conduct must be of a type that would cause a reasonable person to suffer substantial emotional distress and must actually

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cause the petitioner to suffer substantial emotional distress.

A court may grant an ex parte temporary anti-harassment protection order and, after a full hearing, a long-term anti-harassment protection order. Both orders require the respondent to refrain from engaging in harassment and may include provisions prohibiting the respondent from contacting the petitioner or from going within a certain distance of the petitioner's home or workplace. A respondent who knows of and willfully disobeys a civil anti-harassment protection order is guilty of a gross misdemeanor.

Arrests.

A law enforcement officer may arrest and take into custody a person without a warrant when the officer has probable cause to believe that the person has violated a civil anti-harassment protection order.

Stalking.

A person commits the crime of stalking if he or she intentionally and repeatedly harasses or repeatedly follows another person, which places the person in fear that the stalker intends to injure them, another person, or their property. The stalker must know or reasonably should know that the person is afraid, intimidated or harassed even if the stalker does not intend to place the person in fear or intimidate or harass the person.

Summary of Bill:

Civil Anti-Harassment Protection Orders.

In granting an ex parte temporary anti-harassment protection order or a civil anti-harassment protection order, the court may require a respondent to submit to electronic monitoring. The order must specify who shall provide the monitoring services and the terms under which the monitoring must be performed. The court may order the respondent to pay the costs of the monitoring as long as the respondent's ability to pay is considered.

If the court finds that a respondent has engaged in unlawful harassment constituting stalking, as defined in the criminal code, the court must designate the civil anti-harassment protection order as based on stalking. The court must enter written findings and notify the respondent of the nature of the order, the mandatory arrest requirement, the criminal penalties for violations, and that the court has the authority to modify or terminate the order.

The Administrative Office of the Courts must develop a new pattern form for civil anti-harassment protection orders based on acts of stalking. When the court issues an anti-harassment protection order based on stalking, the order must comply with the pattern form.

Mandatory Arrests.

A law enforcement officer must arrest and take into custody a person without a warrant when the officer has probable cause to believe that the person has violated a civil anti-harassment protection order based on stalking.

Appropriation: None.

Fiscal Note: Requested on 1/25/2011.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.