

SENATE BILL REPORT

SHB 2466

As Reported by Senate Committee On:
Law & Justice, February 20, 2018

Title: An act relating to authorizing law enforcement to arrest persons in violation of certain no-contact orders involving victims of trafficking and promoting prostitution offenses.

Brief Description: Authorizing law enforcement to arrest persons in violation of certain no-contact orders involving victims of trafficking and promoting prostitution offenses.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Orwall, Klippert, McCabe, Griffey, Muri, Stanford, Van Werven, Haler and Doglio).

Brief History: Passed House: 2/07/18, 98-0.

Committee Activity: Law & Justice: 2/16/18, 2/20/18 [DP].

Brief Summary of Bill

- Includes no-contact orders issued in Promoting Prostitution and Trafficking cases in the list of orders to which the warrantless arrest statute applies.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille, Frockt and Wilson.

Staff: Shani Bauer (786-7468)

Background: No-Contact Orders. A court may issue a no-contact order to protect a victim during the pendency of criminal proceedings or upon conviction. No-contact orders prohibit contact of any kind with the victim and forbid the defendant from knowingly coming or remaining within specific locations. A violation of a no-contact order is generally a gross misdemeanor, but is punishable as a class C felony in certain circumstances.

There are specialized procedures and requirements for no-contact orders entered in different kinds of criminal cases, including no-contact orders issued in Harassment, Domestic

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.

Violence, Sexual Assault, and Stalking cases. Legislation enacted in 2017 created two new specialized no-contact orders for cases involving Promoting Prostitution and Trafficking.

Warrantless Arrest. A police officer who has probable cause to believe a person has committed a felony has the authority to arrest the person without a warrant. Generally, an officer may only arrest a person without a warrant for a misdemeanor or gross misdemeanor offense when the offense is committed in the presence of the officer.

Under the warrantless arrest statute, an officer must or may make a warrantless arrest and take a person into custody, pending release on bail, personal recognizance, or court order in certain situations. Among other circumstances, an officer must make a warrantless arrest when the officer has probable cause to believe that a listed protective order has been issued that restrains a person, the restrained person knows about the order, and the restrained person has violated certain terms of the order restraining the person from acts or threats of violence, or from going to or remaining within certain locations.

Provisions in the statutes governing no-contact orders entered in Promoting Prostitution and Trafficking cases provide that violators are subject to arrest upon violation of the order. However, no-contact orders entered in these cases are not included in the list of orders in the general warrantless arrest statute, which outlines the circumstances under which mandatory warrantless arrest for violation of a protective order is required.

Summary of Bill: No-contact orders entered in Promoting Prostitution and Trafficking cases are included in the list of orders to which the warrantless arrest statute applies.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The median age of a trafficking victim is 14-years old. This is a fix from last year and ensures that officers have the authority to arrest a person who violates the protection order. Pimps and traffickers typically try to influence victims while a case is pending. For this reason, it is important that the officer have the ability to immediately arrest the person before that influence can happen. When law enforcement tells victims they can protect them, they need laws in place to be able to follow through with that promise. This will give victims the time they need to move beyond the initial period of trauma.

Persons Testifying: PRO: Representative Tina Orwall, Prime Sponsor; Farshad Talebi, Attorney General's Office; Jeri Moomaw, Innovations Human Trafficking Consultant.

Persons Signed In To Testify But Not Testifying: No one.