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SENATE BILL 5697

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State of Washington

60th Legislature

2007 Regular Session

By Senators Hargrove, Kline, Weinstein, Regala, Kohl-Welles, Shin and Rasmussen

Read first time 01/29/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to criminal violations of no-contact orders,  
2 protection orders, and restraining orders; amending RCW 26.50.110;  
3 creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds this act necessary to  
6 restore and make clear its intent that a willful violation of a  
7 no-contact provision of a court order is a criminal offense and shall  
8 be enforced accordingly to preserve the integrity and intent of the  
9 domestic violence act. This act is not intended to broaden the scope  
10 of law enforcement power or effectuate any substantive change to any  
11 criminal provision in the Revised Code of Washington.

12 **Sec. 2.** RCW 26.50.110 and 2006 c 138 s 25 are each amended to read  
13 as follows:

14 (1)(a) Whenever an order is granted under this chapter, chapter  
15 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid  
16 foreign protection order as defined in RCW 26.52.020, and the  
17 respondent or person to be restrained knows of the order, a violation

1 of any of the following provisions of the order is a gross misdemeanor,  
2 except as provided in subsections (4) and (5) of this section:

3 (i) The restraint provisions(~~(, or of)~~) prohibiting contact with a  
4 protected party;

5 (ii) A provision excluding the person from a residence, workplace,  
6 school, or day care(~~(, or of)~~);

7 (iii) A provision prohibiting a person from knowingly coming  
8 within, or knowingly remaining within, a specified distance of a  
9 location(~~(, or of)~~); or (~~of~~)

10 (iv) A provision of a foreign protection order specifically  
11 indicating that a violation will be a crime(~~(, for which an arrest is~~  
12 required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor  
13 except as provided in subsections (4) and (5) of this section).

14 (b) Upon conviction, and in addition to any other penalties  
15 provided by law, the court may require that the respondent submit to  
16 electronic monitoring. The court shall specify who shall provide the  
17 electronic monitoring services, and the terms under which the  
18 monitoring shall be performed. The order also may include a  
19 requirement that the respondent pay the costs of the monitoring. The  
20 court shall consider the ability of the convicted person to pay for  
21 electronic monitoring.

22 (2) A peace officer shall arrest without a warrant and take into  
23 custody a person whom the peace officer has probable cause to believe  
24 has violated an order issued under this chapter, chapter 7.90, 10.99,  
25 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order  
26 as defined in RCW 26.52.020, that restrains the person or excludes the  
27 person from a residence, workplace, school, or day care, or prohibits  
28 the person from knowingly coming within, or knowingly remaining within,  
29 a specified distance of a location, if the person restrained knows of  
30 the order. Presence of the order in the law enforcement computer-based  
31 criminal intelligence information system is not the only means of  
32 establishing knowledge of the order.

33 (3) A violation of an order issued under this chapter, chapter  
34 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign  
35 protection order as defined in RCW 26.52.020, shall also constitute  
36 contempt of court, and is subject to the penalties prescribed by law.

37 (4) Any assault that is a violation of an order issued under this  
38 chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of

1 a valid foreign protection order as defined in RCW 26.52.020, and that  
2 does not amount to assault in the first or second degree under RCW  
3 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in  
4 violation of such an order that is reckless and creates a substantial  
5 risk of death or serious physical injury to another person is a class  
6 C felony.

7 (5) A violation of a court order issued under this chapter, chapter  
8 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign  
9 protection order as defined in RCW 26.52.020, is a class C felony if  
10 the offender has at least two previous convictions for violating the  
11 provisions of an order issued under this chapter, chapter 7.90, 10.99,  
12 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order  
13 as defined in RCW 26.52.020. The previous convictions may involve the  
14 same victim or other victims specifically protected by the orders the  
15 offender violated.

16 (6) Upon the filing of an affidavit by the petitioner or any peace  
17 officer alleging that the respondent has violated an order granted  
18 under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34  
19 RCW, or a valid foreign protection order as defined in RCW 26.52.020,  
20 the court may issue an order to the respondent, requiring the  
21 respondent to appear and show cause within fourteen days why the  
22 respondent should not be found in contempt of court and punished  
23 accordingly. The hearing may be held in the court of any county or  
24 municipality in which the petitioner or respondent temporarily or  
25 permanently resides at the time of the alleged violation.

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