

# FINAL BILL REPORT

## SHB 1316

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Synopsis as Enacted

**Brief Description:** Allowing for an arrest without a warrant when a police officer has probable cause to believe a person has violated certain temporary protection orders.

**Sponsors:** House Committee on Judiciary (originally sponsored by Representatives Stambaugh, Jinkins, Nealey, Hurst, Kilduff, Reykdal, Wilson and Sawyer).

**House Committee on Judiciary**  
**Senate Committee on Law & Justice**

### **Background:**

#### Protective Orders.

A person may file a petition asking a judge to grant an order to protect him or her from another person whose behavior is abusive, threatening, exploitive, or seriously alarming. There are multiple types of protection orders, each intended for specific situations. These include domestic violence protection orders, antiharrassment protection orders, sexual assault protection orders, and vulnerable adult protection orders.

A vulnerable adult, or an interested person on behalf of a vulnerable adult, may bring a petition for an order for protection of a vulnerable adult in cases of abandonment, abuse, financial exploitation, or neglect.

A petitioner may seek a temporary protection order without notice to the respondent in order to protect the petitioner until a hearing on the petition is held. The court may grant a temporary protection order for a vulnerable adult when it appears that the respondent is committing, or is threatening, to abandon, abuse, exploit, or neglect the vulnerable adult.

#### Mandatory Arrests.

A peace officer must arrest without a warrant and take into custody individuals who the officer has probable cause to believe has violated certain provisions of a protective order or temporary protective order issued relating to domestic violence, stalking, sexual assault, legal separation, or child custody. Mandatory arrests relating to vulnerable adult protection orders are only for violations of a protection order, not a temporary protection order. Provisions that require arrest include those that restrain a person, exclude the person from a residence, workplace, school, or day care, or prohibit the person from knowingly coming within, or

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knowingly remaining within, a specified distance of a location, if the person restrained knows of the order.

**Summary:**

A peace officer must arrest without a warrant and take into custody any person the officer has a probable cause to believe has violated certain provisions of temporary protection orders regarding the abuse of vulnerable adults. Provisions that require arrest for a violation of such temporary protection orders include those that restrain a person, exclude the person from a residence, workplace, school, or day care, or prohibit the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order.

Violating certain provisions of temporary protection orders regarding the abuse of vulnerable adults is a gross misdemeanor. The provisions for which a violation would be considered a gross misdemeanor are: (1) restraint provisions prohibiting acts or threats of violence or stalking; (2) provisions excluding the person from a residence, workplace, school, or day care; (3) provisions prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location; (4) provisions prohibiting interfering with the protected party's efforts to remove a pet; and (5) provisions of a foreign protection order specifically indicating that a violation is a crime.

**Votes on Final Passage:**

House	97	0	
Senate	49	0	(Senate amended)
House			(House refused to concur)
Senate	48	0	(Senate receded)

**Effective:** July 24, 2015