

SHB 1384 - H AMD 17

By Representative Kraft

WITHDRAWN 02/20/2017

1 On page 2, after line 12, insert the following:

2 "Sec. 2. RCW 7.90.110 and 2007 c 212 s 3 are each amended to read
3 as follows:

4 (1) An ex parte temporary sexual assault protection order shall
5 issue if the petitioner satisfies the requirements of this
6 subsection by a preponderance of the evidence. The petitioner shall
7 establish that:

8 (a) The petitioner has been a victim of nonconsensual sexual
9 conduct or nonconsensual sexual penetration by the respondent; and

10 (b) There is good cause to grant the remedy, regardless of the
11 lack of prior service of process or of notice upon the respondent,
12 because the harm which that remedy is intended to prevent would be
13 likely to occur if the respondent were given any prior notice, or
14 greater notice than was actually given, of the petitioner's efforts
15 to obtain judicial relief.

16 (2) If the respondent appears in court for this hearing for an
17 ex parte temporary order, he or she may elect to file a general
18 appearance and testify. Any resulting order may be an ex parte
19 temporary order, governed by this section.

20 (3) If the court declines to issue an ex parte temporary sexual
21 assault protection order, the court shall state the particular
22 reasons for the court's denial. The court's denial of a motion for
23 an ex parte temporary order shall be filed with the court.

24 (4) The court shall not include in a temporary protection order
25 any provision restricting the respondent's right to possess a firearm
26 or requiring the respondent to forfeit any firearm in the respondent's
27 possession.

1 (5) A knowing violation of a court order issued under this section
2 is punishable under RCW 26.50.110."

3

4 Renumber the remaining sections consecutively and correct the
5 title.

EFFECT: Prohibits the court from including in a temporary protection order any provision restricting the respondent's right to possess a firearm or requiring the respondent to surrender any firearm in the person's possession.

--- END ---