
Judiciary Committee

HB 1148

Title: An act relating to protecting animals from perpetrators of domestic violence.

Brief Description: Protecting animals from perpetrators of domestic violence.

Sponsors: Representatives Williams, Rodne, Simpson, Upthegrove, Haigh, Nelson, Rolfes, Sullivan, Hunt, Lias, Chase, Moeller, Goodman, Ormsby, Hurst, Kenney, Kirby, Eddy, Conway, Pedersen, Dunshee, Dickerson, Hasegawa, Sells, Appleton, Campbell and Herrera.

Brief Summary of Bill

- Allows a court, when issuing a domestic violence protection order, to grant the petitioner exclusive custody and control of any pet and to prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of locations where the pet is regularly found.
- Makes it a gross misdemeanor for a person to violate a provision in a protection order that prohibits the person from committing acts of violence against or the harming of a protected animal, or prohibits interference with the petitioner's efforts to remove a protected animal.

Hearing Date: 1/26/09

Staff: Trudes Tango (786-7384)

Background:

Domestic violence protection orders are civil orders available when there has been domestic violence committed between one family or household member against another. When issuing an order, the court has discretion to order appropriate relief. Domestic violence protection orders may include provisions: (1) restraining the respondent from committing acts of domestic violence or having any contact with the petitioner or the petitioner's children; (2) excluding the respondent from the residence, workplace, or school of the petitioner or from the day care or school of a child; (3) prohibiting the respondent from knowingly coming within a certain

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distance of a specific location; (4) ordering that the petitioner have access to essential personal effects; and (5) providing any other relief as the court deems necessary for the protection of the petitioner and other family or household members.

Depending on the circumstances, a violation of a domestic violence protection order can constitute contempt of court, a gross misdemeanor, or a felony. It is a gross misdemeanor when a person knows of the order and the person violates the restraint provisions prohibiting contact with a protected party or violates the restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party. A violation of a protection order becomes a class C felony if the offender has at least two previous convictions for violating the provisions of an order.

A law enforcement officer must arrest and take into custody a person if the officer has probable cause to believe that the person arrested knew of the domestic violence protection order and violated a restraint provision in the order.

Summary of Bill:

When a court orders that the petitioner have possession and use of essential personal effects, "personal effects" may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned or possessed by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent. The court may prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found.

It is a gross misdemeanor if the person subject to a protection order knows of the order and violates a provision that prohibits the person from committing acts of violence against or harming a protected animal, or prohibits interference with the petitioner's efforts to remove a protected animal.

Appropriation: None.

Fiscal Note: Not requested.

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