



SEXUAL ASSAULT PROTECTION ORDERS - HB 1384/SB 5256

Issue

Sexual assault and domestic violence protection orders give crime victims “stay away” protection from offenders. Today, in domestic violence, stalking and harassment cases, the judge can issue an order for as long as needed to protect the victim. This is currently not the case for sexual assault victims. A deficiency in current statute means that sexual assault victims who are protected by Sexual Assault Protection Orders (SAPOs) must **go back to court every two years**, face the person who assaulted them and ask for renewed protection.

For many victims, two years is an inadequate amount of time; the risk posed and fear of harm remains after the original period of protection. These victims can seek a renewal; alarmingly however, across the State of Washington there is a notable trend of re-issuance requests being denied, leaving victims without much needed protection. A primary reason orders are not being re-issued is that the person who committed a crime hasn’t contacted the person. Rather than this being an issue to deny reissuance, it should be looked at as the SAPO being an effective tool in victim safety and warranting of extension.

HB 1384 and SB 5256 will give sexual assault survivors the same protections our state provides for victims of domestic violence and stalking victims by allowing judges to examine the evidence and determine what length of time is needed to protect the survivor *and* by aligning the reissuance standards with those currently used by judges when determining whether to extend a protection order for domestic violence victims. SAPOs are often the only protection that a sexual assault victim can obtain if the offender is not charged with a crime.

Modifying Duration:

Sexual assault protection orders are unique from other orders of protection in Washington in that the current statute specifies a fixed amount of time of up to two years that they can be issued. Survivors of sexual assault, like those who have been victims of stalking or domestic violence, share similar fears and risk of harm from the person who offended against them.

When an order is set for a fixed time, victims must re-apply for the order and appear in court. This is cumbersome, can re-traumatize victims, and can deter them from seeking legal remedies for the harm done to them.

This fixed two year time period has presented significant barriers for sexual assault victims to successfully receive adequate protection. Often orders are issued for less than the two years and/or reissuance is not granted.

Modifying the duration of SAPOs to allow a judge to evaluate the evidence and issue for as long as is needed will increase sexual assault victims’ receiving critical protection.

Modifying the duration of a SAPO to allow a judge to issue for as long as they deem necessary to protect the victim will align SAPOs with our other protection orders in Washington and will increase sexual assault victims’ receiving critical protection.

Modifying Re-Issuance:

Re-issuance procedures for sexual assault protection orders require refinement to address the needs of sexual assault victims.

Community sexual assault programs statewide report the difficulty of victims receiving a renewed order. For many, the request for reissuance is declined because the respondent has not had contact with the petitioner. There are numerous reasons this may be occurring, such as, the respondent may be incarcerated and/or the SAPO has been effective. For victims, after the original order is issued, the fear of harm remains real and can be imminent.

It is proposed that the standard for reissuance be modified to include the petitioner stating their reason for the renewal request and for the court to grant the motion for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not engage in or attempt to engage in physical or nonphysical contact with the petitioner when the order expires. The passage of time and compliance with the existing protection order shall not, alone, be sufficient to meet this burden of proof. The court may renew the sexual assault protection order for another fixed time period or may enter a permanent order.

Firearms and SAPOs:

Last year during session, the SAPO bill got wrapped up in a gun related debate and was stopped before a final vote. This year, we worked closely with House republicans and advocates to clarify under what circumstances the subject of an order may ask for a modification, including modifying firearm restrictions. This bill does not change any current laws regarding firearms. It is important to note that Sexual Assault Protections orders rarely include a firearm surrender requirement. For example, between 2014 and 2016, 168 petitions for SAPOs were filed in King County; 77 were granted and in only 13 cases, did the judge find that the victim was in danger if the subject was in possession of a firearm. Of those, 10 involved victims under 16 years old, 3 involved cases where a firearm was used in the commission of the assault and 6 involved threats of harm or death to the victim or their family during or after the sexual assault.

Pass HB 1384/SB 5256:

Sexual Assault victims are the only victims who must return to court every two years, face the person who assaulted them and re-present their case. It's time for Washington State to protect sexual assault victims the same way we do victims of domestic violence, harassment and stalking. We urge your support for HB 1384 and SB 5256.

- Support modifying sexual assault protection order duration to be consistent with other crime victim protection order statutes
- Support safety and vital protection for victims of sexual assault through modified renewal criteria

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