
Judiciary Committee

HB 1384

Title: An act relating to sexual assault protection orders.

Brief Description: Concerning sexual assault protection orders.

Sponsors: Representatives Goodman, Stambaugh, Kilduff, Griffey, Jenkins, Lytton, Senn, Stanford, Kagi, Appleton, Tarleton, Ormsby and Doglio.

Brief Summary of Bill

- Provides that sexual assault protection orders may be permanent, rather than having a two-year maximum.
- Modifies the procedure for renewal of a sexual assault protection order to require renewal upon motion absent a showing by the respondent that the respondent will not engage in or attempt contact with the petitioner after the order expires.

Hearing Date: 1/24/17

Staff: Edie Adams (786-7180).

Background:

A person may petition for a sexual assault protection order if he or she has been subjected to one or more incidents of nonconsensual sexual conduct or penetration that gives rise to a reasonable fear of future dangerous acts by the respondent. Sexual assault protection orders are available for victims of sexual assault who do not qualify for a domestic violence protection order. A sexual assault protection order may restrain the respondent from having any contact with the victim, prohibit the respondent from certain places, and contain other relief as the court deems necessary for protection of the victim.

Upon petition for a sexual assault protection order, the court may issue an ex parte temporary protection order pending the hearing if the court finds that the harm which the order is intended to prevent would likely occur if the respondent were given any prior notice. The temporary order

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is effective for a fixed period not to exceed 14 days from the issuance of the temporary order. Final sexual assault protection orders are valid for a fixed time not to exceed two years.

Any temporary or final sexual assault protection order may be renewed one or more times. If the request for renewal is uncontested and the petitioner is not seeking a modification, the order may be renewed on the basis of a motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason a renewal is being requested. If a motion for renewal is contested, the court must order a hearing to be held no more than 14 days from receipt of the motion, or 24 days if the court has allowed service by publication or mail.

Summary of Bill:

The two-year maximum term for a final sexual assault protection order is eliminated. A final order may be for a fixed period of time or be permanent.

A motion to renew an ex parte temporary or nonpermanent final sexual assault protection order must state the reasons for seeking renewal. The court must grant a motion for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not engage in or attempt contact with the petitioner after the order expires. The passage of time and compliance with the existing order are not, alone, sufficient to meet the burden of proof.

In determining whether there has been a material change in circumstances, the court may consider only factors that address whether the respondent is likely to engage in or attempt contact with the petitioner when the order expires, including whether or not the respondent:

- has committed or threatened sexual assault, domestic violence, stalking, or other violent acts since the order was entered;
- has violated the terms of the order, and how much time has passed since entry of the order;
- has exhibited suicidal ideation or attempts since the order was entered;
- has been convicted of criminal activity since the order was entered;
- has acknowledged responsibility for the acts of sexual assault underlying the order or has successfully completed sexual assault perpetrator treatment or counseling since the order was entered;
- has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order; or
- has relocated to an area more distant from the other party.

Appropriation: None.

Fiscal Note: Requested on 1/19/17

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