

FINAL BILL REPORT

HB 1149

C 258 L 19
Synopsis as Enacted

Brief Description: Clarifying requirements to obtain a sexual assault protection order.

Sponsors: Representatives Jinkins, Griffey, Doglio, Kilduff, Macri, Valdez, Irwin, Dolan, Appleton, Tarleton, Goodman, Orwall, Stanford and Walen.

House Committee on Civil Rights & Judiciary
Senate Committee on Law & Justice

Background:

A sexual assault protection order is a civil order issued by a court for a person who is a victim 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.

A sexual assault protection order petition must allege the existence of nonconsensual sexual conduct or penetration and must be accompanied by an affidavit stating the specific statements or actions made at the time of the assault or subsequently thereafter, which give rise to a reasonable fear of future dangerous acts.

In *Roake v. Delman* (2018), the Washington Supreme Court interpreted this provision as requiring that a petitioner must allege and prove both that a sexual assault occurred and that the petitioner has a reasonable fear of future dangerous acts by the respondent.

Summary:

The requirement of a showing of reasonable fear of future dangerous acts to obtain a sexual assault protection order is removed. A petitioner who seeks a sexual assault protection order must only allege and prove that a sexual assault has occurred.

Votes on Final Passage:

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.

House 81 14
Senate 48 0

Effective: July 28, 2019