

# HOUSE BILL REPORT

## ESHB 1766

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**As Passed House:**

March 8, 2023

**Title:** An act relating to the creation of a hope card program.

**Brief Description:** Creation of a hope card program.

**Sponsors:** House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Griffey, Davis, Senn, Dent, Callan and Cheney).

**Brief History:**

**Committee Activity:**

Civil Rights & Judiciary: 2/14/23, 2/17/23 [DPS];

Appropriations: 2/22/23, 2/24/23 [DPS(CRJ)].

**Floor Activity:**

Passed House: 3/8/23, 97-0.

**Brief Summary of Engrossed Substitute Bill**

- Directs the Administrative Office of the Courts to develop a program for the issuance of protection order Hope Cards by superior and district courts.
- Requires a Hope Card to contain specified information about a full protection order.
- Permits a person who has been issued a valid full protection order to request a Hope Card from the issuing court.

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### HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney,

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Entenman, Goodman, Peterson, Rude, Thai and Walen.

**Staff:** Matthew Williamson (786-7291) and Yelena Baker (786-7301).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Civil Rights & Judiciary be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg, Chandler, Chopp, Connors, Couture, Davis, Dye, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

**Staff:** Yvonne Walker (786-7841).

### **Background:**

#### Washington Protection Orders.

Washington law allows residents to petition a court to seek protection from harmful or threatening behavior via several types of civil protection orders. These protection orders are divided into six categories: domestic violence protection orders; sexual assault protection orders; stalking protection orders; vulnerable adult protection orders; extreme risk protection orders; and anti-harassment protection orders.

A court may issue a temporary protection order or a full protection order. Temporary protection orders are orders that are issued before the court has decided whether to issue a full protection order, and may be issued without prior notice to the respondent. Full protection orders are orders issued after notice has been provided to the respondent, and the parties have had the opportunity for a full hearing before the court, or the parties have agreed to resolve the petition without a hearing. When entering a full protection order, a court may grant relief to the petitioner for a fixed period of time or on a permanent basis, though there are statutory limits on the duration of orders that would prohibit the respondent from contacting their minor children.

When entering a protection order, a court may grant broad relief to protect the petitioner, including: restraining a respondent from having contact with or threatening another person, including minor children; excluding the respondent from certain locations or from coming within a specified distance of certain locations; and prohibiting the respondent from harassing, following, or monitoring the petitioner.

#### Existing Hope Card Programs.

Several states have implemented programs, whether by statute or agency action, that provide wallet-sized cards displaying certain information about a protection order to the

recipient of the order. These states include Oregon, Idaho, Montana, Illinois, Indiana, Virginia, and Hawaii.

Elements of these programs vary between the different states, including which agency is responsible for administering the program, the physical construction of the card, and the contents required to be displayed. However, most programs specifically require that the cards be wallet-sized, and contain certain vital information about the order, including issuance and expiration dates and identifying information about the protected individual and the respondent. Many programs also include provisions allowing protection order recipients to request multiple copies of the card without a fee.

### **Summary of Engrossed Substitute Bill:**

The Administrative Office of the Courts (AOC) is directed to develop a Hope Card program in collaboration with the Washington State Superior Court Judges' Association, the Washington State District and Municipal Court Judges Association, the Washington State Association of County Clerks, the Association of Washington Superior Court Administrators, the District and Municipal Court Management Association, and the Washington Association of Sheriffs and Police Chiefs.

A Hope Card must be a durable laminated or plastic card that contains the following information:

- the restrained person's name, date of birth, sex, race, eye color, hair color, height, weight, and other distinguishing features;
- the protected person's name and date of birth and the names and dates of birth of any minor children protected under the order; and
- information about the protection order including, but not limited to, the issuing court, the case number, the date of issuance and date of expiration of the order, and the relevant details of the order, including any locations from which the person is restrained.

The AOC, together with the specified organizations and stakeholder groups, must explore the feasibility of providing this required information in electronic format, including as a barcode on a laminated card.

Beginning on July 1, 2024, any person who has been issued a valid domestic violence protection order, sexual assault protection order, stalking protection order, vulnerable adult protection order, or anti-harassment order may request a Hope Card from the clerk of the issuing court at the time the order is issued or any time prior to the expiration of the order.

A person requesting a Hope Card may not be charged a fee for the issuance of an original and one duplicate card.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony (Civil Rights & Judiciary):**

(In support) Currently, recipients of protection orders must carry cumbersome documentation or run the risk of not being able to quickly verify their order when seeking assistance from emergency services. This bill will provide recipients an alternative that will be significantly easier, more practical, and more discreet to carry and should allow emergency services to quickly verify the authenticity of a protection order and respond more effectively to calls for assistance from recipients. The Hope Card program would be particularly helpful in instances where children are protected by protection orders, as a card is much less likely to be lost or damaged than the current required documentation.

Protection orders are an essential source of safety and security for thousands of Washington residents and this bill represents one way that the state can make the protection order process easier for those that have to utilize it. Washington would be joining several states that have already implemented these programs.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) Currently, recipients of protection orders must carry cumbersome documentation or run the risk of not being able to quickly verify their order when seeking assistance from emergency services. This bill will provide recipients an alternative mode of verification that will be significantly easier to carry and is less likely to be lost or damaged. This is particularly helpful for instances in which children are protected by protection orders.

(Opposed) None.

**Persons Testifying (Civil Rights & Judiciary):** Representative Dan Griffey, prime sponsor; Representative Lauren Davis; Jamie Sullivan; and Derek Sanders, Thurston County Sheriff's Office.

**Persons Testifying (Appropriations):** Representative Dan Griffey, prime sponsor.

**Persons Signed In To Testify But Not Testifying (Civil Rights & Judiciary):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.