

***Judiciary Committee***

***HB 1591***

***Title:*** An act relating to service of orders in harassment matters.

***Brief Description:*** Revising requirements for service of orders in harassment matters.

***Sponsors:*** Representatives Esser, Lantz, O'Brien, Lisk, Kirby, B. Chandler, Linville and Doumit.

***Brief Summary of Bill***

- *Provides that a civil anti-harassment protection order does not require personal service on a respondent who failed to appear at the hearing if the material terms of the order are the same as the temporary order of which the respondent has previously been served.*
- *Requires the notice of hearing, when personally served, to contain the same information required in the summons issued under service by publication.*

***Hearing Date:*** 2/20/01

***Staff:*** Edie Adams (786-7180).

***Background:***

*A person who is the victim of unlawful harassment may petition the court for a civil anti-harassment protection order. A person seeking an anti-harassment protection order may obtain a temporary order by filing an affidavit that shows reasonable proof of unlawful harassment and irreparable harm if the temporary order is not granted. Notice of the petition, the hearing, and any temporary order must be personally served on the alleged harasser (respondent). Service by publication of the summons is authorized in limited circumstances. The summons must contain specified information, including a statement that an anti-harassment protection order will be issued for a period of one year if the person does not respond to the petition.*

*An anti-harassment protection order must be personally served on the respondent except*

*under two circumstances: (1) if the order recites that the respondent appeared in person before the court, the order does not have to be served; and (2) if the court previously allowed service by publication of the notice of hearing and temporary order, the court may permit service by publication.*

*A respondent who willfully disobeys an anti-harassment protection order is guilty of a gross misdemeanor. The person must know of the order in order to be guilty of the crime.*

***Summary of Bill:***

*A civil anti-harassment protection order does not require personal service on a respondent who failed to appear at the hearing if the material terms of the order have not changed from the temporary order and the respondent has previously been served with the temporary order.*

*The notice of hearing that must be personally served on the respondent must contain the same information required in the summons that is issued under service by publication. This includes a statement that an anti-harassment protection order will be issued against the respondent for a period of one year if the respondent does not respond to the petition.*

***Appropriation:*** None.

***Fiscal Note:*** Not Requested.

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