

HOUSE BILL REPORT

SHB 1316

As Passed Legislature

Title: An act relating to violations of a temporary protection order.

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).

Brief History:

Committee Activity:

Judiciary: 1/27/15, 2/5/15 [DPS].

Floor Activity:

Passed House: 3/2/15, 97-0.

Senate Amended.

Passed Senate: 4/8/15, 49-0.

House Refused to Concur.

Senate Receded.

Passed Senate: 4/21/15, 48-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Requires peace officers to arrest without a warrant any person the officer believes has violated certain provisions of a temporary order of protection regarding the abuse of a vulnerable adult.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

Staff: Brent Campbell (786-7152).

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.

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

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

Mandatory Arrests.

Peace officers are required to 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, child custody. Mandatory arrests relating to vulnerable adult protection orders are only for violations of a protection order, not a temporary protection order. Provisions which require arrest include those that restrain a person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order.

Summary of Substitute Bill:

Peace officers are required to 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 which require arrest for a violation of such temporary protection orders include those that restrain a person or excludes the person from a residence, workplace, school, or day care, or prohibits 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, consistent with penalties for violation of other protection orders. 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 will be a crime.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This bill is an important step to protect the most vulnerable of us; the elderly who do not have the ability to care for themselves, provide for safety, or manage financial affairs.

Under current law, vulnerable adults are not protected by temporary protection orders. This is by oversight, not design. This bill would put temporary protection orders for vulnerable adults on par with other protection orders and would require a police officer to arrest someone who the officer has probable cause to believe has violated temporary protective orders relating to vulnerable adults. It would provide needed protection for vulnerable adults.

(Opposed) None.

Persons Testifying: Representative Stambaugh, prime sponsor; and Mark Lindquist, Pierce County Prosecuting Attorney's Office.

Persons Signed In To Testify But Not Testifying: None.