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HOUSE BILL 2033

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Goodman, Rodne, Orwall, Jinkins, Griffey, Fey, Pollet, and Ormsby

Read first time 02/09/15. Referred to Committee on Judiciary.

1 AN ACT Relating to sexual assault protection orders; and amending  
2 RCW 7.90.120 and 7.90.121.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 7.90.120 and 2013 c 74 s 3 are each amended to read  
5 as follows:

6 (1)(a) An ex parte temporary sexual assault protection order  
7 shall be effective for a fixed period not to exceed fourteen days. A  
8 full hearing, as provided in this chapter, shall be set for not later  
9 than fourteen days from the issuance of the temporary order or not  
10 later than twenty-four days if service by publication or service by  
11 mail is permitted. If the court permits service by publication or  
12 service by mail, the court shall also reissue the ex parte temporary  
13 protection order not to exceed another twenty-four days from the date  
14 of reissuing the ex parte protection order. Except as provided in RCW  
15 7.90.050, 7.90.052, or 7.90.053, the respondent shall be personally  
16 served with a copy of the ex parte temporary sexual assault  
17 protection order along with a copy of the petition and notice of the  
18 date set for the hearing.

19 (b) Any ex parte temporary order issued under this section shall  
20 contain the date and time of issuance and the expiration date and

1 shall be entered into a statewide judicial information system by the  
2 clerk of the court within one judicial day after issuance.

3 (2) Except as otherwise provided in this section or RCW 7.90.150,  
4 a final sexual assault protection order shall be effective for a  
5 fixed period of time(~~(, not to exceed two years)~~) or be permanent.

6 (3) Any sexual assault protection order which would expire on a  
7 court holiday shall instead expire at the close of the next court  
8 business day.

9 (4) The practice of dismissing or suspending a criminal  
10 prosecution in exchange for the issuance of a sexual assault  
11 protection order undermines the purposes of this chapter. This  
12 section shall not be construed as encouraging that practice.

13 **Sec. 2.** RCW 7.90.121 and 2013 c 74 s 4 are each amended to read  
14 as follows:

15 (1) Any ex parte temporary or nonpermanent final sexual assault  
16 protection order may be renewed one or more times, as required.

17 (2) The petitioner may apply for renewal of the order by filing a  
18 motion for renewal at any time within the three months before the  
19 order expires. The motion for renewal shall state the reasons why the  
20 petitioner seeks to renew the protection order.

21 (~~(3) ((If the motion for renewal is uncontested and the petitioner~~  
22 ~~seeks no modification of the order, the order may be renewed on the~~  
23 ~~basis of the petitioner's motion or affidavit stating that there has~~  
24 ~~been no material change in relevant circumstances since entry of the~~  
25 ~~order and stating the reason for the requested renewal.))~~ The court  
26 shall grant the motion for renewal unless the respondent proves by a  
27 preponderance of the evidence that the respondent will not engage in  
28 or attempt to engage in physical or nonphysical contact with the  
29 petitioner when the order expires. The passage of time and compliance  
30 with the existing protection order shall not, alone, be sufficient to  
31 meet this burden of proof. The court may renew the sexual assault  
32 protection order for another fixed time period or may enter a  
33 permanent order as provided in this section.

34 (4)(a) If the motion is contested, upon receipt of the motion,  
35 the court shall order that a hearing be held not later than fourteen  
36 days from the date of the order.

37 (b) The court may schedule a hearing by telephone pursuant to  
38 local court rule, to reasonably accommodate a disability, or in  
39 exceptional circumstances to protect a petitioner from further

1 nonconsensual sexual conduct or nonconsensual sexual penetration. The  
2 court shall require assurances of the petitioner's identity before  
3 conducting a telephonic hearing.

4 (c) The respondent shall be personally served not less than five  
5 court days prior to the hearing. If timely personal service cannot be  
6 made, the court shall set a new hearing date and shall either require  
7 additional attempts at obtaining personal service or permit service  
8 by publication as provided in RCW 7.90.052 or service by mail as  
9 provided in RCW 7.90.053. The court shall not require more than two  
10 attempts at obtaining personal service and shall permit service by  
11 publication or service by mail unless the petitioner requests  
12 additional time to attempt personal service. If the court permits  
13 service by publication or service by mail, the court shall set the  
14 hearing date not later than twenty-four days from the date of the  
15 order.

16 (5) Renewals may be granted only in open court.

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