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HOUSE BILL 1149

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Jenkins, Griffey, Doglio, Kilduff, Macri, Valdez, Irwin, Dolan, Appleton, Tarleton, Goodman, Orwall, Stanford, and Walen

Read first time 01/15/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to clarifying requirements to obtain a sexual  
2 assault protection order; amending RCW 7.90.020; and creating a new  
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the Washington  
6 supreme court's decision in *Roake v. Delman*, 189 Wn.2d 775 (2018),  
7 does not reflect the legislature's intent regarding requirements for  
8 obtaining a civil sexual assault protection order pursuant to chapter  
9 7.90 RCW. The legislature intends to respond to this decision by  
10 clarifying that a petitioner who seeks a sexual assault protection  
11 order is not required to separately allege or prove that the  
12 petitioner has a reasonable fear of future dangerous acts by the  
13 respondent, in addition to alleging and proving that the petitioner  
14 was sexually assaulted by the respondent. The legislature agrees with  
15 the dissenting opinion's view in *Roake v. Delman* that "experiencing a  
16 sexual assault is itself a reasonable basis for ongoing fear."

17 **Sec. 2.** RCW 7.90.020 and 2007 c 55 s 1 are each amended to read  
18 as follows:

19 There shall exist an action known as a petition for a sexual  
20 assault protection order.

1 (1) A petition for relief shall allege the existence of  
2 nonconsensual sexual conduct or nonconsensual sexual penetration, and  
3 shall be accompanied by an affidavit made under oath stating the  
4 specific (~~statements or actions made at the same time of the sexual~~  
5 ~~assault or subsequently thereafter, which give rise to a reasonable~~  
6 ~~fear of future dangerous acts, for~~) facts and circumstances from  
7 which relief is sought. Petitioner and respondent shall disclose the  
8 existence of any other litigation or of any other restraining,  
9 protection, or no-contact orders between the parties.

10 (2) A petition for relief may be made regardless of whether or  
11 not there is a pending lawsuit, complaint, petition, or other action  
12 between the parties.

13 (3) Within ninety days of receipt of the master copy from the  
14 administrative office of the courts, all court clerk's offices shall  
15 make available the standardized forms, instructions, and  
16 informational brochures required by RCW 7.90.180 and shall fill in  
17 and keep current specific program names and telephone numbers for  
18 community resources. Any assistance or information provided by clerks  
19 under this section does not constitute the practice of law and clerks  
20 are not responsible for incorrect information contained in a  
21 petition.

22 (4) Forms and instructional brochures and the necessary number of  
23 certified copies shall be provided free of charge.

24 (5) A person is not required to post a bond to obtain relief in  
25 any proceeding under this section.

26 (6) If the petition states that disclosure of the petitioner's  
27 address would risk abuse of the petitioner or any member of the  
28 petitioner's family or household, that address may be omitted from  
29 all documents filed with the court. If the petitioner has not  
30 disclosed an address under this subsection, the petitioner shall  
31 designate an alternative address at which the respondent may serve  
32 notice of any motions.

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