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SENATE BILL 5360

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State of Washington

53rd Legislature

1993 Regular Session

By Senators A. Smith, Roach, Spanel, M. Rasmussen, Winsley and von Reichbauer

Read first time 01/25/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to domestic violence; amending RCW 26.50.035 and  
2 10.99.030; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that domestic violence  
5 is a problem of immense proportions affecting individuals as well as  
6 communities. Domestic violence has long been recognized as being at  
7 the core of other major social problems including child abuse, crimes  
8 of violence against person or property, juvenile delinquency, and  
9 alcohol and drug abuse. Domestic violence costs include the loss of  
10 lives as well as millions of dollars each year in the state of  
11 Washington for health care, absence from work, and services to  
12 children. The crisis is growing.

13 While the existing protection order process can be a valuable tool  
14 to increase safety for victims and to hold batterers accountable,  
15 specific problems in its use have become evident. Victims have  
16 difficulty completing the paperwork required particularly if they have  
17 limited English proficiency; model forms have been modified to be  
18 inconsistent with statutory language; different forms create confusion  
19 for law enforcement agencies about the contents and enforceability of

1 orders. Refinements are needed so that victims have the easy, quick,  
2 and effective access to the court system envisioned at the time the  
3 protection order process was first created.

4 Valuable information about the reported incidents of domestic  
5 violence in the state of Washington is unobtainable without gathering  
6 data from all law enforcement agencies. Without this information, it  
7 is difficult for policymakers, funders, and service providers to plan  
8 for the resources and services needed to address the issue.

9 **Sec. 2.** RCW 26.50.035 and 1985 c 303 s 3 are each amended to read  
10 as follows:

11 By January 1, 1994, the administrator for the courts shall develop  
12 and prepare, in consultation with interested persons, ((the forms)) to  
13 include a representative of the state domestic violence coalition,  
14 judges, and law enforcement personnel, instructions and  
15 ((instructional)) informational brochures required under RCW  
16 26.50.030((+3))(4), standard petition and order for protection forms  
17 that must be used after April 15, 1994, for all petitions filed and  
18 orders issued under this chapter, and a court staff handbook on  
19 domestic violence and the protection order process. The instructions  
20 shall be designed to assist petitioners in completing the petition.  
21 The informational brochure shall describe the use of and the process  
22 for obtaining a protection order, a no-contact order as provided by RCW  
23 10.99.040, a restraining order as provided by RCW 26.09.060, and an  
24 antiharassment protection order as provided by chapter 10.14 RCW, along  
25 with a list of local community resources. The community resources  
26 shall be in the form of a list that includes law enforcement agencies,  
27 domestic violence agencies, sexual assault agencies, legal assistance  
28 programs, interpreters, multicultural programs, and batterers'  
29 treatment programs, that shall contain the names and telephone numbers  
30 of programs serving the community in which the court is located. Court  
31 staff shall obtain the community resource list from a domestic violence  
32 program, defined in RCW 70.123.020, serving the county in which the  
33 court is located. The order for protection form shall include, in a  
34 conspicuous location, notice of criminal penalties resulting from  
35 violation of the order, notice that the petitioner may not waive a  
36 provision of the order, and notice that it is the sole responsibility  
37 of the respondent to avoid or refrain from violating the provisions of  
38 the order. The administrator for the courts shall distribute a master

1 copy of the petition and order forms ((and—instructional)),  
2 instructions, and informational brochures to ((all court clerks)) the  
3 staff of all courts and shall distribute a master copy of the petition  
4 and order forms to all superior, district, and municipal courts.

5 **Sec. 3.** RCW 10.99.030 and 1984 c 263 s 21 are each amended to read  
6 as follows:

7 (1) All training relating to the handling of domestic violence  
8 complaints by law enforcement officers shall stress enforcement of  
9 criminal laws in domestic situations, availability of community  
10 resources, and protection of the victim. Law enforcement agencies and  
11 community organizations with expertise in the issue of domestic  
12 violence shall cooperate in all aspects of such training.

13 (2) The primary duty of peace officers, when responding to a  
14 domestic violence situation, is to enforce the laws allegedly violated  
15 and to protect the complaining party.

16 (3)(a) When a peace officer responds to a domestic violence call  
17 and has probable cause to believe that a crime has been committed, the  
18 peace officer shall exercise arrest powers with reference to the  
19 criteria in RCW 10.31.100. The officer shall notify the victim of the  
20 victim's right to initiate a criminal proceeding in all cases where the  
21 officer has not exercised arrest powers or decided to initiate criminal  
22 proceedings by citation or otherwise. The parties in such cases shall  
23 also be advised of the importance of preserving evidence.

24 (b) A peace officer responding to a domestic violence call shall  
25 take a complete offense report including the officer's disposition of  
26 the case.

27 (4) When a peace officer responds to a domestic violence call, the  
28 officer shall advise victims of all reasonable means to prevent further  
29 abuse, including advising each person of the availability of a shelter  
30 or other services in the community, and giving each person immediate  
31 notice of the legal rights and remedies available. The notice shall  
32 include handing each person a copy of the following statement:

33 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the  
34 city or county prosecuting attorney to file a criminal  
35 complaint. You also have the right to file a petition in  
36 superior, district, or municipal court requesting an order for  
37 protection from domestic abuse which could include any of the  
38 following: (a) An order restraining your abuser from further

1 acts of abuse; (b) an order directing your abuser to leave your  
2 household; (c) an order preventing your abuser from entering  
3 your residence, school, business, or place of employment; (d)  
4 an order awarding you or the other parent custody of or  
5 visitation with your minor child or children; and (e) an order  
6 restraining your abuser from molesting or interfering with  
7 minor children in your custody. The forms you need to obtain  
8 a protection order are available in any municipal, district, or  
9 superior court.

10 Information about shelters and alternatives to domestic  
11 violence is available from a state-wide twenty-four-hour toll-  
12 free hotline at 1-800-562-6025. The battered women's shelter  
13 and other resources in your area are . . . . (include local  
14 information)"

15 (5) The peace officer may offer, arrange, or facilitate  
16 transportation for the victim to a hospital for treatment of injuries  
17 or to a place of safety or shelter.

18 (6) The law enforcement agency shall forward the offense report to  
19 the appropriate prosecutor within ten days of making such report if  
20 there is probable cause to believe that an offense has been committed,  
21 unless the case is under active investigation.

22 (7) Each law enforcement agency shall make as soon as practicable  
23 a written record and shall maintain records of all incidents of  
24 domestic violence reported to it.

25 (8) Records kept pursuant to subsections (3) and (7) of this  
26 section shall be made identifiable by means of a departmental code for  
27 domestic violence.

28 (9) Commencing January 1, 1994, records of incidents of domestic  
29 violence shall be submitted, in accordance with procedures described in  
30 this subsection, to the Washington association of sheriffs and police  
31 chiefs by all law enforcement agencies. The Washington criminal  
32 justice training commission shall amend its contract for collection of  
33 state-wide crime data with the Washington association of sheriffs and  
34 police chiefs:

35 (a) To include a table, in the annual report of crime in Washington  
36 produced by the Washington association of sheriffs and police chiefs  
37 pursuant to the contract, showing the total number of actual offenses  
38 and the number and percent of the offenses that are domestic violence

1 incidents for the following crimes: (i) Criminal homicide, with  
2 subtotals for murder and nonnegligent homicide and manslaughter by  
3 negligence; (ii) forcible rape, with subtotals for rape by force and  
4 attempted forcible rape; (iii) robbery, with subtotals for firearm,  
5 knife or cutting instrument, or other dangerous weapon, and strongarm  
6 robbery; (iv) assault, with subtotals for firearm, knife or cutting  
7 instrument, other dangerous weapon, hands, feet, aggravated, and other  
8 nonaggravated assaults; (v) burglary, with subtotals for forcible  
9 entry, nonforcible unlawful entry, and attempted forcible entry; (vi)  
10 larceny theft, except motor vehicle theft; (vii) motor vehicle theft,  
11 with subtotals for autos, trucks and buses, and other vehicles; and  
12 (viii) arson;

13 (b) To require that the table shall continue to be prepared and  
14 contained in the annual report of crime in Washington until that time  
15 as comparable or more detailed information about domestic violence  
16 incidents is available through the Washington state incident based  
17 reporting system and the information is prepared and contained in the  
18 annual report of crime in Washington; and

19 (c) To require that, in consultation with interested persons, the  
20 Washington association of sheriffs and police chiefs prepare and  
21 disseminate procedures to all law enforcement agencies in the state as  
22 to how the agencies shall code and report domestic violence incidents  
23 to the Washington association of sheriffs and police chiefs.

24 NEW SECTION. Sec. 4. If any provision of this act or its  
25 application to any person or circumstance is held invalid, the  
26 remainder of the act or the application of the provision to other  
27 persons or circumstances is not affected.

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