
Public Safety Committee

HB 1055

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

Sponsors: Representatives Entenman, Orwall, Mosbrucker, Valdez, Goodman, Slatter, Riccelli, Ryu, Blake and Wylie.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Includes no-contact orders issued in Promoting Prostitution and Trafficking cases in the list of orders to which the warrantless arrest statute applies.
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Hearing Date: 1/15/19

Staff: Omeara Harrington (786-7136).

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 within or remaining within a specified distance of certain 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 Violence, Sexual Assault, and Stalking cases. Legislation enacted in 2017 created two new specialized no-contact orders for cases involving Promoting Prostitution and Trafficking.

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.

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: Requested on January 10, 2019.

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