



MODIFICATION OF SEXUAL ASSAULT PROTECTION ORDER DURATION AND RENEWAL SB 6151/HB 2033

There is broad bipartisan support on this important issue. Last year, the companion bill (HB 2033) overwhelmingly passed the House, and passed unanimously out of the Senate Law & Justice Committee, but failed to get out of the Senate Rules Committee. This year, SB 6151 unanimously passed out of the Senate; we request your support to ensure that this policy becomes law this session.

A sexual assault protection order (SAPO) is a civil order issued by the court on behalf of a sexual assault victim. The order can require the alleged perpetrator to stay away from the victim or place(s) where the victim lives or works and can order the alleged perpetrator to have no further contact with the victim.

SAPOs are an important protection tool for victims of sexual violence. Since enactment in 2006, advocates have identified several areas - including duration and renewal criteria - where SAPOs need to be improved to better serve victims.

SAPOs, unlike other orders of protection in Washington State, have a fixed issuance of up to 2 years. This bill seeks to mirror other state protection orders which can be in effect for any length of time, including permanently, where appropriate. For many victims, two years is inadequate. Often, the risk posed and the fear of harm from the perpetrator remains after the initial period of protection. Today, these victims can seek a renewal; but across the State of Washington there is an alarming trend of these requests being denied, leaving victims without much needed protection. A primary reason judges give for not renewing an order is that the perpetrator hasn't contacted the victim. Rather than this being a reason to deny renewal, it should confirm that the SAPO is an effective tool for ensuring victim safety and be looked at as a reason to warrant an extension of the order. Modifying duration of an order is needed in order to provide ongoing critical protection for sexual assault victims.

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, continue to fear 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

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the two years and/or renewal is denied.

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Modifying Renewal:

Renewal procedures for sexual assault protection orders require refinement to address the needs of sexual assault victims.

Community sexual assault programs statewide report that victims experience difficulty receiving renewals of SAPOs. For many, the request is denied 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.

We propose that the standard for renewal be modified to provide that the petitioner state their reason for the request and that the court must grant the motion for renewal unless the respondent proves by a preponderance of the evidence that they 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 period of time or may enter a permanent order.

Modifications:

Together these two modifications will mirror other order of protection statutes in Washington State and provide enhanced safety and protection for sexual assault victims.

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

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