

BILL SUMMARY
1st Session of the 57th Legislature

Bill No.:	SB 715
Version:	ENGR
Request Number:	
Author:	Rep. Kannady
Date:	3/26/2019
Impact:	Creates 2 misdemeanors and 2 felonies as well as associated fines; possible revenue increase for all agencies receiving revenue from court fines

Research Analysis

SB 715 creates the Protection from Workplace Violence Act. The measure allows employers to seek protective orders on behalf of their employees after violence or threat of violence has occurred at the workplace. The act applies to all employees, excluding independent contractors or subcontractors.

Petition filing. The measure requires an employer to file a complaint with law enforcement before filing a petition for a protective order with the district court. No fees will be charged against the employer or employee upon filing for a protective order. If the protective order is granted, fees will be charged against the defendant, with ability to waive due to inability to pay. If not granted, fees will be charged against the employer.

Emergency ex parte protective orders. The measure allows emergency ex parte protective orders in cases of immediate threat. The measure directs the Administrative Office of the Courts to develop a form for emergency ex parte protective orders.

Service and hearings. The measure promulgates rules related to the service of protective orders, including cases in which the defendant resides a different county. Emergency ex parte protective orders can be served at any time of the day. The measure promulgates rules related to the hearing of protective order cases. Hearings must be scheduled within 14 days of petition filing, unless the defendant has yet to be served. A petition for a protective order must be renewed by the petitioner every 14 days. The petition will expire if the petitioner fails to renew or fails to appear at the hearing. A final protective order must be granted or denied within 6 months of service.

Violations. The measure addresses protective order violations. A violation of an emergency ex parte or final protective order constitutes a misdemeanor with a fine up to \$1,000 and/or imprisonment up to 1 year. Subsequent violations will constitute a felony with a fine of \$2,000-\$10,000 and/or imprisonment 1-3 years. A violation including physical injury will constitute a misdemeanor with a fine up to \$5,000 and/or imprisonment of 20 days-1 year. A subsequent violation including physical injury will constitute a felony with a fine of \$3,000-\$10,000 and/or imprisonment of up to 5 years.

Arresting without warrant. The measure allows for arrests without warrant if there is reasonable cause to believe a person has violated a protective order related to the Protection from Workplace Violence Act.

Protective orders. The measure requires certain statements to be included on protective orders including the order shall be in effect for 5 years, unless modified, and that the possession of a firearm or ammunition by a defendant may subject the defendant to prosecution of violation of federal law.

Expungement. The measure allows for expungement if the order was terminated, the petition was denied or dismissed, petitioner failed to appear and 90 days have passed since hearing date, the order has been vacated and 3 years have passed since the vacate was entered, or the employer or defendant is deceased. The other party must be notified of expungement petitions and hearing dates. Expungement shall be granted if victim does not object or if the court finds that the privacy of the person outweighs public safety interests. If granted, all records and references of the protective order shall be hidden from public inspection, excluding law enforcement agencies. Future employers may not require disclosure of any sealed court records. These records must be destroyed within 10 years of sealing. This section applies to any protective order court records.

Prepared By: Anna Rouw

Fiscal Analysis

SB 715 creates two misdemeanors and two felonies punishable by fines and incarceration. The creation of the fines could increase revenue for the courts as well as any state agency which receives revenue from criminal fines. The penalty of incarceration in Dept. of Corrections (DOC) custody for the felonies could result in a cost increase for the agency. Both the revenue increase and the cost to Corrections are dependent on how many individuals are convicted of the crimes, the amount of the fine they are required to pay, and the length of incarceration they are required to serve. It currently costs DOC an average of \$58.70/day or \$21,425.50/year to incarcerate one inmate.

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Other Considerations

None.