

SUBSTITUTE HOUSE BILL 1320

State of Washington

67th Legislature

2021 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Goodman, Thai, Fitzgibbon, Hackney, Wylie, Gregerson, Senn, Ortiz-Self, Davis, Valdez, Lekanoff, Macri, Slatter, and Peterson)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to modernizing, harmonizing, and improving the
2 efficacy and accessibility of laws concerning civil protection
3 orders; amending RCW 7.---.---, 7.---.---, 7.---.---, 9.41.040,
4 9.41.075, 9.41.801, 10.99.045, 26.55.010, 26.55.020, 26.55.030,
5 26.55.040, 26.55.050, 2.28.210, 4.08.050, 4.24.130, 7.77.060,
6 7.77.080, 9.41.010, 9.41.070, 9.41.173, 9.94A.411, 9.94A.515,
7 9.94A.525, 9.94A.637, 9.94A.660, 9.94A.662, 9.94A.703, 9.96.060,
8 9A.36.041, 9A.40.104, 9A.46.040, 9A.46.060, 9A.46.085, 9A.46.110,
9 9A.88.170, 9A.88.180, 10.01.240, 10.05.020, 10.05.030, 10.22.010,
10 10.31.100, 10.66.010, 10.95.020, 10.99.040, 10.99.050, 10.99.090,
11 11.92.195, 11.130.257, 11.130.335, 12.04.140, 12.04.150, 19.220.010,
12 26.09.003, 26.09.015, 26.09.050, 26.09.060, 26.09.191, 26.09.300,
13 26.12.260, 26.12.802, 26.26A.470, 26.26B.020, 26.26B.050, 26.28.015,
14 26.44.020, 26.51.020, 26.52.010, 26.52.070, 36.18.020, 43.43.754,
15 48.18.550, 49.76.020, 59.18.575, 71.09.305, 71.32.090, 71.32.200,
16 72.09.712, 72.09.714, 74.34.020, 74.34.020, 74.34.110, 7.90.150, and
17 7.92.160; reenacting and amending RCW 9.41.800, 9.41.300, 9.94A.030,
18 10.99.020, 36.28A.410, 41.04.655, 43.43.842, 50.20.050, 59.18.570,
19 and 71.32.260; adding a new section to chapter 9.41 RCW; adding new
20 sections to chapter 26.55 RCW; adding a new section to chapter
21 28A.225 RCW; adding a new section to chapter 43.20A RCW; adding a new
22 section to chapter 70.123 RCW; adding a new section to chapter 9A.44
23 RCW; adding a new section to chapter 9A.46 RCW; adding a new chapter

1 to Title 7 RCW; creating a new section; recodifying RCW 26.50.150,
2 26.50.250, 7.90.150, and 7.92.160; repealing RCW 7.90.005, 7.90.010,
3 7.90.020, 7.90.030, 7.90.040, 7.90.050, 7.90.052, 7.90.053, 7.90.054,
4 7.90.055, 7.90.060, 7.90.070, 7.90.080, 7.90.090, 7.90.100, 7.90.110,
5 7.90.120, 7.90.121, 7.90.130, 7.90.140, 7.90.155, 7.90.160, 7.90.170,
6 7.90.180, 7.90.190, 7.90.900, 7.92.010, 7.92.020, 7.92.030, 7.92.040,
7 7.92.050, 7.92.060, 7.92.070, 7.92.080, 7.92.090, 7.92.100, 7.92.110,
8 7.92.120, 7.92.125, 7.92.130, 7.92.140, 7.92.150, 7.92.170, 7.92.180,
9 7.92.190, 7.92.900, 7.92.901, 7.94.010, 7.94.020, 7.94.030, 7.94.040,
10 7.94.050, 7.94.060, 7.94.070, 7.94.080, 7.94.090, 7.94.100, 7.94.110,
11 7.94.120, 7.94.130, 7.94.140, 7.94.150, 7.94.900, 10.14.010,
12 10.14.020, 10.14.030, 10.14.040, 10.14.045, 10.14.050, 10.14.055,
13 10.14.060, 10.14.065, 10.14.070, 10.14.080, 10.14.085, 10.14.090,
14 10.14.100, 10.14.105, 10.14.110, 10.14.115, 10.14.120, 10.14.125,
15 10.14.130, 10.14.140, 10.14.150, 10.14.155, 10.14.160, 10.14.170,
16 10.14.180, 10.14.190, 10.14.200, 10.14.210, 10.14.800, 26.50.010,
17 26.50.020, 26.50.021, 26.50.025, 26.50.030, 26.50.035, 26.50.040,
18 26.50.050, 26.50.055, 26.50.060, 26.50.070, 26.50.080, 26.50.085,
19 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.120,
20 26.50.123, 26.50.125, 26.50.130, 26.50.135, 26.50.140, 26.50.160,
21 26.50.165, 26.50.200, 26.50.210, 26.50.220, 26.50.230, 26.50.240,
22 26.50.900, 26.50.901, 74.34.115, 74.34.120, 74.34.130, 74.34.135,
23 74.34.140, 74.34.145, 74.34.150, 74.34.160, 74.34.163, 74.34.210, and
24 26.10.115; prescribing penalties; providing effective dates; and
25 providing expiration dates.

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

27 **PART I**
28 **FINDINGS, INTENT, AND DEFINITIONS**

29 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) Washington state
30 has been a national leader in adopting legal protections to prevent
31 and respond to abuse, violence, harassment, stalking, neglect, or
32 other threatening behavior, through the enactment of different types
33 of civil protection orders, which are intended to provide a fast,
34 efficient means to obtain protection against perpetrators of these
35 harms.

36 (2) Washington state has enacted six different types of civil
37 protection orders: (a) Domestic violence protection orders, adopted

1 by the legislature in 1984; (b) vulnerable adult protection orders,
2 adopted by the legislature in 1986; (c) antiharassment protection
3 orders, adopted by the legislature in 1987; (d) sexual assault
4 protection orders, adopted by the legislature in 2006; (e) stalking
5 protection orders, adopted by the legislature in 2013; and (f)
6 extreme risk protection orders, enacted by a vote of the people
7 through Initiative Measure No. 1491 in 2016.

8 (3) These civil protection orders are essential tools designed to
9 address significant harms impacting individuals as well as
10 communities. The legislature finds that:

11 (a) Domestic violence is a problem of immense proportions. About
12 15 percent of Washington adults report experiencing domestic violence
13 in their lifetime, and women, low-income people, and Black and
14 indigenous communities experience higher rates of domestic violence.
15 When domestic violence victims seek to separate from their abuser,
16 they face increased risks. 45 percent of domestic violence homicides
17 occur within 90 days of a recent separation, while 75 percent occur
18 within the first six months of separation. Domestic violence victims
19 also face increased risks when their abuser has access to firearms.
20 Firearms are used to commit more than half of all intimate partner
21 homicides in the United States. When an abusive partner has access to
22 a gun, a domestic violence victim is 11 times more likely to be
23 killed. Domestic violence has long been recognized as being at the
24 core of other major social problems: Child abuse, other crimes of
25 violence against persons or property, homelessness, and alcohol and
26 drug abuse. Research has identified that adverse childhood
27 experiences such as exposure to domestic violence have long-term
28 negative impacts on health, well-being, and life outcomes, including
29 criminal legal system involvement. Washington state studies have
30 found that domestic violence is the most predictive of future violent
31 crime by the perpetrator. Nationwide, domestic violence costs over
32 \$460,000,000,000 each year for health care, absence from work,
33 services to children, and more. Adolescent dating violence is
34 occurring at increasingly high rates, and preventing and confronting
35 adolescent violence is important in preventing future violence in
36 adult relationships. Domestic violence should not be minimized or
37 dismissed based on any mental health diagnoses of the perpetrator or
38 the victim. To the contrary, the presence of mental health concerns
39 or substance use of either party increases the likelihood of serious
40 injury and lethality. The legislature finds that it is in the public

1 interest to improve the lives of persons being victimized by the acts
2 and dynamics of domestic violence, to require reasonable, coordinated
3 measures to prevent domestic violence from occurring, and to respond
4 effectively to secure the safety of survivors of domestic violence;

5 (b) Sexual assault is the most heinous crime against another
6 person short of murder. Sexual assault inflicts humiliation,
7 degradation, and terror on victims. The perpetrator's age, gender, or
8 relationship does not define the seriousness. According to the
9 centers for disease control and prevention, one in six men, one in
10 three women, and one in two nonbinary persons will experience sexual
11 violence in their lifetime. Because of the stigma of a sexual assault
12 and trauma, many victims are afraid or are not ready to report to law
13 enforcement and go through the rigors of the criminal justice
14 process. Individuals with disabilities; Black and indigenous
15 communities; and lesbian, gay, bisexual, transgender, queer, and
16 other individuals experience a higher rate of sexual violence.
17 Experiencing a sexual assault is itself a reasonable basis for
18 ongoing fear. Rape is recognized as the most underreported crime;
19 estimates suggest that only one in seven rapes is reported to
20 authorities. Victims who do not report the crime still may need to
21 seek safety and protection from future interactions with the
22 perpetrator and have a right to such safety and protection. Some
23 cases where rape is reported are not prosecuted or do not lead to a
24 conviction. A victim should be able to expediently seek a civil
25 remedy requiring that the perpetrator stay away from the victim,
26 independent of the criminal process and regardless of whether related
27 criminal charges are pending;

28 (c) Stalking is a crime that affects 3,400,000 people over the
29 age of 18 each year in the United States. Almost half of victims
30 experience at least one unwanted contact per week. 29 percent of
31 stalking victims fear that the stalking will never stop. The
32 prevalence of anxiety, insomnia, social dysfunction, and severe
33 depression is much higher among stalking victims than among the
34 general population. Research shows that stalking is a significant
35 indication of future lethality. Increased access to technology has
36 also increased methods of stalking. Stalking is distinct from common
37 acts of harassment or nuisance covered by antiharassment orders, and
38 law enforcement agencies need to be able to rely on orders that
39 distinguish stalking from acts of harassment or nuisance. Victims who
40 do not report the stalking behavior they are experiencing still may

1 need safety and protection from future interactions with the
2 perpetrator through expedient access to the civil court system, and
3 this protection can be accomplished without infringing on
4 constitutionally protected speech or activity;

5 (d) Serious, personal harassment through invasions of a person's
6 privacy by an act, acts, or words showing an intent to coerce,
7 intimidate, or humiliate the victim is increasing. The legislature
8 finds the prevention of such harassment is an important governmental
9 objective, and that victims should have access to a method to prevent
10 further contact between the victim and perpetrator. A person may be
11 targeted for harassing behavior due to his or her identity, such as
12 age, gender, sexual orientation, race, religion, disability, or
13 immigration status. The legislature finds that unlawful harassment
14 directed at a child by a child is not acceptable and can have serious
15 consequences, but that some negative interactions between young
16 people, especially in schools, do not rise to the level of unlawful
17 harassment. It is the intent of the legislature that a protection
18 order sought by the parent or guardian of a child as provided for in
19 this chapter be available only when the alleged behavior of the
20 person under the age of 18 to be restrained rises to the level set
21 forth in this chapter;

22 (e) Some adults are vulnerable and may be subject to abuse,
23 neglect, financial exploitation, or abandonment by a family member,
24 care provider, or other person who has a relationship with the
25 vulnerable adult. A vulnerable adult may have physical disabilities,
26 mobility issues, or be otherwise unable to represent himself or
27 herself in court or to retain legal counsel in order to obtain the
28 relief available under this chapter or other protections offered
29 through the courts. A vulnerable adult may lack the ability to
30 perform or obtain those services necessary to maintain his or her
31 well-being because he or she lacks the capacity for consent, and may
32 have health problems that place him or her in a dependent position.
33 The legislature finds the legal tool of protection orders will help
34 prevent abuse, neglect, exploitation, or abandonment of vulnerable
35 adults; and

36 (f) Every year, over 100,000 persons in our country are victims
37 of gunshot wounds and 38,000 individuals lose their lives from gun
38 violence. On average, there are over 100 gun deaths each day, 61
39 percent of which are suicides. In Washington state, the suicide rate
40 is on average 10 percent higher. Extreme risk protection orders allow

1 for the temporary removal of the most lethal means of suicide from
2 the situation, saving lives of those at risk. Studies show that
3 individuals who engage in certain dangerous behaviors are
4 significantly more likely to commit violence toward themselves or
5 others in the near future. These behaviors, which can include other
6 acts or threats of violence, self-harm, or the abuse of drugs or
7 alcohol, are warning signs that the person may soon commit an act of
8 violence. Individuals who pose a danger to themselves or others often
9 exhibit signs that alert family, household members, or law
10 enforcement to the threat. Restricting firearms access in these
11 moments of crisis is an important way to prevent gun violence and
12 save lives. Many mass shooters displayed warning signs prior to their
13 killings, but federal and state laws provided no clear legal process
14 to suspend the shooters' access to guns, even temporarily. In
15 enacting the extreme risk protection order, the people intended to
16 reduce gun deaths and injuries, while respecting constitutional
17 rights, by providing a procedure for family, household members, and
18 law enforcement to obtain a court order temporarily preventing
19 individuals who are at high risk of harming themselves or others from
20 accessing firearms when there is demonstrated evidence that the
21 individuals pose a significant danger, including danger as a result
22 of threatening or violent behavior. Additionally, extreme risk
23 protection orders may provide protections from firearm risks for
24 individuals who are not eligible to petition for other types of
25 protection orders. Extreme risk protection orders are intended to be
26 limited to situations in which individuals pose a significant danger
27 of harming themselves or others by possessing a firearm, having
28 immediate access to a firearm, or having expressed intent to obtain a
29 firearm, and include standards and safeguards to protect the rights
30 of respondents and due process of law. Temporarily removing firearms
31 under these circumstances is an important tool to prevent suicide,
32 homicide, and community violence.

33 (4) The legislature finds that all of these civil protection
34 orders are essential tools that can increase safety for victims of
35 domestic violence, sexual assault, stalking, abuse of vulnerable
36 adults, unlawful harassment, and threats of gun violence to obtain
37 immediate protection for themselves apart from the criminal legal
38 system. Victims are in the best position to know what their safety
39 needs are and should be able to seek these crucial protections
40 without having to rely on the criminal legal system process. The

1 legislature further finds the surrender of firearms in civil
2 protection orders is critical to public health. In keeping with the
3 harm reduction approach of this lifesaving tool, the legislature
4 finds that it is appropriate to allow for immunity from prosecution
5 for certain offenses when appropriate to create a safe harbor from
6 prosecution for certain offenses to increase compliance with orders
7 to surrender and prohibit firearms.

8 (5) To better achieve these important public purposes, the
9 legislature further finds the need to clarify and simplify these
10 civil protection order statutes to make them more understandable and
11 accessible to victims seeking relief and to respondents who are
12 subject to the court process. An efficient and effective civil
13 process can provide necessary relief many victims require in order to
14 escape and prevent harm. Clarification and simplification of the
15 statutes will aid petitioners, respondents, law enforcement, and
16 judicial officers in their application, help to eliminate procedural
17 inconsistencies, modernize practices, provide better access to
18 justice for those most marginalized, increase compliance, and improve
19 identified problem areas within the statutes. Those who participate
20 in the protection order process often find it difficult to navigate
21 the statutes, which were adopted at different times and contain
22 differing jurisdictional approaches, procedures, definitions, and
23 types of relief offered, among other differences, all of which can
24 create barriers and cause confusion. Harmonizing and standardizing
25 provisions where there is not a need for a specific, different
26 approach can provide more uniformity among the laws and significantly
27 reduce these obstacles.

28 The legislature finds that these improvements are needed to help
29 ensure that protection orders and corresponding court processes are
30 more easily accessible to all litigants, particularly parties who may
31 experience higher barriers to accessing justice.

32 (6) The legislature finds that advances in technology have made
33 it increasingly possible to file petitions, effect service of
34 process, and conduct hearings in protection order proceedings through
35 more efficient and accessible means, while upholding constitutional
36 due process requirements. These include using approaches such as
37 online filing of petitions, electronic service of protection orders,
38 and video and telephonic hearings to maintain and improve access to
39 the courts. These alternatives can help make protection order
40 processes more accessible, effective, timely, and procedurally just,

1 particularly in situations where there are emergent risks. The
2 legislature finds that it would be helpful for petitioners,
3 respondents, judicial officers, court personnel, law enforcement,
4 advocates, counsel, and others to have these new tools enacted into
5 statute and made readily available in every court, with statewide
6 best practices created for their use, specific to the context of
7 civil protection orders. The legislature further finds that it is
8 important to modernize other aspects of the civil protection order
9 statutes to reflect current trends, and to provide for data
10 collection and research in these areas of the law.

11 (7) The legislature further finds that in order to improve the
12 efficacy of, accessibility to, and understanding of, civil protection
13 orders, the six different civil protection orders in Washington state
14 should be included in a single chapter of the Revised Code of
15 Washington.

16 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
17 section apply throughout this chapter unless the context clearly
18 requires otherwise.

19 (1) "Abandonment" means action or inaction by a person or entity
20 with a duty of care for a vulnerable adult that leaves the vulnerable
21 adult without the means or ability to obtain necessary food,
22 clothing, shelter, or health care.

23 (2) "Abuse," for the purposes of a vulnerable adult protection
24 order, means intentional, willful, or reckless action or inaction
25 that inflicts injury, unreasonable confinement, intimidation, or
26 punishment on a vulnerable adult. In instances of abuse of a
27 vulnerable adult who is unable to express or demonstrate physical
28 harm, pain, or mental anguish, the abuse is presumed to cause
29 physical harm, pain, or mental anguish. "Abuse" includes sexual
30 abuse, mental abuse, physical abuse, personal exploitation, and
31 improper use of restraint against a vulnerable adult, which have the
32 following meanings:

33 (a) "Improper use of restraint" means the inappropriate use of
34 chemical, physical, or mechanical restraints for convenience or
35 discipline, or in a manner that: (i) Is inconsistent with federal or
36 state licensing or certification requirements for facilities,
37 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
38 not medically authorized; or (iii) otherwise constitutes abuse under
39 this section.

1 (b) "Mental abuse" means an intentional, willful, or reckless
2 verbal or nonverbal action that threatens, humiliates, harasses,
3 coerces, intimidates, isolates, unreasonably confines, or punishes a
4 vulnerable adult. "Mental abuse" may include ridiculing, yelling,
5 swearing, or withholding or tampering with prescribed medications or
6 their dosage.

7 (c) "Personal exploitation" means an act of forcing, compelling,
8 or exerting undue influence over a vulnerable adult causing the
9 vulnerable adult to act in a way that is inconsistent with relevant
10 past behavior, or causing the vulnerable adult to perform services
11 for the benefit of another.

12 (d) "Physical abuse" means the intentional, willful, or reckless
13 action of inflicting bodily injury or physical mistreatment.
14 "Physical abuse" includes, but is not limited to, striking with or
15 without an object, slapping, pinching, strangulation, suffocation,
16 kicking, shoving, or prodding.

17 (e) "Sexual abuse" means any form of nonconsensual sexual conduct
18 including, but not limited to, unwanted or inappropriate touching,
19 rape, molestation, indecent liberties, sexual coercion, sexually
20 explicit photographing or recording, voyeurism, indecent exposure,
21 and sexual harassment. "Sexual abuse" also includes any sexual
22 conduct between a staff person, who is not also a resident or client,
23 of a facility or a staff person of a program authorized under chapter
24 71A.12 RCW, and a vulnerable adult living in that facility or
25 receiving service from a program authorized under chapter 71A.12 RCW,
26 whether or not the sexual conduct is consensual.

27 (3) "Chemical restraint" means the administration of any drug to
28 manage a vulnerable adult's behavior in a way that reduces the safety
29 risk to the vulnerable adult or others, has the temporary effect of
30 restricting the vulnerable adult's freedom of movement, and is not
31 standard treatment for the vulnerable adult's medical or psychiatric
32 condition.

33 (4) "Coercive control" means a pattern of behavior that in
34 purpose or effect unreasonably interferes with a person's free will
35 and personal liberty and is used to cause another to suffer physical
36 or psychological harm. Examples of coercive control include, but are
37 not limited to, unreasonably engaging in any of the following:

38 (a) Making threats of harm, dependence, isolation, intimidation,
39 and/or physical forms of violence;

1 (b) Isolating the other party from friends, relatives, or other
2 sources of support;

3 (c) Depriving the other party of basic necessities or committing
4 other forms of economic abuse;

5 (d) Controlling, regulating, or monitoring the other party's
6 movements, communications, daily behavior, finances, economic
7 resources, or access to services;

8 (e) Compelling the other party by force, threat of force, or
9 intimidation, including threats based on actual or suspected
10 immigration status such as threats to contact federal agencies, to
11 engage in conduct from which the other party has a right to abstain
12 or to abstain from conduct in which the other party has a right to
13 engage;

14 (f) Using technology, including, but not limited to,
15 cyberstalking, monitoring, surveillance, impersonation, or
16 distribution of intimate images, to harass, stalk, or abuse;

17 (g) Engaging in vexatious or abusive litigation against a
18 petitioner to harass, coerce, or control the petitioner; to diminish
19 or exhaust the petitioner's financial resources; or to compromise the
20 petitioner's employment or housing;

21 (h) Engaging in psychological aggression; and

22 (i) Frightening, humiliating, degrading, or punishing the other
23 party.

24 (5) "Consent" in the context of sexual acts means that at the
25 time of sexual contact, there are actual words or conduct indicating
26 freely given agreement to that sexual contact. Consent must be
27 ongoing and may be revoked at any time. Conduct short of voluntary
28 agreement does not constitute consent as a matter of law. Consent
29 cannot be freely given when a person does not have capacity due to
30 disability, intoxication, or age. Consent cannot be freely given when
31 the other party has authority or control over the care or custody of
32 a person incarcerated or detained.

33 (6) (a) "Course of conduct" means a pattern of conduct composed of
34 a series of acts over a period of time, however short, evidencing a
35 continuity of purpose. "Course of conduct" includes any form of
36 communication, contact, or conduct, including the sending of an
37 electronic communication, but does not include constitutionally
38 protected free speech. Constitutionally protected activity is not
39 included within the meaning of "course of conduct."

1 (b) In determining whether the course of conduct serves any
2 legitimate or lawful purpose, a court should consider whether:

3 (i) Any current contact between the parties was initiated by the
4 respondent only or was initiated by both parties;

5 (ii) The respondent has been given clear notice that all further
6 contact with the petitioner is unwanted;

7 (iii) The respondent's course of conduct appears designed to
8 alarm, annoy, or harass the petitioner;

9 (iv) The respondent is acting pursuant to any statutory authority
10 including, but not limited to, acts which are reasonably necessary
11 to:

12 (A) Protect property or liberty interests;

13 (B) Enforce the law; or

14 (C) Meet specific statutory duties or requirements;

15 (v) The respondent's course of conduct has the purpose or effect
16 of unreasonably interfering with the petitioner's privacy or the
17 purpose or effect of creating an intimidating, hostile, or offensive
18 living environment for the petitioner; or

19 (vi) Contact by the respondent with the petitioner or the
20 petitioner's family has been limited in any manner by any previous
21 court order.

22 (7) "Court clerk" means court administrators in courts of limited
23 jurisdiction and elected court clerks.

24 (8) "Dating relationship" means a social relationship of a
25 romantic nature. Factors that the court may consider in making this
26 determination include: (a) The length of time the relationship has
27 existed; (b) the nature of the relationship; and (c) the frequency of
28 interaction between the parties.

29 (9) "Domestic violence" means:

30 (a) Physical harm, bodily injury, assault, or the infliction of
31 fear of physical harm, bodily injury, or assault; nonconsensual
32 sexual conduct or nonconsensual sexual penetration; coercive control;
33 unlawful harassment; or stalking of one intimate partner by another
34 intimate partner; or

35 (b) Physical harm, bodily injury, assault, or the infliction of
36 fear of physical harm, bodily injury, or assault; nonconsensual
37 sexual conduct or nonconsensual sexual penetration; coercive control;
38 unlawful harassment; or stalking of one family or household member by
39 another family or household member.

1 (10) "Electronic monitoring" has the same meaning as in RCW
2 9.94A.030.

3 (11) "Essential personal effects" means those items necessary for
4 a person's immediate health, welfare, and livelihood. "Essential
5 personal effects" includes, but is not limited to, clothing, cribs,
6 bedding, medications, personal hygiene items, cellular phones and
7 other electronic devices, and documents, including immigration,
8 health care, financial, travel, and identity documents.

9 (12) "Facility" means a residence licensed or required to be
10 licensed under chapter 18.20 RCW, assisted living facilities; chapter
11 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
12 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
13 habilitation centers; or any other facility licensed or certified by
14 the department of social and health services.

15 (13) "Family or household members" means: (a) Persons related by
16 blood, marriage, domestic partnership, or adoption; (b) persons who
17 currently or formerly resided together; (c) persons who have a
18 biological or legal parent-child relationship, including stepparents
19 and stepchildren and grandparents and grandchildren, or a parent's
20 intimate partner and children; and (d) a person who is acting or has
21 acted as a legal guardian.

22 (14) "Financial exploitation" means the illegal or improper use
23 of, control over, or withholding of, the property, income, resources,
24 or trust funds of the vulnerable adult by any person or entity for
25 any person's or entity's profit or advantage other than for the
26 vulnerable adult's profit or advantage. "Financial exploitation"
27 includes, but is not limited to:

28 (a) The use of deception, intimidation, or undue influence by a
29 person or entity in a position of trust and confidence with a
30 vulnerable adult to obtain or use the property, income, resources,
31 government benefits, health insurance benefits, or trust funds of the
32 vulnerable adult for the benefit of a person or entity other than the
33 vulnerable adult;

34 (b) The breach of a fiduciary duty, including, but not limited
35 to, the misuse of a power of attorney, trust, or a guardianship or
36 conservatorship appointment, that results in the unauthorized
37 appropriation, sale, or transfer of the property, income, resources,
38 or trust funds of the vulnerable adult for the benefit of a person or
39 entity other than the vulnerable adult; or

1 (c) Obtaining or using a vulnerable adult's property, income,
2 resources, or trust funds without lawful authority, by a person or
3 entity who knows or clearly should know that the vulnerable adult
4 lacks the capacity to consent to the release or use of the vulnerable
5 adult's property, income, resources, or trust funds.

6 (15) "Firearm" means a weapon or device from which a projectile
7 or projectiles may be fired by an explosive such as gunpowder.
8 "Firearm" does not include a flare gun or other pyrotechnic visual
9 distress signaling device, or a powder-actuated tool or other device
10 designed solely to be used for construction purposes. "Firearm" also
11 includes parts that can be assembled to make a firearm.

12 (16) "Full hearing" means a hearing where the court determines
13 whether to issue a full protection order.

14 (17) "Full protection order" means a protection order that is
15 issued by the court after notice to the respondent and where the
16 parties had the opportunity for a full hearing by the court. "Full
17 protection order" includes a protection order entered by the court by
18 agreement of the parties to resolve the petition for a protection
19 order without a full hearing.

20 (18) "Hospital" means a facility licensed under chapter 70.41 or
21 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
22 employee, agent, officer, director, or independent contractor
23 thereof.

24 (19) "Incapacitated person" means a person who is at a
25 significant risk of personal or financial harm under RCW 11.88.010(1)
26 (a), (b), (c), or (d).

27 (20) "Interested person" means a person who demonstrates to the
28 court's satisfaction that the person is interested in the welfare of
29 a vulnerable adult, that the person has a good faith belief that the
30 court's intervention is necessary, and that the vulnerable adult is
31 unable, due to incapacity, undue influence, or duress at the time the
32 petition is filed, to protect his or her own interests.

33 (21) "Intimate partner" means: (a) Spouses or domestic partners;
34 (b) former spouses or former domestic partners; (c) persons who have
35 a child in common regardless of whether they have been married or
36 have lived together at any time; or (d) persons who have or have had
37 a dating relationship where both persons are at least 13 years of age
38 or older.

39 (22)(a) "Isolate" or "isolation" means to restrict a person's
40 ability to communicate, visit, interact, or otherwise associate with

1 persons of his or her choosing. Isolation may be evidenced by acts
2 including, but not limited to:

3 (i) Acts that prevent a person from sending, making, or receiving
4 his or her personal mail, electronic communications, or telephone
5 calls; or

6 (ii) Acts that prevent or obstruct a person from meeting with
7 others, such as telling a prospective visitor or caller that the
8 person is not present or does not wish contact, where the statement
9 is contrary to the express wishes of the person.

10 (b) The term "isolate" or "isolation" may not be construed in a
11 manner that prevents a guardian or limited guardian from performing
12 his or her fiduciary obligations under chapter 11.92 RCW or prevents
13 a hospital or facility from providing treatment consistent with the
14 standard of care for delivery of health services.

15 (23) "Judicial day" means days of the week other than Saturdays,
16 Sundays, or legal holidays.

17 (24) "Mechanical restraint" means any device attached or adjacent
18 to a vulnerable adult's body that the vulnerable adult cannot easily
19 remove that restricts freedom of movement or normal access to the
20 vulnerable adult's body. "Mechanical restraint" does not include the
21 use of devices, materials, or equipment that are (a) medically
22 authorized, as required, and (b) used in a manner that is consistent
23 with federal or state licensing or certification requirements for
24 facilities, hospitals, or programs authorized under chapter 71A.12
25 RCW.

26 (25) "Minor" means a person who is under 18 years of age.

27 (26) "Neglect" means: (a) A pattern of conduct or inaction by a
28 person or entity with a duty of care that fails to provide the goods
29 and services that maintain the physical or mental health of a
30 vulnerable adult, or that fails to avoid or prevent physical or
31 mental harm or pain to a vulnerable adult; or (b) an act or omission
32 by a person or entity with a duty of care that demonstrates a serious
33 disregard of consequences of such a magnitude as to constitute a
34 clear and present danger to the vulnerable adult's health, welfare,
35 or safety including, but not limited to, conduct prohibited under RCW
36 9A.42.100.

37 (27) "Nonconsensual" means a lack of freely given consent.

38 (28) "Nonphysical contact" includes, but is not limited to,
39 written notes, mail, telephone calls, email, text messages, contact

1 through social media applications, contact through other
2 technologies, and contact through third parties.

3 (29) "Petitioner" means any named petitioner or any other person
4 identified in the petition on whose behalf the petition is brought.

5 (30) "Physical restraint" means the application of physical force
6 without the use of any device, for the purpose of restraining the
7 free movement of a vulnerable adult's body. "Physical restraint" does
8 not include (a) briefly holding, without undue force, a vulnerable
9 adult in order to calm or comfort him or her, or (b) holding a
10 vulnerable adult's hand to safely escort him or her from one area to
11 another.

12 (31) "Possession" means having an item in one's custody or
13 control. Possession may be either actual or constructive. Actual
14 possession occurs when the item is in the actual physical custody of
15 the person charged with possession. Constructive possession occurs
16 when there is no actual physical possession, but there is dominion
17 and control over the item.

18 (32) "Respondent" means the person who is identified as the
19 respondent in a petition filed under this chapter.

20 (33) "Sexual conduct" means any of the following:

21 (a) Any intentional or knowing touching or fondling of the
22 genitals, anus, or breasts, directly or indirectly, including through
23 clothing;

24 (b) Any intentional or knowing display of the genitals, anus, or
25 breasts for the purposes of arousal or sexual gratification of the
26 respondent;

27 (c) Any intentional or knowing touching or fondling of the
28 genitals, anus, or breasts, directly or indirectly, including through
29 clothing, that the petitioner is forced to perform by another person
30 or the respondent;

31 (d) Any forced display of the petitioner's genitals, anus, or
32 breasts for the purposes of arousal or sexual gratification of the
33 respondent or others;

34 (e) Any intentional or knowing touching of the clothed or
35 unclothed body of a child under the age of 16, if done for the
36 purpose of sexual gratification or arousal of the respondent or
37 others; or

38 (f) Any coerced or forced touching or fondling by a child under
39 the age of 16, directly or indirectly, including through clothing, of
40 the genitals, anus, or breasts of the respondent or others.

1 (34) "Sexual penetration" means any contact, however slight,
2 between the sex organ or anus of one person by an object, the sex
3 organ, mouth, or anus of another person, or any intrusion, however
4 slight, of any part of the body of one person or of any animal or
5 object into the sex organ or anus of another person including, but
6 not limited to, cunnilingus, fellatio, or anal penetration. Evidence
7 of emission of semen is not required to prove sexual penetration.

8 (35) "Stalking" means any of the following:

9 (a) Any act of stalking as defined under RCW 9A.46.110;

10 (b) Any act of cyberstalking as defined under RCW 9.61.260; or

11 (c) Any course of conduct involving repeated or continuing
12 contacts, attempts to contact, monitoring, tracking, surveillance,
13 keeping under observation, disrupting activities in a harassing
14 manner, or following of another person that:

15 (i) Would cause a reasonable person to feel intimidated,
16 frightened, under duress, significantly disrupted, or threatened and
17 that actually causes such a feeling;

18 (ii) Serves no lawful purpose; and

19 (iii) The respondent knows, or reasonably should know, threatens,
20 frightens, or intimidates the person, even if the respondent did not
21 intend to intimidate, frighten, or threaten the person.

22 (36) "Temporary protection order" means a protection order that
23 is issued before the court has decided whether to issue a full
24 protection order. "Temporary protection order" includes ex parte
25 temporary protection orders, as well as temporary protection orders
26 that are reissued by the court pending the completion of a full
27 hearing to decide whether to issue a full protection order. An "ex
28 parte temporary protection order" means a temporary protection order
29 that is issued without prior notice to the respondent.

30 (37) "Unlawful harassment" means:

31 (a) A knowing and willful course of conduct directed at a
32 specific person that seriously alarms, annoys, harasses, or is
33 detrimental to such person, and that serves no legitimate or lawful
34 purpose. The course of conduct must be such as would cause a
35 reasonable person to suffer substantial emotional distress, and must
36 actually cause substantial emotional distress to the petitioner; or

37 (b) A single act of violence or threat of violence directed at a
38 specific person that seriously alarms, annoys, harasses, or is
39 detrimental to such person, and that serves no legitimate or lawful
40 purpose, which would cause a reasonable person to suffer substantial

1 emotional distress, and must actually cause substantial emotional
2 distress to the petitioner. A single threat of violence must include:
3 (i) A malicious and intentional threat as described in RCW
4 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

5 (38) "Vulnerable adult" includes a person:

6 (a) Sixty years of age or older who has the functional, mental,
7 or physical inability to care for himself or herself; or

8 (b) Found incapacitated under chapter 11.88 RCW; or

9 (c) Who has a developmental disability as defined under RCW
10 71A.10.020; or

11 (d) Admitted to any facility; or

12 (e) Receiving services from home health, hospice, or home care
13 agencies licensed or required to be licensed under chapter 70.127
14 RCW; or

15 (f) Receiving services from a person under contract with the
16 department of social and health services to provide services in the
17 home under chapter 74.09 or 74.39A RCW; or

18 (g) Who self-directs his or her own care and receives services
19 from a personal aide under chapter 74.39 RCW.

20 PART II

21 JURISDICTION AND VENUE

22 NEW SECTION. **Sec. 3.** REVIEW OF EXISTING COURT JURISDICTION. The
23 legislature finds that there are inconsistencies and differing
24 approaches within existing provisions governing the jurisdictional
25 division of authority and responsibility among superior courts and
26 courts of limited jurisdiction for protection order proceedings
27 addressed by this act. This act retains those jurisdictional
28 differences only as an interim measure, and creates an approach in
29 section 12 of this act to review the existing jurisdictional
30 division, assess the benefits and ramifications of modifying or
31 consolidating jurisdiction for protection orders consistent with the
32 goals of this act of improving efficacy and accessibility, and
33 propose to the legislature provisions to address jurisdiction.

34 NEW SECTION. **Sec. 4.** DOMESTIC VIOLENCE PROTECTION ORDERS AND
35 SEXUAL ASSAULT PROTECTION ORDERS. (1) The superior, district, and
36 municipal courts have jurisdiction over domestic violence protection
37 order proceedings and sexual assault protection order proceedings

1 under this chapter. The jurisdiction of district and municipal courts
2 is limited to enforcement of section 56(1) of this act, or the
3 equivalent municipal ordinance, and the issuance and enforcement of
4 temporary orders for protection provided for in section 38 of this
5 act if:

6 (a) A superior court has exercised or is exercising jurisdiction
7 over a proceeding involving the parties;

8 (b) The petition for relief under this chapter presents issues of
9 the residential schedule of, and contact with, children of the
10 parties; or

11 (c) The petition for relief under this chapter requests the court
12 to exclude a party from the dwelling which the parties share.

13 (2) When the jurisdiction of a district or municipal court is
14 limited to the issuance and enforcement of a temporary protection
15 order, the district or municipal court shall set the full hearing in
16 superior court and transfer the case. If the notice and order are not
17 served on the respondent in time for the full hearing, the issuing
18 court shall have concurrent jurisdiction with the superior court to
19 extend the temporary protection order.

20 NEW SECTION. **Sec. 5.** STALKING PROTECTION ORDERS. (1) The
21 district courts shall have original jurisdiction and cognizance of
22 stalking protection order proceedings brought under this chapter,
23 except a district court shall transfer such actions and proceedings
24 to the superior court when it is shown that:

25 (a) The petitioner, victim, or respondent to the petition is
26 under 18 years of age;

27 (b) A superior court has exercised or is exercising jurisdiction
28 over a proceeding involving the parties; or

29 (c) The action would have the effect of interfering with a
30 respondent's care, control, or custody of the respondent's minor
31 child.

32 (2) Municipal courts may exercise jurisdiction and cognizance of
33 any stalking protection order proceedings brought under this chapter
34 by adoption of local court rule, except a municipal court shall
35 transfer such actions and proceedings to the superior court when it
36 is shown that:

37 (a) The petitioner, victim, or respondent to the petition is
38 under 18 years of age;

1 (b) A superior court has exercised or is exercising jurisdiction
2 over a proceeding involving the parties; or

3 (c) The action would have the effect of interfering with a
4 respondent's care, control, or custody of the respondent's minor
5 child.

6 (3) Superior courts shall have concurrent jurisdiction to receive
7 the transfer of stalking protection order petitions in cases where a
8 district or municipal court judge makes findings of fact and
9 conclusions of law showing that meritorious reasons exist for the
10 transfer. The jurisdiction of district and municipal courts is
11 limited to enforcement of section 56(1) of this act, or the
12 equivalent municipal ordinance, and the issuance and enforcement of
13 temporary protection orders provided for in section 38 of this act if
14 the superior court is exercising jurisdiction over a proceeding under
15 this chapter involving the parties.

16 NEW SECTION. **Sec. 6.** ANTIHARASSMENT PROTECTION ORDERS. (1) The
17 district courts shall have original jurisdiction and cognizance of
18 antiharassment protection order proceedings brought under this
19 chapter, except the district court shall transfer such actions and
20 proceedings to the superior court when it is shown that:

21 (a) The respondent to the petition is under 18 years of age;

22 (b) A superior court has exercised or is exercising jurisdiction
23 over a proceeding involving the parties; or

24 (c) The action would have the effect of interfering with a
25 respondent's care, control, or custody of the respondent's minor
26 child.

27 (2) Municipal courts may exercise jurisdiction and cognizance of
28 antiharassment protection order proceedings brought under this
29 chapter by adoption of local court rule, except the municipal court
30 shall transfer such actions and proceedings to the superior court
31 when it is shown that:

32 (a) The respondent to the petition is under 18 years of age;

33 (b) A superior court has exercised or is exercising jurisdiction
34 over a proceeding involving the parties; or

35 (c) The action would have the effect of interfering with a
36 respondent's care, control, or custody of the respondent's minor
37 child.

38 (3) The civil jurisdiction of district and municipal courts under
39 this section is limited to the issuance and enforcement of temporary

1 protection orders in cases that require transfer to superior court
2 under subsections (1) and (2) of this section. The district or
3 municipal court shall transfer the case to superior court after the
4 temporary protection order is entered.

5 (4) Superior courts shall have concurrent jurisdiction to receive
6 transfer of antiharassment petitions in cases where a district or
7 municipal court judge makes findings of fact and conclusions of law
8 showing that meritorious reasons exist for the transfer.

9 (5) The municipal and district courts shall have jurisdiction and
10 cognizance of any criminal actions brought under section 57 of this
11 act.

12 NEW SECTION. **Sec. 7.** VULNERABLE ADULT PROTECTION ORDERS. The
13 superior courts have jurisdiction over vulnerable adult protection
14 order proceedings under this chapter.

15 NEW SECTION. **Sec. 8.** EXTREME RISK PROTECTION ORDERS. The
16 superior courts have jurisdiction over extreme risk protection order
17 proceedings under this chapter. The juvenile court may hear an
18 extreme risk protection order proceeding under this chapter if the
19 respondent is under the age of 18 years. Additionally, district and
20 municipal courts have limited jurisdiction over the issuance and
21 enforcement of temporary extreme risk protection orders issued under
22 section 43 of this act. The district or municipal court shall set the
23 full hearing in superior court and transfer the case. If the notice
24 and order are not served on the respondent in time for the full
25 hearing, the issuing court has concurrent jurisdiction with the
26 superior court to extend the temporary extreme risk protection order.

27 NEW SECTION. **Sec. 9.** VENUE. An action for a protection order
28 should be filed in the county or municipality where the petitioner
29 resides. The petitioner may also file in:

30 (1) The county or municipality where an act giving rise to the
31 petition for a protection order occurred;

32 (2) The county or municipality where a child to be protected by
33 the order primarily resides;

34 (3) The county or municipality where the petitioner resided prior
35 to relocating if relocation was due to the respondent's conduct; or

36 (4) The court nearest to the petitioner's residence or former
37 residence under subsection (3) of this section.

1 NEW SECTION. **Sec. 10.** PERSONAL JURISDICTION OVER NONRESIDENTS.

2 (1) In a proceeding in which a petition for a protection order under
3 this chapter is sought, a court of this state may exercise personal
4 jurisdiction over a nonresident individual if:

5 (a) The individual is personally served with a petition within
6 this state;

7 (b) The individual submits to the jurisdiction of this state by
8 consent, entering a general appearance, or filing a responsive
9 document having the effect of waiving any objection to consent to
10 personal jurisdiction;

11 (c) The act or acts of the individual or the individual's agent
12 giving rise to the petition or enforcement of a protection order
13 occurred within this state;

14 (d)(i) The act or acts of the individual or the individual's
15 agent giving rise to the petition or enforcement of a protection
16 order occurred outside this state and are part of an ongoing pattern
17 that has an adverse effect on the petitioner or a member of the
18 petitioner's family or household and the petitioner resides in this
19 state; or

20 (ii) As a result of the acts giving rise to the petition or
21 enforcement of a protection order, the petitioner or a member of the
22 petitioner's family or household has sought safety or protection in
23 this state and currently resides in this state; or

24 (e) There is any other basis consistent with RCW 4.28.185 or with
25 the Constitutions of this state and the United States.

26 (2) For jurisdiction to be exercised under subsection (1)(d) of
27 this section, the individual must have communicated with the
28 petitioner or a member of the petitioner's family, directly or
29 indirectly, or made known a threat to the safety of the petitioner or
30 member of the petitioner's family, while the petitioner or member of
31 the petitioner's family resides in this state.

32 (3) For the purposes of this section:

33 (a) "Communicated" or "made known" includes the following means:
34 In person, through publication, by mail, telephonically, through an
35 electronic communication site or medium, by text, or through other
36 social media. Communication on any electronic medium that is
37 generally available to any individual residing in the state is
38 sufficient to exercise jurisdiction under subsection (1)(d) of this
39 section.

1 (b) An act or acts that "occurred within this state" include an
2 oral or written statement made or published by a person outside of
3 this state to any person in this state by means included in (a) of
4 this subsection, or by means of interstate commerce or foreign
5 commerce.

6 NEW SECTION. **Sec. 11.** OUT-OF-STATE CHILD CUSTODY JURISDICTIONAL
7 ISSUES. Jurisdictional issues regarding out-of-state proceedings
8 involving the custody or residential placement of any child of the
9 parties are governed by the uniform child custody jurisdiction and
10 enforcement act, chapter 26.27 RCW.

11 NEW SECTION. **Sec. 12.** RECOMMENDATIONS ON JURISDICTION OVER
12 PROTECTION ORDER PROCEEDINGS. (1) The administrative office of the
13 courts, through the gender and justice commission of the Washington
14 state supreme court, and with the support of the Washington state
15 women's commission, shall consider and develop recommendations
16 regarding the jurisdictional division of authority and responsibility
17 among superior courts and courts of limited jurisdiction for
18 protection order proceedings, and the differing approaches to
19 jurisdiction among the types of protection orders. The work shall
20 assess whether jurisdiction should be harmonized, modified, or
21 consolidated to further the stated intent of this act. The work shall
22 consider the underlying rationale for the existing jurisdictional
23 division, assess whether the jurisdictional division creates barriers
24 to access, gather data on usage and financial costs or savings, and
25 weigh other relevant benefits and ramifications of modifying or
26 consolidating jurisdiction.

27 (2) In developing the recommendations, the gender and justice
28 commission must work with representatives of superior, district, and
29 municipal court judicial officers, court clerks, and administrators,
30 including those with experience in protection order proceedings, as
31 well as advocates and practitioners with expertise in each type of
32 protection order. Participants should include those from both rural
33 and urban jurisdictions.

34 (3) The gender and justice commission shall provide a report of
35 its findings and recommendations to the legislature by June 30, 2022.

36 (4) This section expires January 1, 2023.

1 **PART III**

2 **FILING**

3 NEW SECTION. **Sec. 13.** FILING—TYPES OF PETITIONS. (1) There
4 exists an action known as a petition for a protection order. The
5 following types of petitions for a protection order may be filed:

6 (a) A petition for a domestic violence protection order, which
7 must allege the existence of domestic violence committed against the
8 petitioner or petitioners by an intimate partner or a family or
9 household member. The petitioner may petition for relief on behalf of
10 himself or herself and on behalf of family or household members who
11 are minors or vulnerable adults. A petition for a domestic violence
12 protection order must specify whether the petitioner and the
13 respondent are intimate partners or family or household members. A
14 petitioner who has been sexually assaulted or stalked by an intimate
15 partner or a family or household member should, but is not required
16 to, seek a domestic violence protection order, rather than a sexual
17 assault protection order or a stalking protection order.

18 (b) A petition for a sexual assault protection order, which must
19 allege the existence of nonconsensual sexual conduct or nonconsensual
20 sexual penetration that was committed against the petitioner by the
21 respondent. A petitioner who has been sexually assaulted by an
22 intimate partner or a family or household member should, but is not
23 required to, seek a domestic violence protection order, rather than a
24 sexual assault protection order. A single incident of nonconsensual
25 sexual conduct or nonconsensual sexual penetration is sufficient
26 grounds for a petition for a sexual assault protection order. The
27 petitioner may petition for a sexual assault protection order on
28 behalf of:

29 (i) Himself or herself;

30 (ii) A minor child, where the petitioner is the parent, legal
31 guardian, or custodian;

32 (iii) A vulnerable adult, where the petitioner is an interested
33 person; or

34 (iv) Any other adult for whom the petitioner demonstrates to the
35 court's satisfaction that the petitioner is interested in the adult's
36 well-being, the court's intervention is necessary, and the adult
37 cannot file the petition because of age, disability, health, or
38 inaccessibility.

1 (c) A petition for a stalking protection order, which must allege
2 the existence of stalking committed against the petitioner or
3 petitioners by the respondent. A petitioner who has been stalked by
4 an intimate partner or a family or household member should, but is
5 not required to, seek a domestic violence protection order, rather
6 than a stalking protection order. The petitioner may petition for a
7 stalking protection order on behalf of:

8 (i) Himself or herself;

9 (ii) A minor child, where the petitioner is the parent, legal
10 guardian, or custodian;

11 (iii) A vulnerable adult, where the petitioner is an interested
12 person; or

13 (iv) Any other adult for whom the petitioner demonstrates to the
14 court's satisfaction that the petitioner is interested in the adult's
15 well-being, the court's intervention is necessary, and the adult
16 cannot file the petition because of age, disability, health, or
17 inaccessibility.

18 (d) A petition for a vulnerable adult protection order, which
19 must allege that the petitioner, or person on whose behalf the
20 petition is brought, is a vulnerable adult and that the petitioner,
21 or person on whose behalf the petition is brought, has been
22 abandoned, abused, financially exploited, or neglected, or is
23 threatened with abandonment, abuse, financial exploitation, or
24 neglect by the respondent. If the petition is filed by an interested
25 person, the affidavit or declaration must also include a statement of
26 why the petitioner qualifies as an interested person.

27 (e) A petition for an extreme risk protection order, which must
28 allege that the respondent poses a significant danger of causing
29 personal injury to self or others by having in the respondent's
30 custody or control, purchasing, possessing, accessing, receiving, or
31 attempting to purchase or receive, a firearm. The petition must also
32 identify the number, types, and locations of any firearms the
33 petitioner believes to be in the respondent's current ownership,
34 possession, custody, access, or control. A petition for an extreme
35 risk protection order may be filed by (i) an intimate partner or a
36 family or household member of the respondent; or (ii) a law
37 enforcement agency.

38 (f) A petition for an antiharassment protection order, which must
39 allege the existence of unlawful harassment committed against the
40 petitioner or petitioners by the respondent. If a petitioner is

1 seeking relief based on domestic violence, nonconsensual sexual
2 conduct, nonconsensual sexual penetration, or stalking, the
3 petitioner may, but is not required to, seek a domestic violence,
4 sexual assault, or stalking protection order, rather than an
5 antiharassment order. The petitioner may petition for an
6 antiharassment protection order on behalf of:

7 (i) Himself or herself;

8 (ii) A minor child, where the petitioner is the parent, legal
9 guardian, or custodian;

10 (iii) A vulnerable adult, where the petitioner is an interested
11 person; or

12 (iv) Any other adult for whom the petitioner demonstrates to the
13 court's satisfaction that the petitioner is interested in the adult's
14 well-being, the court's intervention is necessary, and the adult
15 cannot file the petition because of age, disability, health, or
16 inaccessibility.

17 (2) With the exception of vulnerable adult protection orders, a
18 person under 18 years of age who is 15 years of age or older may seek
19 relief under this chapter as a petitioner and is not required to seek
20 relief through a petition filed on his or her behalf. He or she may
21 also petition on behalf of a family or household member who is a
22 minor if chosen by the minor and capable of pursuing the minor's
23 stated interest in the action.

24 (3) A person under 15 years of age who is seeking relief under
25 this chapter is required to seek relief by a person authorized as a
26 petitioner under this section.

27 (4) A petition for any type of protection order must not be
28 dismissed or denied on the basis that the conduct alleged by the
29 petitioner would meet the criteria for the issuance of another type
30 of protection order.

31 (5) The protection order petition must contain a section where
32 the petitioner, regardless of petition type, may request specific
33 relief provided for in section 39 of this act that the petitioner
34 seeks for himself or herself or for family or household members who
35 are minors. The totality of selected relief, and any other relief the
36 court deems appropriate for the petitioner, or family or household
37 members who are minors, must be considered at the time of entry of
38 temporary protection orders and at the time of entry of full
39 protection orders.

1 (6) If a court reviewing the petition for a protection order or a
2 request for a temporary protection order determines that the petition
3 was not filed in the correct court, the court shall enter findings
4 establishing the correct court, and direct the clerk to transfer the
5 petition to the correct court and to provide notice of the transfer
6 to all parties who have appeared.

7 (7) Upon filing a petition for a protection order, the petitioner
8 may request that the court enter an ex parte temporary protection
9 order until a hearing on a full protection order may be held. An ex
10 parte temporary protection order shall be effective for a fixed
11 period of time and shall be issued initially for a period not to
12 exceed 14 days.

13 (8) The court may, at its discretion, issue a temporary order on
14 the petition with or without a hearing. If an order is not signed
15 upon presentation, the court shall set a hearing for a full
16 protection order not later than 14 days from the date of the filing
17 of the petition for a protection order, if the petition for a
18 protection order is filed before close of business on a judicial day.
19 If a petition for a protection order is filed after close of business
20 on a judicial day or is filed on a nonjudicial day, the court shall
21 set a hearing for a full protection order not later than 14 days from
22 the first judicial day after the petition is filed.

23 NEW SECTION. **Sec. 14.** FILING—PROVISIONS GOVERNING ALL
24 PETITIONS. The following apply to all petitions for protection orders
25 under this chapter.

26 (1)(a) Courts in all municipalities and counties must permit
27 petitions for protection orders and all other filings in connection
28 with the petition to be filed either: (i) In person; (ii) remotely
29 through an electronic filing system that is accessible on the
30 websites of every court clerk and through the website for the
31 Washington state courts, or through the use of an alternative online
32 portal; or (iii) by mail for persons who are incarcerated or who are
33 otherwise unable to file in person or remotely through an electronic
34 filing system.

35 (b) Electronic filings for protection orders may be made at any
36 time of the day. The electronic filing system should allow for auto-
37 enrollment of the petitioner to electronically track the progress of
38 the petition for a protection order. The electronic filing system
39 should allow for text messaging or email notification alerting the

1 petitioner once the petition has been processed and is under review
2 by a judicial officer; when the order has been signed, entered into
3 the Washington crime information center system, and served upon the
4 respondent; when the firearms have been removed and returned; and
5 reminders for court appearances. Respondents, once served, should be
6 able to sign up for similar electronic notification. The electronic
7 filing system must grant access to the parties and any attorneys of
8 record without charge.

9 (2) The petition must be accompanied by a confidential document
10 to be used by the courts and law enforcement to fully identify the
11 parties and serve the respondent. This record will be exempt from
12 public disclosure at all times, and restricted access to this form is
13 governed by general rule 22 provisions governing access to the
14 confidential information form. The petitioner is required to fill out
15 the confidential party information form to the petitioner's fullest
16 ability. The respondent must be served with a blank confidential
17 party information form, and when the respondent first appears, the
18 respondent must confirm with the court the respondent's identifying
19 and current contact information, including electronic means of
20 contact, and file this with the court.

21 (3) A petition must be accompanied by a declaration signed under
22 penalty of perjury stating the specific facts and circumstances for
23 which relief is sought. Parties, attorneys, and witnesses may
24 electronically sign sworn statements in all filings.

25 (4) The petitioner and the respondent must disclose the existence
26 of any other litigation or of any other restraining, protection, or
27 no-contact orders between the parties, to the extent that such
28 information is known by the petitioner and the respondent. To the
29 extent possible, the court shall take judicial notice of any existing
30 restraining, protection, or no-contact orders between the parties
31 before entering a protection order. The court shall not include
32 provisions in a protection order that would allow the respondent to
33 engage in conduct that is prohibited by another restraining,
34 protection, or no-contact order between the parties that was entered
35 in a different proceeding. The obligation to disclose the existence
36 of any other litigation includes, but is not limited to, the
37 existence of any other litigation concerning the custody or
38 residential placement of a child of the parties as set forth in RCW
39 26.27.281. The court administrator shall verify for the court the
40 terms of any existing protection order governing the parties.

1 (5) The petition may be made regardless of whether or not there
2 is a pending lawsuit, complaint, petition, or other action between
3 the parties, except in cases where the court has realigned the
4 parties in accordance with section 26 of this act.

5 (6) Relief under this chapter must not be denied or delayed on
6 the grounds that the relief is available in another action. The court
7 shall not defer acting on a petition for a protection order nor grant
8 a petitioner less than the full relief that the petitioner is
9 otherwise entitled to under this chapter because there is, or could
10 be, another proceeding involving the parties including, but not
11 limited to, any potential or pending family law matter or criminal
12 matter.

13 (7) A person's right to petition for relief under this chapter is
14 not affected by the person leaving his or her residence or household.

15 (8) A petitioner is not required to post a bond to obtain relief
16 in any proceeding for a protection order.

17 (9) No fees for any type of filing or service of process may be
18 charged by a court or any public agency to petitioners seeking relief
19 under this chapter. Courts may not charge petitioners any fees or
20 surcharges the payment of which is a condition precedent to the
21 petitioner's ability to secure access to relief under this chapter.
22 Petitioners shall be provided the necessary number of certified
23 copies, forms, and instructional brochures free of charge. A
24 respondent who is served electronically with a protection order shall
25 be provided a certified copy of the order free of charge upon
26 request.

27 (10) If the petition states that disclosure of the petitioner's
28 address or other identifying location information would risk harm to
29 the petitioner or any member of the petitioner's family or household,
30 that address may be omitted from all documents filed with the court.
31 If the petitioner has not disclosed an address under this subsection,
32 the petitioner shall designate an alternative address or email
33 address at which the respondent may serve the petitioner.

34 (11) If the court deems it necessary, the court may appoint a
35 guardian ad litem for a petitioner or for a respondent who is under
36 18 years of age and who is not represented by counsel. If a guardian
37 ad litem is appointed by the court for either or both parties,
38 neither the petitioner nor the respondent shall be required by the
39 court to pay any costs associated with the appointment.

1 (12) Minor children must only be referred to in the petition and
2 in all other publicly available filed documents by their initials and
3 date of birth. Any orders issued by the court for entry into a law
4 enforcement database must show the minor's full name for purposes of
5 identification, but be redacted to only display initials and date of
6 birth for purposes of public access.

7 (13) If a petitioner has requested an ex parte temporary
8 protection order, because these are often emergent situations, the
9 court shall prioritize review, either entering an order without a
10 hearing or scheduling and holding an ex parte hearing in person, by
11 telephone, by video, or by other electronic means on the day the
12 petition is filed if possible. Otherwise, it must be heard no later
13 than the following judicial day. The clerk shall ensure that the
14 request for an ex parte temporary protection order is presented
15 timely to a judicial officer, and signed orders will be returned
16 promptly to the clerk for entry and to the petitioner as specified in
17 this section.

18 (14) Courts shall not require a petitioner to file duplicative
19 forms.

20 (15) The Indian child welfare act applies in the following
21 manner.

22 (a) In a proceeding under this chapter where the petitioner seeks
23 to protect a minor and the petitioner is not the minor's parent as
24 defined by RCW 13.38.040, the petition must contain a statement
25 alleging whether the minor is or may be an Indian child as defined in
26 RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and
27 the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq.,
28 shall apply. A party should allege in the petition if these laws have
29 been satisfied in a prior proceeding and identify the proceeding.

30 (b) Every order entered in any proceeding under this chapter
31 where the petitioner is not a parent of the minor or minors protected
32 by the order must contain a finding that the federal Indian child
33 welfare act or chapter 13.38 RCW does or does not apply, or if there
34 is insufficient information to make a determination, the court must
35 make a finding that a determination must be made before a full
36 protection order may be entered. If there is reason to know the child
37 is an Indian child, but the court does not have sufficient evidence
38 to determine that the child is or is not an Indian child, 25 C.F.R.
39 Sec. 23.107(b) applies. Where there is a finding that the federal
40 Indian child welfare act or chapter 13.38 RCW does apply, the order

1 must also contain a finding that all notice, evidentiary
2 requirements, and placement preferences under the federal Indian
3 child welfare act and chapter 13.38 RCW have been satisfied, or a
4 finding that removal or placement of the child is necessary to
5 prevent imminent physical damage or harm to the child pursuant to 25
6 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the
7 federal Indian child welfare act or chapter 13.38 RCW does not apply,
8 the order must also contain a finding as to why there is no reason to
9 know the child may be an Indian child.

10 NEW SECTION. **Sec. 15.** FILING—PROVISIONS APPLICABLE TO SPECIFIED
11 ORDERS. The following apply only to the specific type of protection
12 orders referenced in each subsection.

13 (1) The department of social and health services, in its
14 discretion, may file a petition for a vulnerable adult protection
15 order or a domestic violence protection order on behalf of, and with
16 the consent of, any vulnerable adult. When the department has reason
17 to believe a vulnerable adult lacks the ability or capacity to
18 consent, the department, in its discretion, may seek relief on behalf
19 of the vulnerable adult. Neither the department nor the state of
20 Washington is liable for seeking or failing to seek relief on behalf
21 of any persons under this section. The vulnerable adult shall not be
22 held responsible for any violations of the order by the respondent.

23 (2) (a) If the petitioner for an extreme risk protection order is
24 a law enforcement agency, the petitioner shall make a good faith
25 effort to provide notice to an intimate partner or family or
26 household member of the respondent and to any known third party who
27 may be at risk of violence. The notice must state that the petitioner
28 intends to petition the court for an extreme risk protection order or
29 has already done so, and include referrals to appropriate resources,
30 including behavioral health, domestic violence, and counseling
31 resources. The petitioner must attest in the petition to having
32 provided such notice, or attest to the steps that will be taken to
33 provide such notice.

34 (b) Recognizing that an extreme risk protection order may need to
35 be issued outside of normal business hours, courts shall allow law
36 enforcement petitioners to petition after hours for a temporary
37 extreme risk protection order using an on-call, after-hours judge, as
38 is done for approval of after-hours search warrants.

1 NEW SECTION. **Sec. 16.** DUTIES OF THE ADMINISTRATIVE OFFICE OF
2 THE COURTS—RECOMMENDATIONS FOR FILING AND DATA COLLECTION. (1) The
3 administrative office of the courts shall:

4 (a) By the effective date of this section, develop and distribute
5 standard forms for petitions and orders issued under this chapter,
6 and facilitate the use of online forms for electronic filings.

7 (i) For all protection orders except extreme risk protection
8 orders, the protection order must include, in a conspicuous location,
9 a notice of criminal penalties resulting from a violation of the
10 order, and the following statement: "You can be arrested even if the
11 protected person or persons invite or allow you to violate the order.
12 You alone are responsible for following the order. Only the court may
13 change the order. Requests for changes must be made in writing."

14 (ii) For extreme risk protection orders, the protection order
15 must include, in a conspicuous location, a notice of criminal
16 penalties resulting from a violation of the order, and the following
17 statement: "You have the sole responsibility to avoid or refrain from
18 violating this order's provisions. Only the court may change the
19 order. Requests for changes must be made in writing.";

20 (b) By the effective date of this section, develop and distribute
21 instructions and informational brochures regarding protection orders
22 and a court staff handbook on the protection order process, which
23 shall be made available online to view and download at no cost.
24 Developing additional methods to inform the public about protection
25 orders in understandable terms and in languages other than English
26 through videos and social media should also be considered. The
27 instructions, brochures, forms, and handbook must be prepared in
28 consultation with civil legal aid, culturally specific advocacy
29 programs, and domestic violence and sexual assault advocacy programs.
30 The instructions must be designed to assist petitioners in completing
31 the petition, and must include a sample of standard petition and
32 protection order forms. The instructions and standard petition must
33 include a means for the petitioner to identify, with only lay
34 knowledge, the firearms the respondent may own, possess, receive,
35 have access to, or have in the respondent's custody or control. The
36 instructions must provide pictures of types of firearms that the
37 petitioner may choose from to identify the relevant firearms, or an
38 equivalent means to allow petitioners to identify firearms without
39 requiring specific or technical knowledge regarding the firearms. The
40 court staff handbook must allow for the addition of a community

1 resource list by the court clerk. The informational brochure must
2 describe the use of, and the process for, obtaining, renewing,
3 modifying, terminating, and enforcing protection orders as provided
4 under this chapter, as well as the process for obtaining, modifying,
5 terminating, and enforcing an antiharassment no-contact order as
6 provided under chapter 9A.46 RCW, a domestic violence no-contact
7 order as provided under chapter 10.99 RCW, a restraining order as
8 provided under chapters 26.09, 26.26A, 26.26B, and 26.44 RCW, a
9 foreign protection order as defined in chapter 26.52 RCW, and a
10 Canadian domestic violence protection order as defined in RCW
11 26.55.010;

12 (c) Determine the significant non-English-speaking or limited
13 English-speaking populations in the state. The administrative office
14 of the courts shall then arrange for translation of the instructions
15 and informational brochures required by this section, which must
16 contain a sample of the standard petition and protection order forms,
17 into the languages spoken by at least the top five significant non-
18 English-speaking populations, and shall distribute a master copy of
19 the translated instructions and informational brochures to all court
20 clerks and to the Washington supreme court's interpreter commission,
21 minority and justice commission, and gender and justice commission by
22 the effective date of this section. Such materials must be updated
23 and distributed if needed due to relevant changes in the law;

24 (d) (i) Distribute a master copy of the petition and order forms,
25 instructions, and informational brochures to all court clerks, and
26 distribute a master copy of the petition and order forms to all
27 superior, district, and municipal courts;

28 (ii) By June 30, 2022, in collaboration with civil legal aid
29 attorneys, domestic violence advocates, sexual assault advocates,
30 elder abuse advocates, clerks, and judicial officers, develop and
31 distribute a single petition form that a petitioner may use to file
32 for any type of protection order authorized by this chapter, with the
33 exception of extreme risk protection orders;

34 (iii) For extreme risk protection orders, develop and prepare:

35 (A) A standard petition and order form for an extreme risk
36 protection order, as well as a standard petition and order form for
37 an extreme risk protection order sought against a respondent under 18
38 years of age, titled "Extreme Risk Protection Order - Respondent
39 Under 18 Years";

1 (B) Pattern forms to assist in streamlining the process for those
2 persons who are eligible to seal records relating to an order under
3 (d)(i) of this subsection, including:

4 (I) A petition and declaration the respondent can complete to
5 ensure that requirements for public sealing have been met; and

6 (II) An order sealing the court records relating to that order;
7 and

8 (C) An informational brochure to be served on any respondent who
9 is subject to a temporary or full protection order under (d)(iii)(A)
10 of this subsection;

11 (e) Create a new confidential party information form to satisfy
12 the purposes of the confidential information form and the law
13 enforcement information sheet that will serve both the court's and
14 law enforcement's data entry needs without requiring a redundant
15 effort for the petitioner, and ensure the petitioner's confidential
16 information is protected for the purpose of safety. The form should
17 be created with the presumption that it will also be used by the
18 respondent to provide all current contact information needed by the
19 court and law enforcement, and full identifying information for
20 improved data entry. The form should also prompt the petitioner to
21 disclose on the form whether the person who the petitioner is seeking
22 to restrain has a disability, brain injury, or impairment requiring
23 special assistance; and

24 (f) Update the instructions, brochures, standard petition and
25 order for protection forms, and court staff handbook when changes in
26 the law make an update necessary.

27 (2) The administrative office of the courts, through the gender
28 and justice commission of the Washington state supreme court, and
29 with the support of the Washington state women's commission, shall
30 work with representatives of superior, district, and municipal court
31 judicial officers, court clerks, and administrators, including those
32 with experience in protection order proceedings, as well as advocates
33 and practitioners with expertise in each type of protection order,
34 and others with relevant expertise, to develop recommendations for
35 the legislature by June 30, 2022, on the following matters:

36 (a) Standards for filing evidence in protection order proceedings
37 in a manner that protects victim safety and privacy, including
38 evidence in the form of text messages, social media messages, voice
39 mails, and other recordings, and the development of a sealed cover
40 sheet for explicit or intimate images and recordings; and

1 (b) Requirements for private vendors who provide services related
2 to filing systems for protection orders, as well as what data should
3 be collected.

4 NEW SECTION. **Sec. 17.** FILING—COURT CLERK DUTIES. (1) All court
5 clerks' offices shall make available the standardized forms,
6 instructions, and informational brochures required by this chapter,
7 and shall fill in and keep current specific program names and
8 telephone numbers for community resources, including civil legal aid
9 and volunteer lawyer programs. Any assistance or information provided
10 by clerks under this chapter, or any assistance or information
11 provided by any person, including court clerks, employees of the
12 department of social and health services, and other court
13 facilitators, to complete the forms provided by the court, does not
14 constitute the practice of law, and clerks are not responsible for
15 incorrect information contained in a petition.

16 (2) All court clerks shall obtain community resource lists as
17 described in (a) and (b) of this subsection, which the court shall
18 make available as part of, or in addition to, the informational
19 brochures described in section 16 of this act.

20 (a) The court clerk shall obtain a community resource list from a
21 domestic violence program and from a sexual assault program serving
22 the county in which the court is located. The community resource list
23 must include the names, telephone numbers, and, as available, website
24 links of domestic violence programs, sexual assault programs, and
25 elder abuse programs serving the community in which the court is
26 located, including law enforcement agencies, domestic violence
27 agencies, sexual assault agencies, civil legal aid programs, elder
28 abuse programs, interpreters, multicultural programs, and batterers'
29 treatment programs. The list must be made available in print and
30 online.

31 (b) The court clerk may create a community resource list of
32 crisis intervention, behavioral health, interpreter, counseling, and
33 other relevant resources serving the county in which the court is
34 located. The clerk may also create a community resource list for
35 respondents to include suicide prevention, treatment options, and
36 resources for when children are involved in protection order cases.
37 Any list shall be made available in print and online.

38 (c) Courts may make the community resource lists specified in (a)
39 and (b) of this subsection available as part of, or in addition to,

1 the informational brochures described in subsection (1) of this
2 section, and should translate them into the languages spoken by the
3 county's top five significant non-English-speaking populations.

4 (3) Court clerks should not make an assessment of the merits of a
5 petitioner's petition for a protection order or refuse to accept for
6 filing any petition that meets the basic procedural requirements.

7 **PART IV**
8 **SERVICE**

9 NEW SECTION. **Sec. 18.** SERVICE—METHODS OF SERVICE. (1) To
10 minimize delays and the need for more hearings, which can hinder
11 access to justice and undermine judicial economy, to lessen costs, to
12 guarantee actual notice to the respondent, and to simplify and
13 modernize processes for petitioners, respondents, law enforcement,
14 and the courts, the following methods of service are authorized for
15 protection order proceedings, including petitions, temporary
16 protection orders, reissuances of temporary protection orders, full
17 protection orders, motions to renew protection orders, and motions to
18 modify or terminate protection orders.

19 (a) Personal service, consistent with court rules for civil
20 proceedings, must be made by law enforcement to mitigate risks,
21 increase safety, and ensure swift recovery of firearms in cases
22 requiring the surrender of firearms, such as extreme risk protection
23 orders and protection orders with orders to surrender and prohibit
24 weapons; cases that involve transferring the custody of a child or
25 children from the respondent to the petitioner; or cases involving
26 vacating the respondent from the parties' shared residence. Personal
27 service should also be used in cases involving a respondent who is
28 incarcerated. Personal service must otherwise be made by law
29 enforcement unless the petitioner elects to have the respondent
30 served by a third party who is not a party to the action and is over
31 18 years of age and competent to be a witness.

32 (b) (i) Service by electronic means, including service by email,
33 text message, social media applications, or other technologies, must
34 be prioritized for all orders at the time of the issuance of
35 temporary protection orders, with the exception of the following
36 cases, for which personal service must be prioritized: (A) Cases
37 requiring the surrender of firearms, such as extreme risk protection
38 orders and protection orders with orders to surrender weapons; (B)

1 cases that involve transferring the custody of a child or children
2 from the respondent to the petitioner; (C) cases involving vacating
3 the respondent from the parties' shared residence; or (D) cases
4 involving a respondent who is incarcerated. Once firearms and
5 concealed pistol licenses have been surrendered and verified by the
6 court, or there is evidence the respondent does not possess firearms,
7 the restrained party has been vacated from the shared residence, or
8 the custody of the child or children has been transferred, per court
9 order, then subsequent motions and orders may be served
10 electronically.

11 (ii) Service by electronic means must be effected by a law
12 enforcement agency, unless the petitioner elects to have the
13 respondent served by any person who is not a party to the action, is
14 over 18 years of age and competent to be a witness, and can provide
15 sworn proof of service to the court as required.

16 (iii) Electronic service must be effected by transmitting copies
17 of the petition and any supporting materials filed with the petition,
18 notice of hearing, and any orders, or relevant materials for motions,
19 to the respondent at the respondent's electronic address or the
20 respondent's electronic account associated with email, text
21 messaging, social media applications, or other technologies.
22 Verification of receipt may be accomplished through read-receipt
23 mechanisms, a response, a sworn statement from the person who
24 effected service verifying transmission and any follow-up
25 communications such as email or telephone contact used to further
26 verify, or an appearance by the respondent at a hearing. Sworn proof
27 of service must be filed with the court by the person who effected
28 service. Service by electronic means is complete upon transmission
29 when made prior to 5:00 p.m. on a judicial day. Service made on a
30 Saturday, Sunday, legal holiday, or after 5:00 p.m. on any other day
31 shall be deemed complete at 9:00 a.m. on the first judicial day
32 thereafter.

33 (c) Service by mail is permitted when electronic service is not
34 possible, and there have been two unsuccessful attempts at personal
35 service or when the petitioner requests it in lieu of electronic
36 service or personal service where personal service is not otherwise
37 required. If electronic service and personal service are not
38 successful, the court shall affirmatively order service by mail
39 without requiring additional motions to be filed by the petitioner.
40 Service by mail must be made by any person who is not a party to the

1 action and is over 18 years of age and competent to be a witness, by
2 mailing copies of the materials to be served to the party to be
3 served at the party's last known address or any other address
4 determined by the court to be appropriate. Two copies must be mailed,
5 postage prepaid, one by ordinary first-class mail and the other by a
6 form of mail requiring a tracking or certified information showing
7 when and where it was delivered. The envelopes must bear the return
8 address of the sender. Service is complete upon the mailing of two
9 copies as prescribed in this section.

10 (d) Service by publication is permitted only in those cases where
11 all other means of service have been unsuccessful or are not possible
12 due to lack of any known physical or electronic address of the
13 respondent. Publication must be made in a newspaper of general
14 circulation in the county where the petition was brought and in the
15 county of the last known address of the respondent once a week for
16 three consecutive weeks. The newspaper selected must be one of the
17 three most widely circulated papers in the county. The publication of
18 summons must not be made until the court orders service by
19 publication under this section. Service of the summons is considered
20 complete when the publication has been made for three consecutive
21 weeks. The summons must be signed by the petitioner. The summons must
22 contain the date of the first publication, and shall require the
23 respondent upon whom service by publication is desired to appear and
24 answer the petition on the date set for the hearing. The summons must
25 also contain a brief statement of the reason for the petition and a
26 summary of the provisions under the temporary protection order. The
27 summons must be essentially in the following form:

28 In the court of the state of Washington
29 for the county of

30 , Petitioner

31 vs. No.

32 , Respondent

33 The state of Washington to

34 (respondent):

1 respondent who fails to appear before the court for the hearing, if
2 material terms of the order have not changed from those contained in
3 the temporary order, and it is shown to the court's satisfaction that
4 the respondent has previously been served with the temporary order.

5 (5) When the respondent for a protection order is under the age
6 of 18 or is an individual subject to a guardianship or
7 conservatorship under Title 11 RCW:

8 (a) When the respondent is a minor, service of a petition for a
9 protection order, modification, or renewal, shall be completed, as
10 defined in this chapter, upon both the respondent and the
11 respondent's parent or legal guardian.

12 (b) A copy of the protection order must be served on a parent,
13 guardian, or conservator of the respondent at any address where the
14 respondent resides, or the department of children, youth, and
15 families in the case where the respondent is the subject of a
16 dependency or court approved out-of-home placement. A minor
17 respondent shall not be served at the minor respondent's school
18 unless no other address for service is known.

19 (c) For extreme risk protection orders, the court shall also
20 provide a parent, guardian, or conservator of the respondent with
21 written notice of the legal obligation to safely secure any firearm
22 on the premises and the potential for criminal prosecution if a
23 prohibited person were to obtain access to any firearm. This notice
24 may be provided at the time the parent, guardian, or conservator of
25 the respondent appears in court or may be served along with a copy of
26 the order, whichever occurs first.

27 (6) The court shall not dismiss, over the objection of a
28 petitioner, a petition for a protection order or a motion to renew a
29 protection order based on the inability of law enforcement or the
30 petitioner to serve the respondent, unless the court determines that
31 all available methods of service have been attempted unsuccessfully.

32 NEW SECTION. **Sec. 19.** SERVICE BY A LAW ENFORCEMENT OFFICER.

33 When service is to be completed under this chapter by a law
34 enforcement officer:

35 (1) The clerk of the court shall have a copy of any order issued
36 under this chapter, as well as the petition for a protection order
37 and any supporting materials, electronically forwarded on or before
38 the next judicial day to the law enforcement agency specified in the
39 order for service upon the respondent;

1 (2) Service of an order issued under this chapter must take
2 precedence over the service of other documents by law enforcement
3 unless they are of a similar emergency nature;

4 (3) Where personal service is required, the first attempt at
5 service must occur within 24 hours of receiving the order from the
6 court whenever practicable, but not more than five days after
7 receiving the order. If the first attempt is not successful, no fewer
8 than two additional attempts should be made to serve the order,
9 particularly for respondents who present heightened risk of lethality
10 or other risk of physical harm to the petitioner or petitioner's
11 family or household members. Law enforcement shall document all
12 attempts at service on a return of service form and submit it to the
13 court in a timely manner;

14 (4) If service cannot be completed within 10 calendar days, the
15 law enforcement officer shall notify the petitioner. The petitioner
16 shall provide information sufficient to permit notification. Law
17 enforcement shall continue to attempt to complete service unless
18 otherwise directed by the court. In the event that the petitioner
19 does not provide a service address for the respondent or there is
20 evidence that the respondent is evading service, the law enforcement
21 officer shall use law enforcement databases to assist in locating the
22 respondent;

23 (5) If the respondent is in a protected person's presence at the
24 time of contact for service, the law enforcement officer should take
25 reasonable steps to separate the parties when possible prior to
26 completing the service or inquiring about or collecting firearms.
27 When the order requires the respondent to vacate the parties' shared
28 residence, law enforcement shall take reasonable steps to ensure that
29 the respondent has left the premises and is on notice that his or her
30 return is a violation of the terms of the order. The law enforcement
31 officer shall provide the respondent with copies of all forms with
32 the exception of the law enforcement information sheet and the return
33 of service form;

34 (6) Any law enforcement officer who serves a protection order on
35 a respondent with the knowledge that the respondent requires special
36 assistance due to a disability, brain injury, or impairment shall
37 make a reasonable effort to accommodate the needs of the respondent
38 to the extent practicable without compromise to the safety of the
39 petitioner;

1 (7) Proof of service must be submitted to the court on the return
2 of service form. The form must include the date and time of service
3 and each document that was served in order for the service to be
4 complete, along with any details such as conduct at the time of
5 service, threats, or avoidance of service, as well as statements
6 regarding possession of firearms, including any denials of ownership
7 despite positive purchase history, active concealed pistol license,
8 or sworn statements in the petition that allege the respondent's
9 access to, or possession of, firearms; or

10 (8) If attempts at service were not successful, the return of
11 service form or the form letter showing that the order was not
12 served, and stating the reason it was not served, must be returned to
13 the court by the next judicial day following the last unsuccessful
14 attempt at service. Each attempt at service must be noted and
15 reflected in computer aided dispatch records, with the date, time,
16 address, and reason service was not completed.

17 NEW SECTION. **Sec. 20.** MATERIALS TO BE SERVED. The following
18 materials must be served, depending on the type of relief sought.

19 (1) If the petitioner is seeking a hearing on a petition for a
20 protection order, the respondent must be served with the petition for
21 a protection order, any supporting declarations or other materials,
22 the notice of hearing, any temporary protection order issued by the
23 court, any temporary order to surrender and prohibit weapons issued
24 by the court, and a blank confidential party information form as
25 referred to in section 16(1) of this act. The respondent shall
26 confirm with the court during his or her first appearance all
27 necessary contact and identifying information, and file the form with
28 the court.

29 (2) If the petitioner is seeking the renewal or reissuance of a
30 protection order, the respondent must be served with the motion to
31 renew or reissue the protection order, any supporting declarations or
32 other materials, and the notice of hearing.

33 (3) If either party is seeking to modify or terminate a
34 protection order, the other party must be served with the motion to
35 modify or terminate the protection order, any supporting declarations
36 or other materials, and the notice of hearing.

37 (4) For any other motion filed by a party with the court, the
38 other party must be served with all materials the moving party

1 submitted to the court and with any notice of hearing issued by the
2 court related to the motion.

3 NEW SECTION. **Sec. 21.** TIME REQUIREMENTS. Service must be
4 completed on the nonmoving party not less than five judicial days
5 before the hearing date, unless waived by the nonmoving party. If
6 service cannot be made, the court shall set a new hearing date and
7 shall either require an additional attempt at obtaining service or
8 permit service by other means authorized in this chapter. If the
9 nonmoving party was served before the hearing, but less than five
10 judicial days before the hearing, it is not necessary to re-serve
11 materials that the nonmoving party already received, but any new
12 notice of hearing and reissued order must be served on the nonmoving
13 party. The court shall not require more than two attempts at
14 obtaining service before permitting service by other means authorized
15 in this chapter unless the moving party requests additional time to
16 attempt service. If the court permits service by mail or by
17 publication, the court shall set the hearing date not later than 24
18 days from the date of the order authorizing such service.

19 NEW SECTION. **Sec. 22.** VULNERABLE ADULT PROTECTION ORDERS—
20 SERVICE WHEN VULNERABLE ADULT IS NOT THE PETITIONER. (1) When a
21 petition for a vulnerable adult protection order is filed by someone
22 other than the vulnerable adult, notice of the petition and hearing
23 must be personally served upon the vulnerable adult not less than
24 five judicial days before the hearing.

25 (2) In addition to copies of all pleadings filed by the
26 petitioner, the petitioner shall provide a written notice to the
27 vulnerable adult using a standard notice form developed by the
28 administrative office of the courts. The standard notice form shall
29 be designed to explain to the vulnerable adult in clear, plain
30 language the purpose and nature of the petition and that the
31 vulnerable adult has the right to participate in the hearing and to
32 either support or object to the petition.

33 (3) When good faith attempts to personally serve the vulnerable
34 adult have been unsuccessful, the court shall permit service by
35 electronic means or by mail. The court may authorize service by
36 publication if the court determines that personal service, service by
37 electronic means, and service by mail cannot be obtained. If timely
38 service under this section cannot be made, the court shall continue

1 the hearing date until the substitute service approved by the court
2 has been satisfied.

3 NEW SECTION. **Sec. 23.** DEVELOPMENT OF BEST PRACTICES. Courts and
4 law enforcement agencies shall adopt rules, protocols, and pattern
5 forms to standardize and implement best practices for service,
6 including mechanisms and verification options for electronic service
7 and electronic returns of service, as well as best practices for
8 efficient transmission of court documents to law enforcement for
9 entry into criminal justice databases and returns of service or
10 property.

11 **PART V**
12 **HEARINGS**

13 NEW SECTION. **Sec. 24.** HEARING PROCEDURES. In hearings under
14 this chapter, the following apply:

15 (1) Hearings under this chapter are special proceedings. The
16 procedures established under this chapter for protection order
17 hearings supersede inconsistent civil court rules. Courts should
18 evaluate the needs and procedures best suited to individual hearings
19 based on consideration of the totality of the circumstances,
20 including disparities that may be apparent in the parties' resources
21 and representation by counsel.

22 (2) (a) Courts shall prioritize hearings on petitions for ex parte
23 temporary protection orders over less emergent proceedings.

24 (b) For extreme risk protection order hearings where a law
25 enforcement agency is the petitioner, the court shall prioritize
26 scheduling because of the importance of immediate temporary removal
27 of firearms in situations of extreme risk and the goal of minimizing
28 the time law enforcement must otherwise wait for a particular case to
29 be called, which can hinder their other patrol and supervisory
30 duties. Courts also may allow a law enforcement petitioner to
31 participate telephonically, or allow another representative from that
32 law enforcement agency or the prosecutor's office to present the
33 information to the court if personal presence of the petitioning
34 officer is not required for testimonial purposes.

35 (3) A hearing on a petition for a protection order must be set by
36 the court even if the court has denied a request for a temporary

1 protection order in the proceeding where the petition is not
2 dismissed or continued pursuant to subsection (11) of this section.

3 (4) If the respondent does not appear, or the petitioner informs
4 the court that the respondent has not been served at least five
5 judicial days before the hearing date and the petitioner desires to
6 pursue service, or the parties have informed the court of an agreed
7 date of continuance for the hearing, the court shall reissue any
8 temporary protection order previously issued, cancel the scheduled
9 hearing, and reset the hearing date.

10 (5) When considering any request to stay, continue, or delay a
11 hearing under this chapter because of the pendency of a parallel
12 criminal investigation or prosecution of the respondent, courts shall
13 apply a rebuttable presumption against such delay and give due
14 recognition to the purpose of this chapter to provide victims quick
15 and effective relief. Courts must consider on the record the
16 following factors:

17 (a) The extent to which a defendant's Fifth Amendment rights are
18 or are not implicated, given the special nature of protection order
19 proceedings, which burden a defendant's Fifth Amendment privilege
20 substantially less than do other civil proceedings;

21 (b) Similarities between the civil and criminal cases;

22 (c) Status of the criminal case;

23 (d) The interests of the petitioners in proceeding expeditiously
24 with litigation and the potential prejudice and risk to petitioners
25 of a delay;

26 (e) The burden that any particular aspect of the proceeding may
27 impose on respondents;

28 (f) The convenience of the court in the management of its cases
29 and the efficient use of judicial resources;

30 (g) The interests of persons not parties to the civil litigation;
31 and

32 (h) The interest of the public in the pending civil and criminal
33 litigation.

34 (6) Hearings must be conducted upon live testimony of the parties
35 and sworn declarations. Live testimony of witnesses other than the
36 parties may be requested, but shall not be permitted unless the court
37 finds that live testimony of witnesses other than the parties is
38 necessary and material. If either party requests a continuance to
39 allow for proper notice of witnesses or to afford a party time to

1 seek counsel, the court should continue the hearing. If the court
2 continues the hearing, the court shall reissue any temporary orders.

3 (7) Prehearing discovery under the civil court rules, including,
4 but not limited to, depositions, requests for production, or requests
5 for admission, is disfavored and only permitted if specifically
6 authorized by the court for good cause shown upon written motion of a
7 party filed six judicial days prior to the hearing and served prior
8 to the hearing.

9 (8) The rules of evidence need not be applied, other than with
10 respect to privileges, the requirements of the rape shield statute
11 under RCW 9A.44.020, and evidence rules 412 and 413.

12 (9)(a) The prior sexual activity or the reputation of the
13 petitioner is inadmissible except:

14 (i) As evidence concerning the past sexual conduct of the
15 petitioner with the respondent when this evidence is offered by the
16 respondent upon the issue of whether the petitioner consented to the
17 sexual conduct alleged for the purpose of a protection order; or

18 (ii) When constitutionally required to be admitted.

19 (b) To determine admissibility, a written motion must be made six
20 judicial days prior to the protection order hearing. The motion must
21 include an offer of proof of the relevancy of the proposed evidence
22 and reasonably specific information as to the date, time, and place
23 of the past sexual conduct between the petitioner and the respondent.
24 If the court finds that the offer of proof is relevant to the issue
25 of the victim's consent, the court shall conduct a hearing in camera.
26 The court may not admit evidence under this subsection unless it
27 determines at the hearing that the evidence is relevant and the
28 probative value of the evidence outweighs the danger of unfair
29 prejudice. The evidence shall be admissible at the hearing to the
30 extent an order made by the court specifies the evidence that may be
31 admitted. The motion, related papers, and the record of the hearing
32 must be sealed and remain under seal unless the court orders
33 otherwise.

34 (10) When a petitioner has alleged incapacity to consent to
35 sexual conduct or sexual penetration due to intoxicants, alcohol, or
36 other condition, the court must determine on the record whether the
37 petitioner had the capacity to consent.

38 (11) If, prior to a full hearing, the court finds that the
39 petition for a protection order does not contain sufficient
40 allegations as a matter of law to support the issuance of a

1 protection order, the court shall permit the petitioner 14 days to
2 prepare and file an amended petition, provided the petitioner states
3 an intent to do so and the court does not find that amendment would
4 be futile. If the amended petition is not filed within 14 days, the
5 case must be administratively dismissed by the clerk's office.

6 (12) Courts shall not require parties to submit duplicate or
7 working copies of pleadings or other materials filed with the court,
8 unless the document or documents cannot be scanned or are illegible.

9 (13) Courts shall, if possible, have petitioners and respondents
10 in protection order proceedings gather in separate locations and
11 enter and depart the court room at staggered times. Where the option
12 is available, for safety purposes, the court should arrange for
13 petitioners to leave the court premises first and to have court
14 security escort petitioners to their vehicles or transportation.

15 NEW SECTION. **Sec. 25.** HEARINGS—REMOTE HEARINGS. (1) Hearings on
16 protection orders, including hearings concerning temporary protection
17 orders, full protection orders, compliance, reissuance, renewal,
18 modification, or termination, may be conducted in person or remotely
19 in order to enhance access for all parties.

20 (2) In the court's discretion, parties and witnesses may attend a
21 hearing on a petition for a protection order, or any hearings
22 conducted pursuant to this chapter, in person or remotely, including
23 by telephone, video, or other electronic means where possible. No
24 later than three judicial days before the hearing, the parties may
25 request to appear at the hearing, with witnesses, remotely by
26 telephone, video, or other electronic means. The court shall grant
27 any request for a remote appearance unless the court finds good cause
28 to require in-person attendance or attendance through a specific
29 means.

30 (3) Courts shall require assurances of the identity of persons
31 who appear by telephone, video, or other electronic means. Courts may
32 not charge fees for remote appearances.

33 (4) Courts shall not post or stream proceedings or recordings of
34 protection order hearings online without a waiver from all parties.
35 Unless the court orders a hearing to be closed to the public
36 consistent with the requirements of Washington law, courts should
37 provide in-person access to members of the public who wish to observe
38 or listen to a hearing conducted by telephone, video, or other
39 electronic means.

1 (5) If a hearing is held with any parties or witnesses appearing
2 remotely, the following apply:

3 (a) Courts should include directions to access a hearing remotely
4 in the order setting the hearing and in any order granting a party's
5 request for a remote appearance. Such orders shall also include
6 directions to request an interpreter and accommodations for
7 disabilities;

8 (b) Courts should endeavor to give a party or witness appearing
9 by telephone no more than a one-hour waiting time by the court for
10 the hearing to begin. For remote hearings, if the court anticipates
11 the parties or witnesses will need to wait longer than one hour to be
12 called or connected, the court should endeavor to inform them of the
13 estimated start time of the hearing;

14 (c) Courts should inform the parties before the hearing begins
15 that the hearing is being recorded by the court, in what manner the
16 public is able to view the hearing, how a party may obtain a copy of
17 the recording of the hearing, and that recording or broadcasting any
18 portion of the hearing by any means other than the court record is
19 strictly prohibited without prior court approval;

20 (d) To minimize trauma, while allowing remote hearings to be
21 observed by the public, courts should take appropriate measures to
22 prevent members of the public or the parties from harassing or
23 intimidating any party or witness to a case. Such practices may
24 include, but are not limited to, disallowing members of the public
25 from communicating with the parties or with the court, ensuring court
26 controls over microphone and viewing settings, and announcing
27 limitations on allowing others to record the hearing;

28 (e) Courts shall use technology that accommodates American sign
29 language and other languages;

30 (f) To help ensure that remote access does not undermine personal
31 safety or privacy, or introduce other risks, courts should protect
32 the privacy of telephone numbers, emails, and other contact
33 information for parties and witnesses and inform parties and
34 witnesses of these safety considerations. Materials available to
35 parties and witnesses appearing remotely should include warnings not
36 to state their addresses or telephone numbers at the hearing, and
37 that they may use virtual backgrounds to help ensure that their
38 backgrounds do not reveal their location;

39 (g) Courts should provide the parties, in orders setting the
40 hearing, with a telephone number and an email address for the court,

1 which the parties may use to inform the court if they have been
2 unable to appear remotely for a hearing. Before dismissing or
3 granting a petition due to the petitioner or respondent not appearing
4 for a remote hearing, or the court not being able to reach the party
5 via telephone or video, the court shall check for any notifications
6 to the court regarding issues with remote access or other
7 technological difficulties. If any party has provided such
8 notification to the court, the court shall not dismiss or grant the
9 petition, but shall reset the hearing by continuing it and reissuing
10 any temporary order in place. If a party was unable to provide the
11 notification regarding issues with remote access or other
12 technological difficulties on the day of the hearing prior to the
13 court's ruling, that party may seek relief via a motion for
14 reconsideration; and

15 (h) A party attending a hearing remotely who is unable to
16 participate in the hearing outside the presence of others who reside
17 with the party, but who are not part of the proceeding including, but
18 not limited to, children, and who asserts that the presence of those
19 individuals may hinder the party's testimony or the party's ability
20 to fully and meaningfully participate in the hearing, may request,
21 and shall be granted, one continuance on that basis. Subsequent
22 requests may be granted in the court's discretion.

23 NEW SECTION. **Sec. 26.** REALIGNMENT OF PARTIES IN DOMESTIC
24 VIOLENCE AND ANTIHARASSMENT PROTECTION ORDER PROCEEDINGS. In
25 proceedings where the petitioner is seeking a domestic violence
26 protection order or an antiharassment protection order, the court may
27 realign the designation of the parties as "petitioner" and
28 "respondent" where the court finds that the original petitioner is
29 the abuser or harasser and the original respondent is the victim of
30 domestic violence or unlawful harassment. The court may issue a
31 temporary protection order in accordance with this chapter until the
32 victim is able to prepare a petition for a protection order in
33 accordance with this chapter.

34 NEW SECTION. **Sec. 27.** EXTREME RISK PROTECTION ORDER HEARINGS.
35 For extreme risk protection order hearings, the following also apply.

36 (1) The court may:

37 (a) Examine under oath the petitioner, the respondent, and any
38 witnesses they may produce, or, in lieu of examination, consider

1 sworn declarations of the petitioner, the respondent, and any
2 witnesses they may produce; and

3 (b) Ensure that a reasonable search has been conducted for
4 criminal history records and civil protection order history related
5 to the respondent.

6 (2) During the hearing, the court shall consider whether a
7 behavioral health evaluation is appropriate, and may order such
8 evaluation if appropriate.

9 (3) In determining whether grounds for an extreme risk protection
10 order exist, the court may consider any relevant evidence including,
11 but not limited to, any of the following:

12 (a) A recent act or threat of violence by the respondent against
13 self or others, whether or not such violence or threat of violence
14 involves a firearm;

15 (b) A pattern of acts or threats of violence by the respondent
16 within the past 12 months including, but not limited to, acts or
17 threats of violence by the respondent against self or others;

18 (c) Any behaviors that present an imminent threat of harm to self
19 or others;

20 (d) A violation by the respondent of a protection order or a no-
21 contact order issued;

22 (e) A previous or existing extreme risk protection order issued
23 against the respondent;

24 (f) A violation of a previous or existing extreme risk protection
25 order issued against the respondent;

26 (g) A conviction of the respondent for a crime that constitutes
27 domestic violence as defined in RCW 10.99.020;

28 (h) A conviction of the respondent under RCW 9A.36.080;

29 (i) The respondent's ownership of, access to, or intent to
30 possess, firearms;

31 (j) The unlawful or reckless use, display, or brandishing of a
32 firearm by the respondent;

33 (k) The history of use, attempted use, or threatened use of
34 physical force by the respondent against another person, or the
35 respondent's history of stalking another person;

36 (l) Any prior arrest of the respondent for a felony offense or
37 violent crime;

38 (m) Corroborated evidence of the abuse of controlled substances
39 or alcohol by the respondent; and

40 (n) Evidence of recent acquisition of firearms by the respondent.

1 NEW SECTION. **Sec. 28.** VULNERABLE ADULT PROTECTION ORDER

2 HEARINGS. For vulnerable adult protection order hearings, the
3 following also apply.

4 (1) When a petition for a vulnerable adult protection order is
5 filed by someone other than the vulnerable adult or the vulnerable
6 adult's full guardian over either the person or the estate, or both,
7 and the vulnerable adult for whom protection is sought advises the
8 court at the hearing that the vulnerable adult does not want all or
9 part of the protection sought in the petition, then the court may
10 dismiss the petition or the provisions that the vulnerable adult
11 objects to and any existing vulnerable adult protection order, or the
12 court may take additional testimony or evidence, or order additional
13 evidentiary hearings to determine whether the vulnerable adult is
14 unable, due to incapacity, undue influence, or duress, to protect his
15 or her person or estate in connection with the issues raised in the
16 petition or order. If an additional evidentiary hearing is ordered
17 and the court determines that there is reason to believe that there
18 is a genuine issue about whether the vulnerable adult is unable to
19 protect his or her person or estate in connection with the issues
20 raised in the petition or order, the court may issue a temporary
21 protection order of the vulnerable adult pending a decision after the
22 evidentiary hearing.

23 (2) Pursuant to subsection (1) of this section, an evidentiary
24 hearing on the issue of whether the vulnerable adult is unable, due
25 to incapacity, undue influence, or duress, to protect his or her
26 person or estate in connection with the issues raised in the petition
27 or order, must be held within 14 days of entry of the temporary
28 protection order. If the court did not enter a temporary protection
29 order, the evidentiary hearing must be held within 14 days of the
30 prior hearing on the petition. Notice of the time and place of the
31 evidentiary hearing must be served upon the vulnerable adult and the
32 respondent not less than five judicial days before the hearing. If
33 timely service cannot be made, the court may set a new hearing date.
34 A hearing under this subsection is not necessary if the vulnerable
35 adult has been determined to be fully incapacitated over either the
36 person or the estate, or both, under the guardianship laws, chapter
37 11.88 RCW. If a hearing is scheduled under this subsection, the
38 protection order must remain in effect pending the court's decision
39 at the subsequent hearing.

1 (3) At the hearing held pursuant to subsection (1) of this
2 section, the court shall give the vulnerable adult, the respondent,
3 the petitioner, and, in the court's discretion, other interested
4 persons, the opportunity to testify and submit relevant evidence.

5 (4) If the court determines that the vulnerable adult is capable
6 of protecting his or her person or estate in connection with the
7 issues raised in the petition, and the vulnerable adult continues to
8 object to the protection order, the court shall dismiss the order or
9 may modify the order if agreed to by the vulnerable adult. If the
10 court determines that the vulnerable adult is not capable of
11 protecting his or her person or estate in connection with the issues
12 raised in the petition or order, and that the vulnerable adult
13 continues to need protection, the court shall order relief consistent
14 with this chapter as it deems necessary for the protection of the
15 vulnerable adult. In the entry of any order that is inconsistent with
16 the expressed wishes of the vulnerable adult, the court's order is
17 governed by the legislative findings contained in section 1 of this
18 act.

19 NEW SECTION. **Sec. 29.** GRANT OF ORDER, DENIAL OF ORDER, AND
20 IMPROPER GROUNDS. (1) The court shall issue a protection order if it
21 finds by a preponderance of the evidence that the petitioner has
22 proved the required criteria specified in (a) through (f) of this
23 subsection for obtaining a protection order under this chapter.

24 (a) For a domestic violence protection order, that the petitioner
25 has been subjected to domestic violence by the respondent.

26 (b) For a sexual assault protection order, that the petitioner
27 has been subjected to nonconsensual sexual conduct or nonconsensual
28 sexual penetration by the respondent.

29 (c) For a stalking protection order, that the petitioner has been
30 subjected to stalking by the respondent.

31 (d) For a vulnerable adult protection order, that the petitioner
32 has been abandoned, abused, financially exploited, or neglected, or
33 is threatened with abandonment, abuse, financial exploitation, or
34 neglect by the respondent.

35 (e) For an extreme risk protection order, that the respondent
36 poses a significant danger of causing personal injury to self or
37 others by having in the respondent's custody or control, purchasing,
38 possessing, accessing, receiving, or attempting to purchase or
39 receive, a firearm.

1 (f) For an antiharassment protection order, that the petitioner
2 has been subjected to unlawful harassment by the respondent.

3 (2) The court may not deny or dismiss a petition for a protection
4 order on the grounds that:

5 (a) The petitioner or the respondent is a minor, unless
6 provisions in this chapter specifically limit relief or remedies
7 based upon a party's age;

8 (b) The petitioner did not report the conduct giving rise to the
9 petition to law enforcement;

10 (c) A no-contact order or a restraining order that restrains the
11 respondent's contact with the petitioner has been issued in a
12 criminal proceeding or in a domestic relations proceeding;

13 (d) The relief sought by the petitioner may be available in a
14 different action or proceeding, or criminal charges are pending
15 against the respondent;

16 (e) The conduct at issue did not occur recently or because of the
17 passage of time since the last incident of conduct giving rise to the
18 petition; or

19 (f) The respondent no longer lives near the petitioner.

20 (3) In proceedings where the petitioner alleges that the
21 respondent engaged in nonconsensual sexual conduct or nonconsensual
22 sexual penetration, the court shall not require proof of physical
23 injury on the person of the petitioner or any other forensic
24 evidence. Denial of a remedy to the petitioner may not be based, in
25 whole or in part, on evidence that:

26 (a) The respondent was voluntarily intoxicated;

27 (b) The petitioner was voluntarily intoxicated; or

28 (c) The petitioner engaged in limited consensual sexual touching.

29 (4) In proceedings where the petitioner alleges that the
30 respondent engaged in stalking, the court may not require proof of
31 the respondent's intentions regarding the acts alleged by the
32 petitioner.

33 (5) If the court declines to issue a protection order, the court
34 shall state in writing the particular reasons for the court's denial.
35 If the court declines a request to include one or more of the
36 petitioner's family or household member who is a minor or a
37 vulnerable adult in the order, the court shall state the reasons for
38 that denial in writing. The court shall also explain from the bench:

1 (a) That the petitioner may refile a petition for a protection
2 order at any time if the petitioner has new evidence to present that
3 would support the issuance of a protection order;

4 (b) The parties' rights to seek revision, reconsideration, or
5 appeal of the order; and

6 (c) The parties' rights to have access to the court transcript or
7 recording of the hearing.

8 (6) A court's ruling on a protection order must be filed by the
9 court in writing and must be made by the court on the mandatory form
10 developed by the administrative office of the courts.

11 NEW SECTION. **Sec. 30.** JUDICIAL INFORMATION SYSTEM CONSULTATION.

12 (1) Before ruling on an order under this chapter, the court shall
13 consult the judicial information system to determine the criminal
14 history, history of criminal victimization, history of being a
15 respondent or petitioner in a protection order proceeding, or
16 pendency of other proceedings involving the parties. The court may
17 take judicial notice of a parallel criminal proceeding for the
18 related conduct involving the same parties, including whether the
19 defendant in that action waived speedy trial.

20 (2) Before granting an order under this chapter directing
21 residential placement of a child or restraining or limiting a party's
22 contact with his or her child, the court shall consult the judicial
23 information system, if available, to determine the pendency of other
24 proceedings involving the residential placement of any child of the
25 parties for whom residential placement has been requested.

26 (3) When the court proposes to consider information from the
27 judicial information system or another criminal or civil database,
28 the court shall: Disclose the information to each party present at
29 the hearing; on timely request, provide each party with an
30 opportunity to be heard; and take appropriate measures to alleviate
31 safety concerns of the parties. The court has discretion not to
32 disclose information that the court does not propose to consider.

33 NEW SECTION. **Sec. 31.** COMPLIANCE HEARINGS. For compliance
34 hearings:

35 (1) Only the respondent is required to appear if the court is
36 reviewing compliance with any conditions of the order. The petitioner
37 may appear at such hearing and provide evidence to the court
38 regarding the respondent's compliance with the order. The petitioner

1 may also file a declaration in response to the respondent's
2 representation of compliance with any conditions of the order. After
3 reviewing such a declaration by the petitioner, the court may ask the
4 petitioner to appear at the hearing or provide additional declaration
5 or documentation to address disputed issues.

6 (2) Any orders entered by the court pursuant to a compliance
7 hearing must be served on the respondent if the respondent failed to
8 appear at the hearing at which the court entered the orders.

9 (3) The court shall use its best efforts to notify the petitioner
10 of the outcome of the compliance hearing including, but not limited
11 to, informing the petitioner on whether the respondent is found to be
12 out of compliance with an order to surrender and prohibit weapons.
13 Such notice should be provided to the petitioner by electronic means
14 if possible, but may also be made by telephone or another method that
15 allows notification to be provided without unnecessary delay.

16 NEW SECTION. **Sec. 32.** APPOINTMENT OF COUNSEL. The court may
17 appoint counsel to represent the petitioner if the respondent is
18 represented by counsel.

19 NEW SECTION. **Sec. 33.** INTERPRETERS. (1) Pursuant to chapter
20 2.42 RCW, in order to ensure that parties have meaningful access to
21 the court, an interpreter shall be appointed for any party who,
22 because of a hearing or speech impairment, cannot readily understand
23 or communicate in spoken language. Notwithstanding the provisions of
24 chapter 2.42 RCW, the court shall not:

25 (a) Appoint an interpreter who is not trained to provide
26 interpretation services; or

27 (b) Appoint a person to provide interpretation services if that
28 person is serving as an advocate for the party.

29 (2) Pursuant to chapter 2.43 RCW, in order to ensure that parties
30 have meaningful access to the court, an interpreter shall be
31 appointed for any party who cannot readily speak or understand the
32 English language. Notwithstanding the provisions of chapter 2.43 RCW,
33 the court shall not:

34 (a) Appoint an interpreter who is not trained to provide
35 interpretation services; or

36 (b) Appoint a person to provide interpretation services if that
37 person is serving as an advocate for the party.

1 (3) Once an interpreter has been appointed for a party, the party
2 shall no longer be required to make further requests for the
3 appointment of an interpreter for subsequent hearings or proceedings.
4 The clerk shall identify the party as a person who needs interpreter
5 services and the clerk or the court administrator shall be
6 responsible for ensuring that an interpreter is available for every
7 subsequent hearing.

8 (4) The interpreter shall translate or interpret for the party in
9 preparing forms, participating in the hearing and court-ordered
10 assessments, and translating any orders.

11 (5) The same interpreter shall not serve parties on both sides of
12 the proceeding, unless the court finds good cause on the record to do
13 so because it is not possible to obtain more than one interpreter for
14 the proceeding.

15 (6) Courts shall make a private space available for parties and
16 interpreters to meet and confer.

17 (7) When a hearing is conducted through telephone, video, or
18 other electronic means, the court must make appropriate
19 accommodations to permit interpreters to serve the parties as needed.

20 NEW SECTION. **Sec. 34.** PROTECTION ORDER ADVOCATE AND SUPPORT
21 PERSON. (1) Whether or not the petitioner has retained an attorney, a
22 sexual assault or domestic violence advocate, as defined in RCW
23 5.60.060, shall be allowed to accompany the petitioner and confer
24 with the petitioner during court proceedings. The sexual assault or
25 domestic violence advocate shall not provide legal representation nor
26 interpretation services. Court administrators shall allow sexual
27 assault and domestic violence advocates to assist petitioners with
28 their protection orders. Sexual assault and domestic violence
29 advocates are not engaged in the unauthorized practice of law when
30 providing assistance of the types specified in this section. Unless
31 the sexual assault or domestic violence advocate seeks to speak
32 directly to the court, advocates shall not be required to be
33 identified on the record beyond stating their role as a sexual
34 assault or domestic violence advocate and identifying the program for
35 which they work or volunteer for. Communications between the
36 petitioner and a sexual assault and domestic violence advocate are
37 protected as provided by RCW 5.60.060.

38 (2) Whether or not the petitioner has retained an attorney, a
39 protection order advocate must be allowed to accompany the petitioner

1 to any legal proceeding including, but not limited to, sitting or
2 standing next to the petitioner and conferring with the petitioner
3 during court proceedings, or addressing the court when invited to do
4 so.

5 (a) For purposes of this section, "protection order advocate"
6 means any employee or volunteer from a program that provides, as some
7 part of its services, information, advocacy, counseling, or support
8 to persons seeking protection orders.

9 (b) The protection order advocate shall not provide legal
10 representation nor interpretation services.

11 (c) Unless a protection order advocate seeks to speak directly to
12 the court, protection order advocates shall not be required to be
13 identified on the record beyond stating his or her role as a
14 protection order advocate and identifying the program for which he or
15 she works or volunteers.

16 (d) A protection order advocate who is not employed by, or under
17 the direct supervision of, a law enforcement agency, a prosecutor's
18 office, the child protective services section of the department of
19 children, youth, and families as defined in RCW 26.44.020, or other
20 governmental entity, has the same privileges, rights, and
21 responsibilities as a sexual assault advocate and domestic violence
22 advocate under RCW 5.60.060.

23 (3) Whether or not the petitioner has retained an attorney, if a
24 petitioner does not have an advocate, the petitioner shall be allowed
25 a support person to accompany the petitioner to any legal proceeding
26 including, but not limited to, sitting or standing next to the
27 petitioner and conferring with the petitioner during court
28 proceedings. The support person may be any third party of the
29 petitioner's choosing, provided that:

30 (a) The support person shall not provide legal representation nor
31 interpretation services; and

32 (b) A support person who is not employed by, or under the direct
33 supervision of, a law enforcement agency, a prosecutor's office, the
34 child protective services section of the department of children,
35 youth, and families as defined in RCW 26.44.020, or other government
36 entity, may not, without the consent of the petitioner, be examined
37 as to any communication between the petitioner and the support person
38 regarding the petition.

1 NEW SECTION. **Sec. 35.** TRAINING. To help ensure familiarity with
2 the unique nature of protection order proceedings, and an
3 understanding of trauma-informed practices, best practices in use of
4 new technologies for remote hearings, and evolving uses of technology
5 as part of coercive control techniques, judicial officers, including
6 persons who serve as judicial officers pro tempore, should receive
7 training on procedural justice, trauma-informed practices, gender-
8 based violence dynamics, elder abuse, juvenile sex offending, teen
9 dating violence, and requirements for the surrender of weapons before
10 presiding over protection order hearings. Trainings should be
11 provided on an ongoing basis as best practices, research on trauma,
12 and legislation continue to evolve. As a method of continuous
13 training, court commissioners, including pro tempore commissioners,
14 shall be notified by the presiding judge or court administrator upon
15 revision of any decision made under this chapter.

16 NEW SECTION. **Sec. 36.** RECOMMENDATIONS ON IMPROVING PROTECTION
17 ORDER PROCEEDINGS. (1) The administrative office of the courts,
18 through the gender and justice commission of the Washington state
19 supreme court, and with the support of the Washington state women's
20 commission, shall work with representatives of superior, district,
21 and municipal court judicial officers, court clerks, and
22 administrators, including those with experience in protection order
23 proceedings, as well as advocates and practitioners with expertise in
24 each type of protection order, and others with relevant expertise, to
25 consider and develop recommendations regarding:

26 (a) Uses of technology to reduce administrative burdens in
27 protection order proceedings;

28 (b) Improving access to unrepresented parties in protection order
29 proceedings, including promoting access for pro bono attorneys for
30 remote protection order proceedings, in consultation with the
31 Washington state bar association;

32 (c) Developing best practices for courts when there are civil
33 protection order and criminal proceedings that concern the same
34 alleged conduct; and

35 (d) Developing best practices in data collection and sharing,
36 including demographic information, in order to promote research and
37 study on protection orders and transparency of protection order data
38 for the public, in partnership with the Washington state center for

1 court research, the Washington state institute for public policy, the
2 University of Washington, and the urban Indian health institute.

3 (2) The gender and justice commission shall provide a report of
4 its recommendations to the legislature by June 30, 2022.

5 **PART VI**
6 **ORDERS, DURATION, RELIEF, AND REMEDIES**

7 NEW SECTION. **Sec. 37.** Sections 38 through 42 of this act apply
8 to all orders other than extreme risk protection orders.

9 NEW SECTION. **Sec. 38.** EX PARTE TEMPORARY PROTECTION ORDERS,
10 OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) Where it appears
11 from the petition and any additional evidence that the respondent has
12 engaged in conduct against the petitioner that serves as a basis for
13 a protection order under this chapter, and the petitioner alleges
14 that irreparable injury could result if an order is not issued
15 immediately without prior notice to the respondent, the court may
16 grant an ex parte temporary protection order, pending a full hearing.
17 The court has broad discretion to grant such relief as the court
18 deems proper, including the forms of relief listed in section 39 of
19 this act, provided that the court shall not order a form of relief
20 listed in section 39 of this act if it would not be feasible or
21 appropriate for the respondent to comply with such a requirement
22 before a full hearing may be held on the petition for a protection
23 order. If the court does not order all the relief requested by the
24 petitioner in an ex parte temporary protection order, the court shall
25 still consider ordering such relief at the full hearing on the
26 petition for a protection order. In issuing the order, the court
27 shall consider the provisions of RCW 9.41.800, and order the
28 respondent to surrender, and prohibit the respondent from accessing,
29 having in his or her custody or control, possessing, purchasing,
30 attempting to purchase or receive, or receiving, all firearms,
31 dangerous weapons, and any concealed pistol license, as required in
32 RCW 9.41.800.

33 (2) Any order issued under this section must contain the date,
34 time of issuance, and expiration date.

35 (3) If the court declines to issue an ex parte temporary
36 protection order, the court shall state the particular reasons for
37 the court's denial in writing. The court's denial of a motion for an

1 ex parte temporary protection order shall be filed with the court. If
2 an ex parte temporary protection order is denied, the court shall
3 still set a full hearing on the petition for a protection order.

4 (4) A petitioner may not obtain an ex parte temporary
5 antiharassment protection order against a respondent if the
6 petitioner has previously obtained two such ex parte orders against
7 the same respondent, but has failed to obtain the issuance of a civil
8 antiharassment protection order, unless good cause for such failure
9 can be shown.

10 NEW SECTION. **Sec. 39.** RELIEF FOR TEMPORARY AND FULL PROTECTION
11 ORDERS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) In issuing
12 any type of protection order, other than an extreme risk protection
13 order, the court shall have broad discretion to grant such relief as
14 the court deems proper, including an order that provides relief as
15 follows:

16 (a) Restrain the respondent from committing any of the following
17 acts against the petitioner and other persons protected by the order:
18 Domestic violence; nonconsensual sexual conduct or nonconsensual
19 sexual penetration; sexual abuse; stalking; acts of abandonment,
20 abuse, neglect, or financial exploitation against a vulnerable adult;
21 and unlawful harassment;

22 (b) Restrain the respondent from making any attempts to have
23 contact, including nonphysical contact, with the petitioner or the
24 petitioner's family or household members who are minors or other
25 members of the petitioner's household, either directly, indirectly,
26 or through third parties regardless of whether those third parties
27 know of the order;

28 (c) Exclude the respondent from the dwelling that the parties
29 share; from the residence, workplace, or school of the petitioner; or
30 from the day care or school of a minor child;

31 (d) Restrain the respondent from knowingly coming within, or
32 knowingly remaining within, a specified distance from a specified
33 location including, but not limited to, a residence, school, day
34 care, workplace, the protected party's person, and the protected
35 party's vehicle. The specified distance shall presumptively be at
36 least 1,000 feet, unless the court for good cause finds that a
37 shorter specified distance is appropriate;

38 (e) If the parties have children in common, make residential
39 provisions with regard to their minor children on the same basis as

1 is provided in chapter 26.09 RCW. However, parenting plans as
2 specified in chapter 26.09 RCW must not be required under this
3 chapter. The court may not delay or defer relief under this chapter
4 on the grounds that the parties could seek a parenting plan or
5 modification to a parenting plan in a different action. A protection
6 order must not be denied on the grounds that the parties have an
7 existing parenting plan in effect. A protection order may suspend the
8 respondent's contact with the parties' children under an existing
9 parenting plan, subject to further orders in a family law proceeding;

10 (f) Order the respondent to participate in a state-certified
11 domestic violence perpetrator treatment program approved under RCW
12 26.50.150 (as recodified by this act) or a state-certified sex
13 offender treatment program approved under RCW 18.155.070;

14 (g) Order the respondent to obtain a mental health or chemical
15 dependency evaluation. If the court determines that a mental health
16 evaluation is necessary, the court shall clearly document the reason
17 for this determination and provide a specific question or questions
18 to be answered by the mental health professional. The court shall
19 consider the ability of the respondent to pay for an evaluation.
20 Minors are presumed to be unable to pay. The parent or legal guardian
21 is responsible for costs unless the parent or legal guardian
22 demonstrates inability to pay;

23 (h) In cases where the petitioner and the respondent are students
24 who attend the same public or private elementary, middle, or high
25 school, the court, when issuing a protection order and providing
26 relief, shall consider, among the other facts of the case, the
27 severity of the act, any continuing physical danger, emotional
28 distress, or educational disruption to the petitioner, and the
29 financial difficulty and educational disruption that would be caused
30 by a transfer of the respondent to another school. The court may
31 order that the respondent not attend the public or private
32 elementary, middle, or high school attended by the petitioner. If a
33 minor respondent is prohibited attendance at the minor's assigned
34 public school, the school district must provide the student
35 comparable educational services in another setting. In such a case,
36 the district shall provide transportation at no cost to the
37 respondent if the respondent's parent or legal guardian is unable to
38 pay for transportation. The district shall put in place any needed
39 supports to ensure successful transition to the new school
40 environment. The court shall send notice of the restriction on

1 attending the same school as the petitioner to the public or private
2 school the respondent will attend and to the school the petitioner
3 attends;

4 (i) Require the respondent to pay the administrative court costs
5 and service fees, as established by the county or municipality
6 incurring the expense, and to reimburse the petitioner for costs
7 incurred in bringing the action, including reasonable attorneys' fees
8 or limited license legal technician fees when such fees are incurred
9 by a person licensed and practicing in accordance with state supreme
10 court admission and practice rule 28, the limited practice rule for
11 limited license legal technicians. Minors are presumed to be unable
12 to pay. The parent or legal guardian is responsible for costs unless
13 the parent or legal guardian demonstrates inability to pay;

14 (j) Restrain the respondent from harassing, following,
15 monitoring, keeping under physical or electronic surveillance,
16 cyberstalking as defined in RCW 9.61.260, and using telephonic,
17 audiovisual, or other electronic means to monitor the actions,
18 location, or communication of the petitioner or the petitioner's
19 family or household members who are minors or other members of the
20 petitioner's household. For the purposes of this subsection,
21 "communication" includes both "wire communication" and "electronic
22 communication" as defined in RCW 9.73.260;

23 (k) Other than for respondents who are minors, require the
24 respondent to submit to electronic monitoring. The order must specify
25 who shall provide the electronic monitoring services and the terms
26 under which the monitoring must be performed. The order also may
27 include a requirement that the respondent pay the costs of the
28 monitoring. The court shall consider the ability of the respondent to
29 pay for electronic monitoring;

30 (l) Consider the provisions of RCW 9.41.800, and order the
31 respondent to surrender, and prohibit the respondent from accessing,
32 having in his or her custody or control, possessing, purchasing,
33 attempting to purchase or receive, or receiving, all firearms,
34 dangerous weapons, and any concealed pistol license, as required in
35 RCW 9.41.800;

36 (m) Order possession and use of essential personal effects. The
37 court shall list the essential personal effects with sufficient
38 specificity to make it clear which property is included. Personal
39 effects may include pets. The court may order that a petitioner be
40 granted the exclusive custody or control of any pet owned, possessed,

1 leased, kept, or held by the petitioner, respondent, or minor child
2 residing with either the petitioner or respondent, and may prohibit
3 the respondent from interfering with the petitioner's efforts to
4 obtain the pet. The court may also prohibit the respondent from
5 knowingly coming within, or knowingly remaining within, a specified
6 distance of specified locations where the pet is regularly found;

7 (n) Order use of a vehicle;

8 (o) Enter an order restricting the respondent from engaging in
9 abusive litigation as set forth in chapter 26.51 RCW or in frivolous
10 filings against the petitioner, making harassing or libelous
11 communications about the petitioner to third parties, or making false
12 reports to investigative agencies. A petitioner may request this
13 relief in the petition or by separate motion. A petitioner may
14 request this relief by separate motion at any time within five years
15 of the date the protection order is entered even if the order has
16 since expired. A stand-alone motion for an order restricting abusive
17 litigation may be brought by a party who meets the requirements of
18 chapter 26.51 RCW regardless of whether the party has previously
19 sought a protection order under this chapter, provided the motion is
20 made within five years of the date the order that made a finding of
21 domestic violence was entered. In cases where a finding of domestic
22 violence was entered pursuant to an order under chapter 26.09, 26.26,
23 or 26.26A RCW, a motion for an order restricting abusive litigation
24 may be brought under the family law case or as a stand-alone action
25 filed under this chapter, when it is not reasonable or practical to
26 file under the family law case;

27 (p) Restrain the respondent from committing acts of abandonment,
28 abuse, neglect, or financial exploitation against a vulnerable adult;

29 (q) Require an accounting by the respondent of the disposition of
30 the vulnerable adult's income or other resources;

31 (r) Restrain the transfer of either the respondent's or
32 vulnerable adult's property, or both, for a specified period not
33 exceeding 90 days;

34 (s) Order financial relief and restrain the transfer of jointly
35 owned assets;

36 (t) Restrain the respondent from possessing or distributing
37 intimate images, as defined in RCW 9A.86.010, depicting the
38 petitioner including, but not limited to, requiring the respondent
39 to: Take down and delete all intimate images and recordings of the
40 petitioner in the respondent's possession or control; and cease any

1 and all disclosure of those intimate images. The court may also
2 inform the respondent that it would be appropriate to ask third
3 parties in possession or control of the intimate images of this
4 protection order to take down and delete the intimate images so that
5 the order may not inadvertently be violated; or

6 (u) Order other relief as it deems necessary for the protection
7 of the petitioner and other family or household members who are
8 minors or vulnerable adults for whom the petitioner has sought
9 protection, including orders or directives to a law enforcement
10 officer, as allowed under this chapter.

11 (2) The court in granting a temporary antiharassment protection
12 order or a civil antiharassment protection order shall not prohibit
13 the respondent from exercising constitutionally protected free
14 speech. Nothing in this section prohibits the petitioner from
15 utilizing other civil or criminal remedies to restrain conduct or
16 communications not otherwise constitutionally protected.

17 (3) The court shall not take any of the following actions in
18 issuing a protection order.

19 (a) The court may not order the petitioner to obtain services
20 including, but not limited to, drug testing, victim support services,
21 a mental health assessment, or a psychological evaluation.

22 (b) The court may not order the petitioner to pay the
23 respondent's attorneys' fees or other costs.

24 (c) The court shall not issue a full protection order to any
25 party except upon notice to the respondent and the opportunity for a
26 hearing pursuant to a petition or counter-petition filed and served
27 by the party seeking relief in accordance with this chapter. Except
28 as provided in section 26 of this act, the court shall not issue a
29 temporary protection order to any party unless the party has filed a
30 petition or counter-petition for a protection order seeking relief in
31 accordance with this chapter.

32 (d) Under no circumstances shall the court deny the petitioner
33 the type of protection order sought in the petition on the grounds
34 that the court finds that a different type of protection order would
35 have a less severe impact on the respondent.

36 (4) The order shall specify the date the order expires, if any.
37 For permanent orders, the court shall set the date to expire 99 years
38 from the issuance date. The order shall also state whether the court
39 issued the protection order following personal service, service by
40 electronic means, service by mail, or service by publication, and

1 whether the court has approved service by mail or publication of an
2 order issued under this section.

3 NEW SECTION. **Sec. 40.** DURATION OF FULL PROTECTION ORDERS, OTHER
4 THAN FOR EXTREME RISK PROTECTION ORDERS. (1) When issuing an order
5 after notice to the respondent and a hearing, the court may either
6 grant relief for a fixed period of time or enter a permanent order of
7 protection. The court shall not grant relief for less than one year
8 unless the petitioner has specifically requested relief for a shorter
9 period of time.

10 (2)(a) If a protection order restrains the respondent from
11 contacting the respondent's minor children, the restraint must be for
12 a fixed period not to exceed one year. This limitation is not
13 applicable to protection orders issued under chapter 26.09, 26.26A,
14 or 26.26B RCW.

15 (b) If the petitioner has petitioned for relief on behalf of the
16 respondent's minor children, the court shall advise the petitioner
17 that if the petitioner wants to continue protection for a period
18 beyond one year, the petitioner may either petition for renewal
19 pursuant to the provisions of this chapter or may seek relief
20 pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

21 NEW SECTION. **Sec. 41.** LAW ENFORCEMENT STAND-BY TO RECOVER
22 POSSESSIONS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) When
23 an order is issued under this chapter upon request of the petitioner,
24 the court may order a law enforcement officer to accompany the
25 petitioner and assist in placing the petitioner in possession of
26 those items indicated in the order or to otherwise assist in the
27 execution of the order of protection. The order must list all items
28 that are to be included with sufficient specificity to make it clear
29 which property is included. Orders issued under this chapter must
30 include a designation of the appropriate law enforcement agency to
31 execute, serve, or enforce the order.

32 (2) Upon order of a court, a law enforcement officer shall
33 accompany the petitioner and assist in placing the petitioner in
34 possession of all items listed in the order and to otherwise assist
35 in the execution of the order.

36 (3) Where orders involve surrender of firearms, dangerous
37 weapons, and concealed pistol licenses, those items must be secured

1 and accounted for in a manner that prioritizes safety and compliance
2 with court orders.

3 NEW SECTION. **Sec. 42.** ENTRY OF PROTECTION ORDER DATA, OTHER
4 THAN FOR EXTREME RISK PROTECTION ORDERS. (1) The clerk of the court
5 shall enter any protection order, including temporary protection
6 orders, issued under this chapter into a statewide judicial
7 information system on the same day such order is issued, if possible,
8 but no later than the next judicial day.

9 (2) A copy of a protection order granted under this chapter,
10 including temporary protection orders, must be forwarded immediately
11 by the clerk of the court, by electronic means if possible, to the
12 law enforcement agency specified in the order. Upon receipt of the
13 order, the law enforcement agency shall immediately enter the order
14 into any computer-based criminal intelligence information system
15 available in this state used by law enforcement agencies to list
16 outstanding warrants. The order must remain in the computer until the
17 expiration date specified on the order. If the court has entered an
18 order that prohibits the respondent from possessing or purchasing a
19 firearm, the law enforcement agency shall also enter the order into
20 the national instant criminal background check system and any other
21 federal or state computer-based systems used by law enforcement or
22 others to identify prohibited purchasers of firearms. The order must
23 remain in each system for the period stated in the order, and the law
24 enforcement agency shall only expunge orders from the systems that
25 have expired or terminated. Entry into the computer-based criminal
26 intelligence information system constitutes notice to all law
27 enforcement agencies of the existence of the order. The order is
28 fully enforceable in any county in the state.

29 (3) The information entered into the computer-based criminal
30 intelligence information system must include notice to law
31 enforcement on whether the order was personally served, served by
32 electronic means, served by publication, or served by mail.

33 (4) If a law enforcement agency receives a protection order for
34 entry or service, but the order falls outside the agency's
35 jurisdiction, the agency may enter and serve the order or may
36 immediately forward it to the appropriate law enforcement agency for
37 entry and service, and shall provide documentation back to the court
38 verifying which law enforcement agency has entered and will serve the
39 order.

1 NEW SECTION. **Sec. 43.** TEMPORARY PROTECTION ORDERS—EXTREME RISK

2 PROTECTION ORDERS. (1) In considering whether to issue a temporary
3 extreme risk protection order, the court shall consider all relevant
4 evidence, including the evidence described in section 27 of this act.

5 (2) If a court finds there is reasonable cause to believe that
6 the respondent poses a significant danger of causing personal injury
7 to self or others in the near future by having in the respondent's
8 custody or control, purchasing, possessing, accessing, receiving, or
9 attempting to purchase or receive, a firearm, the court shall issue a
10 temporary extreme risk protection order.

11 (3) A temporary extreme risk protection order must include:

12 (a) A statement of the grounds asserted for the order;

13 (b) The date and time the order was issued;

14 (c) The date and time the order expires;

15 (d) The address of the court in which any responsive pleading
16 should be filed;

17 (e) The date and time of the scheduled hearing;

18 (f) A description of the requirements for the surrender of
19 firearms under section 45 of this act; and

20 (g) The following statement: "To the subject of this protection
21 order: This order is valid until the date and time noted above. You
22 are required to surrender all firearms in your custody, control, or
23 possession. You may not have in your custody or control, access,
24 possess, purchase, receive, or attempt to purchase or receive, a
25 firearm, or a concealed pistol license, while this order is in
26 effect. You must surrender to the (insert name of local law
27 enforcement agency) all firearms in your custody, control, or
28 possession, and any concealed pistol license issued to you under RCW
29 9.41.070 immediately. A hearing will be held on the date and at the
30 time noted above to determine if an extreme risk protection order
31 should be issued. Failure to appear at that hearing may result in a
32 court making an order against you that is valid for one year. You may
33 seek the advice of an attorney as to any matter connected with this
34 order."

35 (4) A temporary extreme risk protection order issued expires upon
36 the full hearing on the petition for an extreme risk protection
37 order, unless reissued by the court.

38 (5) A temporary extreme risk protection order must be served by a
39 law enforcement officer in the same manner as provided for in section

1 19 of this act for service of the notice of hearing and petition, and
2 must be served concurrently with the notice of hearing and petition.

3 (6) If the court declines to issue a temporary extreme risk
4 protection order, the court shall state the particular reasons for
5 the court's denial.

6 NEW SECTION. **Sec. 44.** FULL ORDERS—EXTREME RISK PROTECTION
7 ORDERS. (1) An extreme risk protection order issued after notice and
8 a hearing must include:

9 (a) A statement of the grounds supporting the issuance of the
10 order;

11 (b) The date and time the order was issued;

12 (c) The date and time the order expires;

13 (d) Whether a behavioral health evaluation of the respondent is
14 required;

15 (e) The address of the court in which any responsive pleading
16 should be filed;

17 (f) A description of the requirements for the surrender of
18 firearms under section 45 of this act; and

19 (g) The following statement: "To the subject of this protection
20 order: This order will last until the date and time noted above. If
21 you have not done so already, you must surrender to the (insert name
22 of local law enforcement agency) all firearms in your custody,
23 control, or possession, and any concealed pistol license issued to
24 you under RCW 9.41.070 immediately. You may not have in your custody
25 or control, access, possess, purchase, receive, or attempt to
26 purchase or receive, a firearm, or a concealed pistol license, while
27 this order is in effect. You have the right to request one hearing to
28 terminate this order every 12-month period that this order is in
29 effect, starting from the date of this order and continuing through
30 any renewals. You may seek the advice of an attorney as to any matter
31 connected with this order."

32 (2) When the court issues an extreme risk protection order, the
33 court shall inform the respondent that the respondent is entitled to
34 request termination of the order in the manner prescribed by section
35 62 of this act. The court shall provide the respondent with a form to
36 request a termination hearing.

37 NEW SECTION. **Sec. 45.** SURRENDER OF FIREARMS—EXTREME RISK
38 PROTECTION ORDERS. (1) Upon the issuance of any extreme risk

1 protection order under this chapter, including a temporary extreme
2 risk protection order, the court shall:

3 (a) Order the respondent to surrender to the local law
4 enforcement agency all firearms in the respondent's custody, control,
5 or possession, and any concealed pistol license issued under RCW
6 9.41.070; and

7 (b) Other than for ex parte temporary protection orders, direct
8 law enforcement to revoke any concealed pistol license issued to the
9 respondent.

10 (2) The law enforcement officer serving any extreme risk
11 protection order under this chapter, including a temporary extreme
12 risk protection order, shall request that the respondent immediately
13 surrender all firearms in his or her custody, control, or possession,
14 and any concealed pistol license issued under RCW 9.41.070, and
15 conduct any search permitted by law for such firearms. The law
16 enforcement officer shall take possession of all firearms belonging
17 to the respondent that are surrendered, in plain sight, or discovered
18 pursuant to a lawful search. The order must be personally served upon
19 the respondent or defendant if the order is entered in open court in
20 the presence of the respondent or defendant. The respondent or
21 defendant shall acknowledge receipt and service. If the respondent or
22 defendant refuses service, an agent of the court may indicate on the
23 record that the respondent or defendant refused service. The court
24 shall enter the service and receipt into the record. A copy of the
25 order and service must be transmitted immediately to law enforcement.
26 Alternatively, if personal service by a law enforcement officer is
27 not possible, the respondent shall surrender the firearms in a safe
28 manner to the control of the local law enforcement agency within 24
29 hours of being served with the order by alternate service.

30 (3) At the time of surrender, a law enforcement officer taking
31 possession of a firearm or concealed pistol license shall issue a
32 receipt identifying all firearms that have been surrendered and
33 provide a copy of the receipt to the respondent. Within 72 hours
34 after service of the order, the officer serving the order shall file
35 the original receipt with the court and shall ensure that his or her
36 law enforcement agency retains a copy of the receipt.

37 (4) Upon the sworn statement or testimony of the petitioner or of
38 any law enforcement officer alleging that the respondent has failed
39 to comply with the surrender of firearms as required by an order
40 issued under this chapter, the court shall determine whether probable

1 cause exists to believe that the respondent has failed to surrender
2 all firearms in his or her possession, custody, or control. If
3 probable cause for a violation of the order exists, the court shall
4 issue a warrant describing the firearms and authorizing a search of
5 the locations where the firearms are reasonably believed to be and
6 the seizure of any firearms discovered pursuant to such search.

7 (5) If a person other than the respondent claims title to any
8 firearms surrendered pursuant to this section, and that person is
9 determined by the law enforcement agency to be the lawful owner of
10 the firearm, the firearm must be returned to that person, provided
11 that:

12 (a) The firearm is removed from the respondent's custody,
13 control, or possession, and the lawful owner provides written
14 verification to the court regarding how the lawful owner will safely
15 store the firearm in a manner such that the respondent does not have
16 access to, or control of, the firearm for the duration of the order;

17 (b) The court advises the lawful owner of the penalty for failure
18 to do so; and

19 (c) The firearm is not otherwise unlawfully possessed by the
20 owner.

21 (6) Upon the issuance of a one-year extreme risk protection
22 order, the court shall order a new compliance review hearing date and
23 require the respondent to appear not later than three judicial days
24 from the issuance of the order. The court shall require a showing
25 that the respondent has surrendered any firearms in the respondent's
26 custody, control, or possession, and any concealed pistol license
27 issued under RCW 9.41.070 to a law enforcement agency. The compliance
28 review hearing is not required upon a satisfactory showing on which
29 the court can otherwise enter findings on the record that the
30 respondent has timely and completely surrendered all firearms in the
31 respondent's custody, control, or possession, and any concealed
32 pistol license issued under RCW 9.41.070 to a law enforcement agency,
33 and is in compliance with the order. If the court does not have a
34 sufficient record before it on which to make such a finding, the
35 court must set a review hearing to occur as soon as possible, at
36 which the respondent must be present and provide proof of compliance
37 with the court's order.

38 (7) (a) If a court finds at the compliance review hearing, or any
39 other hearing where compliance with the order is addressed, that
40 there is probable cause to believe the respondent was aware of, and

1 failed to fully comply with, the order, failed to appear at the
2 compliance review hearing, or violated the order after the court
3 entered findings of compliance, pursuant to its authority under
4 chapter 7.21 RCW, the court may initiate a contempt proceeding on its
5 own motion, or upon the motion of the prosecutor, city attorney, or
6 the petitioner's counsel, to impose remedial sanctions, and issue an
7 order requiring the respondent to appear, provide proof of compliance
8 with the order, and show cause why the respondent should not be held
9 in contempt of court.

10 (b) If the respondent is not present in court at the compliance
11 review hearing or if the court issues an order to appear and show
12 cause after a compliance review hearing, the clerk of the court shall
13 electronically transmit a copy of the order to show cause to the law
14 enforcement agency where the respondent resides for personal service
15 or service in the manner provided in the civil rules of superior
16 court or applicable statute.

17 (c) The order to show cause served upon the respondent shall
18 state the date, time, and location of the hearing, and shall include
19 a warning that the respondent may be held in contempt of court if the
20 respondent fails to promptly comply with the terms of the extreme
21 risk protection order and a warning that an arrest warrant could be
22 issued if the respondent fails to appear on the date and time
23 provided in the order to show cause.

24 (d) (i) At the show cause hearing, the respondent must be present
25 and provide proof of compliance with the extreme risk protection
26 order and demonstrate why the relief requested should not be granted.

27 (ii) The court shall take judicial notice of the receipt filed
28 with the court by the law enforcement agency pursuant to subsection
29 (3) of this section. The court shall also provide sufficient notice
30 to the law enforcement agency of the hearing. Upon receiving notice
31 pursuant to this subsection, a law enforcement agency must:

32 (A) Provide the court with a complete list of firearms
33 surrendered by the respondent or otherwise belonging to the
34 respondent that are in the possession of the law enforcement agency;
35 and

36 (B) Provide the court with verification that any concealed pistol
37 license issued to the respondent has been surrendered and that a law
38 enforcement agency with authority to revoke the license has been
39 notified.

1 (iii) If the law enforcement agency has a reasonable suspicion
2 that the respondent is not in full compliance with the terms of the
3 order, the law enforcement agency must submit the basis for its
4 belief to the court, and may do so through the filing of an
5 affidavit.

6 (e) If the court finds the respondent in contempt, the court may
7 impose remedial sanctions designed to ensure swift compliance with
8 the order to surrender and prohibit weapons.

9 (f) The court may order a respondent found in contempt of the
10 order to pay for any losses incurred by a party in connection with
11 the contempt proceeding, including reasonable attorneys' fees,
12 service fees, and other costs. The costs of the proceeding must not
13 be borne by the petitioner.

14 (8) (a) To help ensure that accurate and comprehensive information
15 about firearms compliance is provided to judicial officers, a
16 representative from either the prosecuting attorney's office or city
17 attorney's office, or both, from the relevant jurisdiction may appear
18 and be heard at any hearing that concerns compliance with an extreme
19 risk protection order.

20 (b) Either the prosecuting attorney's office or city attorney's
21 office, or both, from the relevant jurisdiction may designate an
22 advocate or a staff person from their office who is not an attorney
23 to appear on behalf of their office. Such appearance does not
24 constitute the unauthorized practice of law.

25 (9) (a) An extreme risk protection order must state that the act
26 of voluntarily surrendering firearms, or providing testimony relating
27 to the surrender of firearms, pursuant to such an order, may not be
28 used against the respondent or defendant in any criminal prosecution
29 under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

30 (b) To provide relevant information to the court to determine
31 compliance with the order, the court may allow the prosecuting
32 attorney or city attorney to question the respondent regarding
33 compliance.

34 (10) All law enforcement agencies must develop and implement
35 policies and procedures regarding the acceptance, storage, and return
36 of firearms required to be surrendered under this chapter. A law
37 enforcement agency holding any surrendered firearm or concealed
38 pistol license shall comply with the provisions of RCW 9.41.340 and
39 9.41.345 before the return of the firearm or concealed pistol license
40 to the owner or individual from whom it was obtained.

1 NEW SECTION. **Sec. 46.** FIREARMS RETURN AND DISPOSAL—EXTREME RISK
2 PROTECTION ORDERS. (1) If an extreme risk protection order is
3 terminated or expires without renewal, a law enforcement agency
4 holding any firearm that has been surrendered pursuant to this
5 chapter shall return any surrendered firearm requested by a
6 respondent only after confirming, through a background check, that
7 the respondent is currently eligible to own or possess firearms under
8 federal and state law, and after confirming with the court that the
9 extreme risk protection order has terminated or has expired without
10 renewal.

11 (2) A law enforcement agency must, if requested, provide prior
12 notice of the return of a firearm to a respondent to family or
13 household members and to an intimate partner of the respondent in the
14 manner provided in RCW 9.41.340 and 9.41.345.

15 (3) Any firearm surrendered by a respondent pursuant to section
16 45 of this act that remains unclaimed by the lawful owner shall be
17 disposed of in accordance with the law enforcement agency's policies
18 and procedures for the disposal of firearms in police custody.

19 NEW SECTION. **Sec. 47.** REPORTING OF ORDERS—EXTREME RISK
20 PROTECTION ORDERS. (1) The clerk of the court shall enter any extreme
21 risk protection order, including temporary extreme risk protection
22 orders, issued under this chapter into a statewide judicial
23 information system on the same day such order is issued, if possible,
24 but no later than the next judicial day.

25 (2) A copy of an extreme risk protection order granted under this
26 chapter, including temporary extreme risk protection orders, must be
27 forwarded immediately by the clerk of the court, by electronic means
28 if possible, to the law enforcement agency specified in the order.
29 Upon receipt of the order, the law enforcement agency shall
30 immediately enter the order into the national instant criminal
31 background check system, any other federal or state computer-based
32 systems used by law enforcement or others to identify prohibited
33 purchasers of firearms, and any computer-based criminal intelligence
34 information system available in this state used by law enforcement
35 agencies to list outstanding warrants. The order must remain in each
36 system for the period stated in the order, and the law enforcement
37 agency shall only expunge orders from the systems that have expired
38 or terminated. Entry into the computer-based criminal intelligence
39 information system constitutes notice to all law enforcement agencies

1 of the existence of the order. The order is fully enforceable in any
2 county in the state.

3 (3) The information entered into the computer-based criminal
4 intelligence information system must include notice to law
5 enforcement whether the order was personally served, served by
6 electronic means, served by publication, or served by mail.

7 (4) If a law enforcement agency receives a protection order for
8 entry or service, but the order falls outside the agency's
9 jurisdiction, the agency may enter and serve the order or may
10 immediately forward it to the appropriate law enforcement agency for
11 entry and service, and shall provide documentation back to the court
12 verifying which law enforcement agency has entered and will serve the
13 order.

14 (5) The issuing court shall, within three judicial days after the
15 issuance of any extreme risk protection order, including a temporary
16 extreme risk protection order, forward a copy of the respondent's
17 driver's license or identicard, or comparable information, along with
18 the date of order issuance, to the department of licensing. Upon
19 receipt of the information, the department of licensing shall
20 determine if the respondent has a concealed pistol license. If the
21 respondent does have a concealed pistol license, the department of
22 licensing shall immediately notify a law enforcement agency that the
23 court has directed the revocation of the license. The law enforcement
24 agency, upon receipt of such notification, shall immediately revoke
25 the license.

26 (6) If an extreme risk protection order is terminated before its
27 expiration date, the clerk of the court shall forward on the same day
28 a copy of the termination order to the department of licensing and
29 the law enforcement agency specified in the termination order. Upon
30 receipt of the order, the law enforcement agency shall promptly
31 remove the order from any computer-based system in which it was
32 entered pursuant to subsection (2) of this section.

33 NEW SECTION. **Sec. 48.** SEALING OF RECORDS—EXTREME RISK
34 PROTECTION ORDERS. (1) A respondent under the age of 18, or a
35 respondent whose extreme risk protection order was based solely on
36 threats of self-harm by the respondent, may petition the court to
37 have the court records sealed from public view at the time of the
38 issuance of the full order, at any time during the life of the order,
39 or at any time after its expiration.

1 (2) The court shall seal the court records from public view if
2 there are no other active protection orders against the restrained
3 party, there are no pending violations of the order, and there is
4 evidence of full compliance with the surrender of firearms as ordered
5 by the extreme risk protection order.

6 (3) Nothing in this section changes the requirement for the order
7 to be entered into, and maintained in, computer-based systems as
8 required in section 47 of this act.

9 NEW SECTION. **Sec. 49.** CERTAIN FINDINGS AND INFORMATION IN
10 ORDERS. (1) Orders issued by the court following a hearing must
11 identify the persons who participated in the hearing and whether each
12 person appeared in person, by telephone, by video, or by other
13 electronic means. If the respondent appeared at the hearing, the
14 order must identify that the respondent has knowledge of the court's
15 order.

16 (2) Courts shall not accept agreed orders unless there are
17 findings indicating whether the respondent is a credible threat to
18 the physical safety of the protected person or child.

19 (3) The court shall ensure that in issuing protection orders,
20 including, but not limited to, orders to reissue temporary protection
21 orders and orders to renew protection orders, the court specifies
22 whether the respondent is ordered to surrender, and prohibited from
23 possessing, firearms and dangerous weapons.

24 (4) If the court issued a temporary protection order that
25 included a temporary order to surrender and prohibit weapons, the
26 temporary order to surrender and prohibit weapons must automatically
27 reissue with the temporary protection order. If the court determines
28 by a preponderance of the evidence that irreparable injury to the
29 petitioner will not result through the modification or termination of
30 the order to surrender and prohibit weapons as originally entered,
31 then the court must make specific findings.

32 (5) If the court has information regarding any of the
33 respondent's known aliases, that information must be included in the
34 protection order.

35 NEW SECTION. **Sec. 50.** ERRORS IN PROTECTION ORDERS. After a
36 protection order is issued, the court may correct clerical or
37 technical errors in the order at any time. The court may correct
38 errors either on the court's own initiative or upon notice to the

1 court of an error. If the court corrects an error in an order, the
2 court shall provide notice of the correction to the parties and the
3 person who notified the court of the error, and shall provide a copy
4 of the corrected order. The court shall direct the clerk to forward
5 the corrected order on or before the next judicial day to the law
6 enforcement agency specified in the order.

7 NEW SECTION. **Sec. 51.** SEALING OF RECORDS. The judicial
8 information system committee's data dissemination committee shall
9 develop recommendations on best practices for courts to consider for
10 whether and when the sealing of records in protection order cases is
11 appropriate or necessary under this chapter. The committee shall also
12 consider methods to ensure compliance with the provisions of the
13 federal violence against women act under 18 U.S.C. Sec. 2265(d)(3)
14 that prohibit internet publication of filing or registration
15 information of protection orders when such publication is likely to
16 reveal the identity or location of the person protected by the order.

17 NEW SECTION. **Sec. 52.** ISSUANCE OF ORDERS NOT DISMISSED OR
18 SUSPENDED. The practice of dismissing or suspending a criminal
19 prosecution in exchange for the issuance of a protection order
20 undermines the purposes of this chapter. Nothing in this chapter
21 shall be construed as encouraging that practice.

22 **PART VII**
23 **REISSUANCE AND RENEWAL**

24 NEW SECTION. **Sec. 53.** REISSUANCE OF TEMPORARY PROTECTION
25 ORDERS. (1) A temporary protection order issued under this chapter
26 may be reissued for the following reasons:

- 27 (a) Agreement of the parties;
28 (b) To provide additional time to effect service of the temporary
29 protection order on the respondent; or
30 (c) If the court, in writing, finds good cause to reissue the
31 order.

32 (2) Any temporary orders to surrender and prohibit weapons must
33 also be automatically reissued with the temporary protection order.

34 (3) To ensure that a petitioner is not delayed in receiving a
35 hearing on a petition for a protection order, there is a rebuttable
36 presumption that a temporary protection order should not be reissued

1 more than once or for more than 30 days at the request of the
2 respondent, absent agreement of the parties, good cause, or the need
3 to provide additional time to effect service.

4 (4) When considering any request to stay, continue, or delay a
5 hearing under this chapter because of the pendency of a parallel
6 criminal investigation or prosecution of the respondent, courts shall
7 apply a rebuttable presumption against such delay and give due
8 recognition to the purpose of this chapter to provide victims quick
9 and effective relief. Courts must consider on the record the
10 following factors:

11 (a) The extent to which a defendant's Fifth Amendment rights are
12 or are not implicated, given the special nature of protection order
13 proceedings which burden a defendant's Fifth Amendment privilege
14 substantially less than do other civil proceedings;

15 (b) Similarities between the civil and criminal cases;

16 (c) Status of the criminal case;

17 (d) The interests of the petitioners in proceeding expeditiously
18 with litigation and the potential prejudice and risk to petitioners
19 of a delay;

20 (e) The burden that any particular aspect of the proceeding may
21 impose on respondents;

22 (f) The convenience of the court in the management of its cases
23 and the efficient use of judicial resources;

24 (g) The interests of persons not parties to the civil litigation;
25 and

26 (h) The interest of the public in the pending civil and criminal
27 litigation.

28 (5) Courts shall not require a petitioner to complete a new law
29 enforcement information sheet when a temporary protection order is
30 reissued or when a full order for a fixed time period is entered,
31 unless the petitioner indicates that the information needs to be
32 updated or amended. The clerk shall transmit the order to the law
33 enforcement agency identified in the order for service, along with a
34 copy of the confidential party information form received from the
35 respondent, if available, or the petitioner's confidential party
36 information form to assist law enforcement in serving the order.

37 NEW SECTION. **Sec. 54.** RENEWAL OF PROTECTION ORDERS, OTHER THAN
38 EXTREME RISK PROTECTION ORDERS. The following provisions apply to the

1 renewal of all full protection orders issued under this chapter, with
2 the exception of the renewal of extreme risk protection orders.

3 (1) If the court grants a protection order for a fixed time
4 period, the petitioner may file a motion to renew the order at any
5 time within the 90 days before the order expires. The motion for
6 renewal must state the reasons the petitioner seeks to renew the
7 protection order. Upon receipt of a motion for renewal, the court
8 shall order a hearing, which must be not later than 14 days from the
9 date of the order. Service must be made on the respondent not less
10 than five judicial days before the hearing, as provided in section 18
11 of this act.

12 (2) If the motion for renewal is uncontested and the petitioner
13 seeks no modification of the order, the order may be renewed on the
14 basis of the petitioner's motion and statement of the reason for the
15 requested renewal.

16 (3) The petitioner bears no burden of proving that he or she has
17 a current reasonable fear of harm by the respondent.

18 (4) The court shall grant the motion for renewal unless the
19 respondent proves by a preponderance of the evidence that there has
20 been a substantial change in circumstances and the following:

21 (a) For a domestic violence protection order, that the respondent
22 proves that the respondent will not resume acts of domestic violence
23 against the petitioner or the petitioner's family or household
24 members who are minors or vulnerable adults when the order expires;

25 (b) For a sexual assault protection order, that the respondent
26 proves that the respondent will not engage in, or attempt to engage
27 in, physical or nonphysical contact with the petitioner when the
28 order expires;

29 (c) For a stalking protection order, that the respondent proves
30 that the respondent will not resume acts of stalking against the
31 petitioner or the petitioner's family or household members when the
32 order expires;

33 (d) For a vulnerable adult protection order, that the respondent
34 proves that the respondent will not resume acts of abandonment,
35 abuse, financial exploitation, or neglect against the vulnerable
36 adult when the order expires; or

37 (e) For an antiharassment protection order, that the respondent
38 proves that the respondent will not resume harassment of the
39 petitioner when the order expires.

1 (5) In determining whether there has been a substantial change in
2 circumstances, the court may consider the following unweighted
3 factors, and no inference is to be drawn from the order in which the
4 factors are listed:

5 (a) Whether the respondent has committed or threatened sexual
6 assault; domestic violence; stalking; abandonment, abuse, financial
7 exploitation, or neglect of a vulnerable adult; or other harmful acts
8 against the petitioner or any other person since the protection order
9 was entered;

10 (b) Whether the respondent has violated the terms of the
11 protection order and the time that has passed since the entry of the
12 order;

13 (c) Whether the respondent has exhibited suicidal ideation or
14 attempts since the protection order was entered;

15 (d) Whether the respondent has been convicted of criminal
16 activity since the protection order was entered;

17 (e) Whether the respondent has either: Acknowledged
18 responsibility for acts of sexual assault, domestic violence, or
19 stalking, or acts of abandonment, abuse, financial exploitation, or
20 neglect of a vulnerable adult, or behavior that resulted in the entry
21 of the protection order; or successfully completed state-certified
22 perpetrator treatment or counseling since the protection order was
23 entered;

24 (f) Whether the respondent has a continuing involvement with drug
25 or alcohol abuse, if such abuse was a factor in the protection order;
26 and

27 (g) Other factors relating to a substantial change in
28 circumstances.

29 (6) The court shall not deny a motion to renew a protection order
30 for any of the following reasons:

31 (a) The respondent has not violated the protection order
32 previously issued by the court;

33 (b) The petitioner or the respondent is a minor;

34 (c) The petitioner did not report the conduct giving rise to the
35 protection order, or subsequent violations of the protection order,
36 to law enforcement;

37 (d) A no-contact order or a restraining order that restrains the
38 respondent's contact with the petitioner has been issued in a
39 criminal proceeding or in a domestic relations proceeding;

1 (e) The relief sought by the petitioner may be available in a
2 different action or proceeding;

3 (f) The passage of time since the last incident of conduct giving
4 rise to the issuance of the protection order; or

5 (g) The respondent no longer lives near the petitioner.

6 (7) The terms of the original protection order must not be
7 changed on a motion for renewal unless the petitioner has requested
8 the change.

9 (8) The court may renew the protection order for another fixed
10 time period of no less than one year, or may enter a permanent order
11 as provided in this section.

12 (9) If the protection order includes the parties' children, a
13 renewed protection order may be issued for more than one year,
14 subject to subsequent orders entered in a proceeding under chapter
15 26.09, 26.26A, or 26.26B RCW.

16 (10) The court may award court costs, service fees, and
17 reasonable attorneys' fees to the petitioner as provided in section
18 39 of this act.

19 (11) If the court declines to renew the protection order, the
20 court shall state, in writing in the order, the particular reasons
21 for the court's denial. If the court declines to renew a protection
22 order that had restrained the respondent from having contact with
23 children protected by the order, the court shall determine on the
24 record whether the respondent and the children should undergo
25 reunification therapy. Any reunification therapy provider should be
26 made aware of the respondent's history of domestic violence and
27 should have training and experience in the dynamics of intimate
28 partner violence.

29 NEW SECTION. **Sec. 55.** RENEWAL—EXTREME RISK PROTECTION ORDERS.
30 The following provisions apply to the renewal of extreme risk
31 protection orders.

32 (1) The court must notify the petitioner of the impending
33 expiration of an extreme risk protection order. Notice must be
34 received by the petitioner 105 calendar days before the date the
35 order expires.

36 (2) An intimate partner or family or household member of a
37 respondent, or a law enforcement agency, may by motion request a
38 renewal of an extreme risk protection order at any time within 90
39 days before the expiration of the order.

1 (a) Upon receipt of the motion to renew, the court shall order
2 that a hearing be held not later than 14 days from the date the order
3 issues.

4 (b) In determining whether to renew an extreme risk protection
5 order issued under this section, the court shall consider all
6 relevant evidence presented by the petitioner and follow the same
7 procedure as provided in section 27 of this act.

8 (c) If the court finds by a preponderance of the evidence that
9 the requirements for the issuance of an extreme risk protection order
10 as provided in section 27 of this act continue to be met, the court
11 shall renew the order. However, if, after notice, the motion for
12 renewal is uncontested and the petitioner seeks no modification of
13 the order, the order may be renewed on the basis of the petitioner's
14 motion and statement of the reason for the requested renewal.

15 (d) The renewal of an extreme risk protection order has a
16 duration of one year, subject to termination as provided in section
17 62 of this act or further renewal by order of the court.

18 **PART VIII**

19 **VIOLATIONS AND ENFORCEMENT**

20 NEW SECTION. **Sec. 56.** VIOLATION OF ORDER AND PENALTIES, OTHER
21 THAN ANTIHARASSMENT PROTECTION ORDERS OR EXTREME RISK PROTECTION
22 ORDERS. (1)(a) Whenever a domestic violence protection order, a
23 sexual assault protection order, a stalking protection order, or a
24 vulnerable adult protection order is granted under this chapter, or
25 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,
26 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign
27 protection order as defined in RCW 26.52.020, or there is a Canadian
28 domestic violence protection order as defined in RCW 26.55.010, and
29 the respondent or person to be restrained knows of the order, a
30 violation of any of the following provisions of the order is a gross
31 misdemeanor, except as provided in subsections (4) and (5) of this
32 section:

33 (i) The restraint provisions prohibiting acts or threats of
34 violence against, or stalking of, a protected party, or the restraint
35 provisions prohibiting contact with a protected party;

36 (ii) A provision excluding the person from a residence,
37 workplace, school, or day care;

1 (iii) A provision prohibiting the person from knowingly coming
2 within, or knowingly remaining within, a specified distance of a
3 location, a protected party's person, or a protected party's vehicle;

4 (iv) A provision prohibiting interfering with the protected
5 party's efforts to remove a pet owned, possessed, leased, kept, or
6 held by the petitioner, the respondent, or a minor child residing
7 with either the petitioner or the respondent; or

8 (v) A provision of a foreign protection order or a Canadian
9 domestic violence protection order specifically indicating that a
10 violation will be a crime.

11 (b) Upon conviction, and in addition to any other penalties
12 provided by law, the court:

13 (i) May require that the respondent submit to electronic
14 monitoring. The court shall specify who must provide the electronic
15 monitoring services and the terms under which the monitoring must be
16 performed. The order also may include a requirement that the
17 respondent pay the costs of the monitoring. The court shall consider
18 the ability of the convicted person to pay for electronic monitoring;
19 and

20 (ii) Shall impose a fine of \$15, in addition to any penalty or
21 fine imposed, for a violation of a domestic violence protection order
22 issued under this chapter. Revenue from the \$15 fine must be remitted
23 monthly to the state treasury for deposit in the domestic violence
24 prevention account.

25 (2) A law enforcement officer shall arrest without a warrant and
26 take into custody a person whom the law enforcement officer has
27 probable cause to believe has violated a domestic violence protection
28 order, a sexual assault protection order, a stalking protection
29 order, or a vulnerable adult protection order, or an order issued
30 under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
31 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
32 in RCW 26.52.020, or a Canadian domestic violence protection order as
33 defined in RCW 26.55.010, that restrains the person or excludes the
34 person from a residence, workplace, school, or day care, or prohibits
35 the person from knowingly coming within, or knowingly remaining
36 within, a specified distance of a location, a protected party's
37 person, or a protected party's vehicle, if the person restrained
38 knows of the order. Presence of the order in the law enforcement
39 computer-based criminal intelligence information system is not the
40 only means of establishing knowledge of the order.

1 (3) A violation of a domestic violence protection order, a sexual
2 assault protection order, a stalking protection order, or a
3 vulnerable adult protection order, or an order issued under chapter
4 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B
5 RCW, or a valid foreign protection order as defined in RCW 26.52.020,
6 or a Canadian domestic violence protection order as defined in RCW
7 26.55.010, shall also constitute contempt of court, and is subject to
8 the penalties prescribed by law.

9 (4) Any assault that is a violation of a domestic violence
10 protection order, a sexual assault protection order, a stalking
11 protection order, or a vulnerable adult protection order, or an order
12 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
13 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
14 in RCW 26.52.020, or a Canadian domestic violence protection order as
15 defined in RCW 26.55.010, and that does not amount to assault in the
16 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
17 felony, and any conduct in violation of such an order that is
18 reckless and creates a substantial risk of death or serious physical
19 injury to another person is a class C felony.

20 (5) A violation of a domestic violence protection order, a sexual
21 assault protection order, a stalking protection order, or a
22 vulnerable adult protection order, or a court order issued under
23 chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or
24 26.26B RCW, or a valid foreign protection order as defined in RCW
25 26.52.020, or a Canadian domestic violence protection order as
26 defined in RCW 26.55.010, is a class C felony if the offender has at
27 least two previous convictions for violating the provisions of a
28 domestic violence protection order, a sexual assault protection
29 order, a stalking protection order, or a vulnerable adult protection
30 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,
31 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
32 protection order as defined in RCW 26.52.020, or a Canadian domestic
33 violence protection order as defined in RCW 26.55.010. The previous
34 convictions may involve the same victim or other victims specifically
35 protected by the orders the offender violated.

36 (6) Upon the filing of an affidavit by the petitioner or any law
37 enforcement officer alleging that the respondent has violated a
38 domestic violence protection order, a sexual assault protection
39 order, a stalking protection order, or a vulnerable adult protection
40 order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88,

1 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
2 protection order as defined in RCW 26.52.020, or a Canadian domestic
3 violence protection order as defined in RCW 26.55.010, the court may
4 issue an order to the respondent, requiring the respondent to appear
5 and show cause within 14 days as to why the respondent should not be
6 found in contempt of court and punished accordingly. The hearing may
7 be held in the court of any county or municipality in which the
8 petitioner or respondent temporarily or permanently resides at the
9 time of the alleged violation.

10 NEW SECTION. **Sec. 57.** ENFORCEMENT AND PENALTIES—ANTI-HARASSMENT
11 PROTECTION ORDERS. (1) When the court issues an anti-harassment
12 protection order under this chapter, the court shall advise the
13 petitioner that the respondent may not be subjected to the penalties
14 set forth in this section for a violation of the order unless the
15 respondent knows of the order.

16 (2) A willful disobedience by a respondent age 18 years or over
17 of any of the following provisions of an anti-harassment protection
18 order issued under this chapter is a gross misdemeanor:

19 (a) The restraint provisions prohibiting acts or threats of
20 violence against, or unlawful harassment or stalking of, a protected
21 party, or restraint provisions prohibiting contact with a protected
22 party;

23 (b) A provision excluding the person from a residence, workplace,
24 school, or day care;

25 (c) A provision prohibiting the person from knowingly coming
26 within, or knowingly remaining within, a specified distance of a
27 location, a protected party's person, or a protected party's vehicle;
28 or

29 (d) A provision prohibiting interfering with the protected
30 party's efforts to remove a pet owned, possessed, leased, kept, or
31 held by the petitioner, respondent, or a minor child residing with
32 either the petitioner or the respondent.

33 (3) Any respondent age 18 years or over who willfully disobeys
34 the terms of any anti-harassment protection order issued under this
35 chapter may also, in the court's discretion, be found in contempt of
36 court and subject to penalties under chapter 7.21 RCW.

37 (4) Any respondent under the age of 18 years who willfully
38 disobeys the terms of an anti-harassment protection order issued under
39 this chapter may, in the court's discretion, be found in contempt of

1 court and subject to the sanction specified in RCW 7.21.030(4),
2 provided that the sanction specified in RCW 7.21.030(4) may be
3 imposed only for willful disobedience of the provisions listed in
4 subsection (2) of this section.

5 (5) A defendant arrested for violating any antiharassment
6 protection order issued under this chapter is required to appear in
7 person before a magistrate within one judicial day after the arrest.
8 At the time of the appearance, the court shall determine the
9 necessity of imposing a no-contact order or other conditions of
10 pretrial release in accordance with RCW 9A.46.050.

11 (6) A defendant who is charged by citation, complaint, or
12 information with violating any antiharassment protection order issued
13 under this chapter and not arrested shall appear in court for
14 arraignment in accordance with RCW 9A.46.050.

15 (7) Appearances required under this section are mandatory and
16 cannot be waived.

17 NEW SECTION. **Sec. 58.** PENALTIES—EXTREME RISK PROTECTION ORDERS.

18 (1) Any person who files a petition for an extreme risk protection
19 order knowing the information in such petition to be materially
20 false, or with the intent to harass the respondent, is guilty of a
21 gross misdemeanor.

22 (2) Any person who has in his or her custody or control,
23 accesses, purchases, possesses, or receives, or attempts to purchase
24 or receive, a firearm with knowledge that he or she is prohibited
25 from doing so by an extreme risk protection order is guilty of a
26 gross misdemeanor, and further is prohibited from having in his or
27 her custody or control, accessing, purchasing, possessing, or
28 receiving, or attempting to purchase or receive, a firearm for a
29 period of five years from the date the existing order expires.
30 However, such person is guilty of a class C felony if the person has
31 two or more previous convictions for violating an order issued under
32 this chapter.

33 NEW SECTION. **Sec. 59.** ENFORCEMENT—KNOWLEDGE OF ORDER. (1) When

34 the court issues a protection order under this chapter, the court
35 shall advise the petitioner that the respondent may not be subjected
36 to the penalties set forth in this chapter for a violation of the
37 order unless the respondent knows of the order.

1 (2) When a law enforcement officer investigates a report of an
2 alleged violation of a protection order issued under this chapter,
3 the officer shall attempt to determine whether the respondent knew of
4 the existence of the protection order. If the law enforcement officer
5 determines that the respondent did not, or probably did not, know
6 about the protection order and the officer is provided a current copy
7 of the order, the officer shall serve the order on the respondent if
8 the respondent is present. If the respondent is not present, the
9 officer shall make reasonable efforts to serve a copy of the order on
10 the respondent. If the officer serves the respondent with the
11 petitioner's copy of the order, the officer shall give the petitioner
12 a receipt indicating that the petitioner's copy has been served on
13 the respondent. After the officer has served the order on the
14 respondent, the officer shall enforce prospective compliance with the
15 order.

16 (3) Presentation of an unexpired, certified copy of a protection
17 order with proof of service is sufficient for a law enforcement
18 officer to enforce the order regardless of the presence of the order
19 in the law enforcement computer-based criminal intelligence
20 information system.

21 NEW SECTION. **Sec. 60.** ENFORCEMENT—PROSECUTOR ASSISTANCE. When a
22 party alleging a violation of a protection order issued under this
23 chapter states that the party is unable to afford private counsel and
24 asks the prosecuting attorney for the county or the attorney for the
25 municipality in which the order was issued for assistance, the
26 attorney shall initiate and prosecute a contempt proceeding if there
27 is probable cause to believe that the violation occurred. In this
28 action, the court may require the violator of the order to pay the
29 costs incurred in bringing the action, including a reasonable
30 attorney's fee.

31 **PART IX**

32 **MODIFICATION AND TERMINATION**

33 NEW SECTION. **Sec. 61.** MODIFICATION OR TERMINATION OF PROTECTION
34 ORDERS, OTHER THAN EXTREME RISK PROTECTION ORDERS AND VULNERABLE
35 ADULT PROTECTION ORDERS. This section applies to modification or
36 termination of domestic violence protection orders, sexual assault

1 protection orders, stalking protection orders, and antiharassment
2 protection orders.

3 (1) Upon a motion with notice to all parties and after a hearing,
4 the court may modify the terms of an existing protection order or
5 terminate an existing order.

6 (2) A respondent's motion to modify or terminate an existing
7 protection order must include a declaration setting forth facts
8 supporting the requested order for modification or termination. The
9 nonmoving parties to the proceeding may file opposing declarations.
10 All motions to modify or terminate shall be based on the written
11 materials and evidence submitted to the court. The court shall set a
12 hearing only if the court finds that adequate cause is established.
13 If the court finds that the respondent established adequate cause,
14 the court shall set a date for hearing the respondent's motion, which
15 must be at least 14 days from the date the court finds adequate
16 cause.

17 (3) Upon the motion of a respondent, the court may not modify or
18 terminate an existing protection order unless the respondent proves
19 by a preponderance of the evidence that there has been a substantial
20 change in circumstances such that the respondent will not resume,
21 engage in, or attempt to engage in, the following acts against the
22 petitioner or those persons protected by the protection order if the
23 order is terminated or modified:

24 (a) Acts of domestic violence, in cases involving domestic
25 violence protection orders;

26 (b) Physical or nonphysical contact, in cases involving sexual
27 assault protection orders;

28 (c) Acts of stalking, in cases involving stalking protection
29 orders; or

30 (d) Acts of unlawful harassment, in cases involving
31 antiharassment protection orders.

32 The petitioner bears no burden of proving that he or she has a
33 current reasonable fear of harm by the respondent.

34 (4) In determining whether there has been a substantial change in
35 circumstances, the court may consider the following unweighted
36 factors, and no inference is to be drawn from the order in which the
37 factors are listed:

38 (a) Whether the respondent has committed or threatened sexual
39 assault, domestic violence, stalking, or other harmful acts against

1 the petitioner or any other person since the protection order was
2 entered;

3 (b) Whether the respondent has violated the terms of the
4 protection order and the time that has passed since the entry of the
5 order;

6 (c) Whether the respondent has exhibited suicidal ideation or
7 attempts since the protection order was entered;

8 (d) Whether the respondent has been convicted of criminal
9 activity since the protection order was entered;

10 (e) Whether the respondent has either acknowledged responsibility
11 for acts of sexual assault, domestic violence, stalking, or behavior
12 that resulted in the entry of the protection order, or successfully
13 completed state-certified perpetrator treatment or counseling since
14 the protection order was entered;

15 (f) Whether the respondent has a continuing involvement with drug
16 or alcohol abuse, if such abuse was a factor in the protection order;

17 (g) Whether the petitioner consents to terminating the protection
18 order, provided that consent is given voluntarily and knowingly; or

19 (h) Other factors relating to a substantial change in
20 circumstances.

21 (5) In determining whether there has been a substantial change in
22 circumstances, the court may not base its determination on the fact
23 that time has passed without a violation of the order.

24 (6) Regardless of whether there is a substantial change in
25 circumstances, the court may decline to terminate a protection order
26 if it finds that the acts of domestic violence, sexual assault,
27 stalking, unlawful harassment, and other harmful acts that resulted
28 in the issuance of the protection order were of such severity that
29 the order should not be terminated.

30 (7) A respondent may file a motion to modify or terminate an
31 order no more than once in every 12-month period that the order is in
32 effect, starting from the date of the order and continuing through
33 any renewal period.

34 (8) If a person who is protected by a protection order has a
35 child or adopts a child after a protection order has been issued, but
36 before the protection order has expired, the petitioner may seek to
37 include the new child in the order of protection on an ex parte
38 basis.

1 (9) A court may require the respondent to pay the petitioner for
2 costs incurred in responding to a motion to modify or terminate a
3 protection order, including reasonable attorneys' fees.

4 NEW SECTION. **Sec. 62.** TERMINATION OF EXTREME RISK PROTECTION
5 ORDERS. This section applies to the termination of extreme risk
6 protection orders.

7 (1) The respondent may submit one written request for a hearing
8 to terminate an extreme risk protection order issued under this
9 chapter every 12-month period that the order is in effect, starting
10 from the date of the order and continuing through any renewals.

11 (2) Upon receipt of the request for a hearing to terminate an
12 extreme risk protection order, the court shall set a date for a
13 hearing. The hearing must occur no sooner than 14 days and no later
14 than 30 days from the date of service of the request upon the
15 petitioner.

16 (3) The respondent shall have the burden of proving by a
17 preponderance of the evidence that the respondent does not pose a
18 significant danger of causing personal injury to self or others by
19 having in his or her custody or control, accessing, possessing,
20 purchasing, receiving, or attempting to purchase or receive, a
21 firearm or other dangerous weapons. The court may consider any
22 relevant evidence, including evidence of the considerations listed in
23 section 27 of this act.

24 (4) If the court finds after the hearing that the respondent has
25 met his or her burden, the court shall terminate the order.

26 NEW SECTION. **Sec. 63.** MODIFICATION OR TERMINATION OF VULNERABLE
27 ADULT PROTECTION ORDERS. This section applies to the modification or
28 termination of vulnerable adult protection orders.

29 (1) Any vulnerable adult who has not been adjudicated fully
30 incapacitated under chapter 11.88 RCW, or the vulnerable adult's
31 guardian, may file a motion to modify or terminate the protection
32 order.

33 (2) In a hearing on a motion to modify or terminate the
34 protection order, the court shall grant such relief consistent with
35 section 39 of this act as it deems necessary for the protection of
36 the vulnerable adult, including modification or termination of the
37 protection order.

1 terminated in accordance with the applicable provisions of sections
2 61 through 65 of this act.

3 NEW SECTION. **Sec. 66.** JUDICIAL INFORMATION SYSTEM AND DATABASE.
4 To prevent the issuance of competing protection orders in different
5 courts and to give courts needed information for the issuance of
6 orders, the judicial information system must be available in each
7 district, municipal, and superior court, and must include a database
8 containing the following information:

9 (1) The names of the parties and the cause number for every order
10 of protection issued under this chapter, every criminal no-contact
11 order issued under chapters 9A.46 and 10.99 RCW, every dissolution
12 action under chapter 26.09 RCW, every minor guardianship action under
13 chapter 11.130 RCW, every parentage action under chapter 26.26A or
14 26.26B RCW, every restraining order issued on behalf of an abused
15 child or adult dependent person under chapter 26.44 RCW, every
16 foreign protection order filed under chapter 26.52 RCW, and every
17 Canadian domestic violence protection order filed under chapter 26.55
18 RCW. When a guardian or the department of social and health services
19 or department of children, youth, and families has petitioned for
20 relief on behalf of an abused child, adult dependent person, or
21 vulnerable adult, the name of the person on whose behalf relief was
22 sought must be included in the database as a party rather than the
23 guardian or appropriate department;

24 (2) A criminal history of the parties; and

25 (3) Other relevant information necessary to assist courts in
26 issuing orders under this chapter as determined by the judicial
27 information system committee.

28 NEW SECTION. **Sec. 67.** TITLE TO REAL ESTATE—EFFECT. Nothing in
29 this chapter may affect the title to real estate: PROVIDED, That a
30 judgment for costs or fees awarded under this chapter constitutes a
31 lien on real estate to the extent provided in chapter 4.56 RCW.

32 NEW SECTION. **Sec. 68.** PROCEEDINGS ADDITIONAL—FILING OF CRIMINAL
33 CHARGES NOT REQUIRED. (1) Any proceeding under this chapter is in
34 addition to other civil or criminal remedies.

35 (2) Nothing in this chapter shall be construed as requiring
36 criminal charges to be filed as a condition of a protection order
37 being issued.

1 NEW SECTION. **Sec. 69.** OTHER AUTHORITY RETAINED. This chapter
2 does not affect the ability of a law enforcement officer to remove a
3 firearm or concealed pistol license from any person or to conduct any
4 search and seizure for firearms pursuant to other lawful authority.

5 NEW SECTION. **Sec. 70.** LIABILITY. (1) Except as provided in
6 section 58 of this act, this chapter does not impose criminal or
7 civil liability on any person or entity for acts or omissions related
8 to obtaining an extreme risk protection order or a temporary extreme
9 risk protection order including, but not limited to, reporting,
10 declining to report, investigating, declining to investigate, filing,
11 or declining to file a petition under this chapter.

12 (2) No law enforcement officer may be held criminally or civilly
13 liable for making an arrest under section 56 of this act if the
14 officer acts in good faith.

15 NEW SECTION. **Sec. 71.** PROTECTION ORDER COMMISSIONERS—
16 APPOINTMENT AUTHORIZED. In each county, the superior court may
17 appoint one or more attorneys to act as protection order
18 commissioners pursuant to this chapter to exercise all powers and
19 perform all duties of a court commissioner appointed pursuant to RCW
20 2.24.010, provided that such positions may not be created without
21 prior consent of the county legislative authority. A person appointed
22 as a protection order commissioner under this chapter may also be
23 appointed to any other commissioner position authorized by law.
24 Protection order commissioners should receive training as specified
25 in section 35 of this act.

26 **Sec. 72.** RCW 7.--.-- and 2021 c ... s 2 (section 2 of this act)
27 are each amended to read as follows:

28 The definitions in this section apply throughout this chapter
29 unless the context clearly requires otherwise.

30 (1) "Abandonment" means action or inaction by a person or entity
31 with a duty of care for a vulnerable adult that leaves the vulnerable
32 adult without the means or ability to obtain necessary food,
33 clothing, shelter, or health care.

34 (2) "Abuse," for the purposes of a vulnerable adult protection
35 order, means intentional, willful, or reckless action or inaction
36 that inflicts injury, unreasonable confinement, intimidation, or
37 punishment on a vulnerable adult. In instances of abuse of a

1 vulnerable adult who is unable to express or demonstrate physical
2 harm, pain, or mental anguish, the abuse is presumed to cause
3 physical harm, pain, or mental anguish. "Abuse" includes sexual
4 abuse, mental abuse, physical abuse, personal exploitation, and
5 improper use of restraint against a vulnerable adult, which have the
6 following meanings:

7 (a) "Improper use of restraint" means the inappropriate use of
8 chemical, physical, or mechanical restraints for convenience or
9 discipline, or in a manner that: (i) Is inconsistent with federal or
10 state licensing or certification requirements for facilities,
11 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
12 not medically authorized; or (iii) otherwise constitutes abuse under
13 this section.

14 (b) "Mental abuse" means an intentional, willful, or reckless
15 verbal or nonverbal action that threatens, humiliates, harasses,
16 coerces, intimidates, isolates, unreasonably confines, or punishes a
17 vulnerable adult. "Mental abuse" may include ridiculing, yelling,
18 swearing, or withholding or tampering with prescribed medications or
19 their dosage.

20 (c) "Personal exploitation" means an act of forcing, compelling,
21 or exerting undue influence over a vulnerable adult causing the
22 vulnerable adult to act in a way that is inconsistent with relevant
23 past behavior, or causing the vulnerable adult to perform services
24 for the benefit of another.

25 (d) "Physical abuse" means the intentional, willful, or reckless
26 action of inflicting bodily injury or physical mistreatment.
27 "Physical abuse" includes, but is not limited to, striking with or
28 without an object, slapping, pinching, strangulation, suffocation,
29 kicking, shoving, or prodding.

30 (e) "Sexual abuse" means any form of nonconsensual sexual conduct
31 including, but not limited to, unwanted or inappropriate touching,
32 rape, molestation, indecent liberties, sexual coercion, sexually
33 explicit photographing or recording, voyeurism, indecent exposure,
34 and sexual harassment. "Sexual abuse" also includes any sexual
35 conduct between a staff person, who is not also a resident or client,
36 of a facility or a staff person of a program authorized under chapter
37 71A.12 RCW, and a vulnerable adult living in that facility or
38 receiving service from a program authorized under chapter 71A.12 RCW,
39 whether or not the sexual conduct is consensual.

1 (3) "Chemical restraint" means the administration of any drug to
2 manage a vulnerable adult's behavior in a way that reduces the safety
3 risk to the vulnerable adult or others, has the temporary effect of
4 restricting the vulnerable adult's freedom of movement, and is not
5 standard treatment for the vulnerable adult's medical or psychiatric
6 condition.

7 (4) "Coercive control" means a pattern of behavior that in
8 purpose or effect unreasonably interferes with a person's free will
9 and personal liberty and is used to cause another to suffer physical
10 or psychological harm. Examples of coercive control include, but are
11 not limited to, unreasonably engaging in any of the following:

12 (a) Making threats of harm, dependence, isolation, intimidation,
13 and/or physical forms of violence;

14 (b) Isolating the other party from friends, relatives, or other
15 sources of support;

16 (c) Depriving the other party of basic necessities or committing
17 other forms of economic abuse;

18 (d) Controlling, regulating, or monitoring the other party's
19 movements, communications, daily behavior, finances, economic
20 resources, or access to services;

21 (e) Compelling the other party by force, threat of force, or
22 intimidation, including threats based on actual or suspected
23 immigration status such as threats to contact federal agencies, to
24 engage in conduct from which the other party has a right to abstain
25 or to abstain from conduct in which the other party has a right to
26 engage;

27 (f) Using technology, including, but not limited to,
28 cyberstalking, monitoring, surveillance, impersonation, or
29 distribution of intimate images, to harass, stalk, or abuse;

30 (g) Engaging in vexatious or abusive litigation against a
31 petitioner to harass, coerce, or control the petitioner; to diminish
32 or exhaust the petitioner's financial resources; or to compromise the
33 petitioner's employment or housing;

34 (h) Engaging in psychological aggression; and

35 (i) Frightening, humiliating, degrading, or punishing the other
36 party.

37 (5) "Consent" in the context of sexual acts means that at the
38 time of sexual contact, there are actual words or conduct indicating
39 freely given agreement to that sexual contact. Consent must be
40 ongoing and may be revoked at any time. Conduct short of voluntary

1 agreement does not constitute consent as a matter of law. Consent
2 cannot be freely given when a person does not have capacity due to
3 disability, intoxication, or age. Consent cannot be freely given when
4 the other party has authority or control over the care or custody of
5 a person incarcerated or detained.

6 (6) (a) "Course of conduct" means a pattern of conduct composed of
7 a series of acts over a period of time, however short, evidencing a
8 continuity of purpose. "Course of conduct" includes any form of
9 communication, contact, or conduct, including the sending of an
10 electronic communication, but does not include constitutionally
11 protected free speech. Constitutionally protected activity is not
12 included within the meaning of "course of conduct."

13 (b) In determining whether the course of conduct serves any
14 legitimate or lawful purpose, a court should consider whether:

15 (i) Any current contact between the parties was initiated by the
16 respondent only or was initiated by both parties;

17 (ii) The respondent has been given clear notice that all further
18 contact with the petitioner is unwanted;

19 (iii) The respondent's course of conduct appears designed to
20 alarm, annoy, or harass the petitioner;

21 (iv) The respondent is acting pursuant to any statutory authority
22 including, but not limited to, acts which are reasonably necessary
23 to:

24 (A) Protect property or liberty interests;

25 (B) Enforce the law; or

26 (C) Meet specific statutory duties or requirements;

27 (v) The respondent's course of conduct has the purpose or effect
28 of unreasonably interfering with the petitioner's privacy or the
29 purpose or effect of creating an intimidating, hostile, or offensive
30 living environment for the petitioner; or

31 (vi) Contact by the respondent with the petitioner or the
32 petitioner's family has been limited in any manner by any previous
33 court order.

34 (7) "Court clerk" means court administrators in courts of limited
35 jurisdiction and elected court clerks.

36 (8) "Dating relationship" means a social relationship of a
37 romantic nature. Factors that the court may consider in making this
38 determination include: (a) The length of time the relationship has
39 existed; (b) the nature of the relationship; and (c) the frequency of
40 interaction between the parties.

1 (9) "Domestic violence" means:

2 (a) Physical harm, bodily injury, assault, or the infliction of
3 fear of physical harm, bodily injury, or assault; nonconsensual
4 sexual conduct or nonconsensual sexual penetration; coercive control;
5 unlawful harassment; or stalking of one intimate partner by another
6 intimate partner; or

7 (b) Physical harm, bodily injury, assault, or the infliction of
8 fear of physical harm, bodily injury, or assault; nonconsensual
9 sexual conduct or nonconsensual sexual penetration; coercive control;
10 unlawful harassment; or stalking of one family or household member by
11 another family or household member.

12 (10) "Electronic monitoring" has the same meaning as in RCW
13 9.94A.030.

14 (11) "Essential personal effects" means those items necessary for
15 a person's immediate health, welfare, and livelihood. "Essential
16 personal effects" includes, but is not limited to, clothing, cribs,
17 bedding, medications, personal hygiene items, cellular phones and
18 other electronic devices, and documents, including immigration,
19 health care, financial, travel, and identity documents.

20 (12) "Facility" means a residence licensed or required to be
21 licensed under chapter 18.20 RCW, assisted living facilities; chapter
22 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
23 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
24 habilitation centers; or any other facility licensed or certified by
25 the department of social and health services.

26 (13) "Family or household members" means: (a) Persons related by
27 blood, marriage, domestic partnership, or adoption; (b) persons who
28 currently or formerly resided together; (c) persons who have a
29 biological or legal parent-child relationship, including stepparents
30 and stepchildren and grandparents and grandchildren, or a parent's
31 intimate partner and children; and (d) a person who is acting or has
32 acted as a legal guardian.

33 (14) "Financial exploitation" means the illegal or improper use
34 of, control over, or withholding of, the property, income, resources,
35 or trust funds of the vulnerable adult by any person or entity for
36 any person's or entity's profit or advantage other than for the
37 vulnerable adult's profit or advantage. "Financial exploitation"
38 includes, but is not limited to:

39 (a) The use of deception, intimidation, or undue influence by a
40 person or entity in a position of trust and confidence with a

1 vulnerable adult to obtain or use the property, income, resources,
2 government benefits, health insurance benefits, or trust funds of the
3 vulnerable adult for the benefit of a person or entity other than the
4 vulnerable adult;

5 (b) The breach of a fiduciary duty, including, but not limited
6 to, the misuse of a power of attorney, trust, or a guardianship or
7 conservatorship appointment, that results in the unauthorized
8 appropriation, sale, or transfer of the property, income, resources,
9 or trust funds of the vulnerable adult for the benefit of a person or
10 entity other than the vulnerable adult; or

11 (c) Obtaining or using a vulnerable adult's property, income,
12 resources, or trust funds without lawful authority, by a person or
13 entity who knows or clearly should know that the vulnerable adult
14 lacks the capacity to consent to the release or use of the vulnerable
15 adult's property, income, resources, or trust funds.

16 (15) "Firearm" means a weapon or device from which a projectile
17 or projectiles may be fired by an explosive such as gunpowder.
18 "Firearm" does not include a flare gun or other pyrotechnic visual
19 distress signaling device, or a powder-actuated tool or other device
20 designed solely to be used for construction purposes. "Firearm" also
21 includes parts that can be assembled to make a firearm.

22 (16) "Full hearing" means a hearing where the court determines
23 whether to issue a full protection order.

24 (17) "Full protection order" means a protection order that is
25 issued by the court after notice to the respondent and where the
26 parties had the opportunity for a full hearing by the court. "Full
27 protection order" includes a protection order entered by the court by
28 agreement of the parties to resolve the petition for a protection
29 order without a full hearing.

30 (18) "Hospital" means a facility licensed under chapter 70.41 or
31 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
32 employee, agent, officer, director, or independent contractor
33 thereof.

34 ~~(19) ("Incapacitated person" means a person who is at a
35 significant risk of personal or financial harm under RCW 11.88.010(1)
36 (a), (b), (c), or (d).~~

37 ~~(20))~~ "Interested person" means a person who demonstrates to the
38 court's satisfaction that the person is interested in the welfare of
39 a vulnerable adult, that the person has a good faith belief that the
40 court's intervention is necessary, and that the vulnerable adult is

1 unable, due to incapacity, undue influence, or duress at the time the
2 petition is filed, to protect his or her own interests.

3 ~~((21))~~ (20) "Intimate partner" means: (a) Spouses or domestic
4 partners; (b) former spouses or former domestic partners; (c) persons
5 who have a child in common regardless of whether they have been
6 married or have lived together at any time; or (d) persons who have
7 or have had a dating relationship where both persons are at least 13
8 years of age or older.

9 ~~((22))~~ (21) (a) "Isolate" or "isolation" means to restrict a
10 person's ability to communicate, visit, interact, or otherwise
11 associate with persons of his or her choosing. Isolation may be
12 evidenced by acts including, but not limited to:

13 (i) Acts that prevent a person from sending, making, or receiving
14 his or her personal mail, electronic communications, or telephone
15 calls; or

16 (ii) Acts that prevent or obstruct a person from meeting with
17 others, such as telling a prospective visitor or caller that the
18 person is not present or does not wish contact, where the statement
19 is contrary to the express wishes of the person.

20 (b) The term "isolate" or "isolation" may not be construed in a
21 manner that prevents a guardian or limited guardian from performing
22 his or her fiduciary obligations under chapter ~~((11.92))~~ 11.130 RCW
23 or prevents a hospital or facility from providing treatment
24 consistent with the standard of care for delivery of health services.

25 ~~((23))~~ (22) "Judicial day" means days of the week other than
26 Saturdays, Sundays, or legal holidays.

27 ~~((24))~~ (23) "Mechanical restraint" means any device attached or
28 adjacent to a vulnerable adult's body that the vulnerable adult
29 cannot easily remove that restricts freedom of movement or normal
30 access to the vulnerable adult's body. "Mechanical restraint" does
31 not include the use of devices, materials, or equipment that are (a)
32 medically authorized, as required, and (b) used in a manner that is
33 consistent with federal or state licensing or certification
34 requirements for facilities, hospitals, or programs authorized under
35 chapter 71A.12 RCW.

36 ~~((25))~~ (24) "Minor" means a person who is under 18 years of
37 age.

38 ~~((26))~~ (25) "Neglect" means: (a) A pattern of conduct or
39 inaction by a person or entity with a duty of care that fails to
40 provide the goods and services that maintain the physical or mental

1 health of a vulnerable adult, or that fails to avoid or prevent
2 physical or mental harm or pain to a vulnerable adult; or (b) an act
3 or omission by a person or entity with a duty of care that
4 demonstrates a serious disregard of consequences of such a magnitude
5 as to constitute a clear and present danger to the vulnerable adult's
6 health, welfare, or safety including, but not limited to, conduct
7 prohibited under RCW 9A.42.100.

8 ~~((27))~~ (26) "Nonconsensual" means a lack of freely given
9 consent.

10 ~~((28))~~ (27) "Nonphysical contact" includes, but is not limited
11 to, written notes, mail, telephone calls, email, text messages,
12 contact through social media applications, contact through other
13 technologies, and contact through third parties.

14 ~~((29))~~ (28) "Petitioner" means any named petitioner or any
15 other person identified in the petition on whose behalf the petition
16 is brought.

17 ~~((30))~~ (29) "Physical restraint" means the application of
18 physical force without the use of any device, for the purpose of
19 restraining the free movement of a vulnerable adult's body. "Physical
20 restraint" does not include (a) briefly holding, without undue force,
21 a vulnerable adult in order to calm or comfort him or her, or (b)
22 holding a vulnerable adult's hand to safely escort him or her from
23 one area to another.

24 ~~((31))~~ (30) "Possession" means having an item in one's custody
25 or control. Possession may be either actual or constructive. Actual
26 possession occurs when the item is in the actual physical custody of
27 the person charged with possession. Constructive possession occurs
28 when there is no actual physical possession, but there is dominion
29 and control over the item.

30 ~~((32))~~ (31) "Respondent" means the person who is identified as
31 the respondent in a petition filed under this chapter.

32 ~~((33))~~ (32) "Sexual conduct" means any of the following:

33 (a) Any intentional or knowing touching or fondling of the
34 genitals, anus, or breasts, directly or indirectly, including through
35 clothing;

36 (b) Any intentional or knowing display of the genitals, anus, or
37 breasts for the purposes of arousal or sexual gratification of the
38 respondent;

39 (c) Any intentional or knowing touching or fondling of the
40 genitals, anus, or breasts, directly or indirectly, including through

1 clothing, that the petitioner is forced to perform by another person
2 or the respondent;

3 (d) Any forced display of the petitioner's genitals, anus, or
4 breasts for the purposes of arousal or sexual gratification of the
5 respondent or others;

6 (e) Any intentional or knowing touching of the clothed or
7 unclothed body of a child under the age of 16, if done for the
8 purpose of sexual gratification or arousal of the respondent or
9 others; or

10 (f) Any coerced or forced touching or fondling by a child under
11 the age of 16, directly or indirectly, including through clothing, of
12 the genitals, anus, or breasts of the respondent or others.

13 (~~(34)~~) (33) "Sexual penetration" means any contact, however
14 slight, between the sex organ or anus of one person by an object, the
15 sex organ, mouth, or anus of another person, or any intrusion,
16 however slight, of any part of the body of one person or of any
17 animal or object into the sex organ or anus of another person
18 including, but not limited to, cunnilingus, fellatio, or anal
19 penetration. Evidence of emission of semen is not required to prove
20 sexual penetration.

21 (~~(35)~~) (34) "Stalking" means any of the following:

22 (a) Any act of stalking as defined under RCW 9A.46.110;

23 (b) Any act of cyberstalking as defined under RCW 9.61.260; or

24 (c) Any course of conduct involving repeated or continuing
25 contacts, attempts to contact, monitoring, tracking, surveillance,
26 keeping under observation, disrupting activities in a harassing
27 manner, or following of another person that:

28 (i) Would cause a reasonable person to feel intimidated,
29 frightened, under duress, significantly disrupted, or threatened and
30 that actually causes such a feeling;

31 (ii) Serves no lawful purpose; and

32 (iii) The respondent knows, or reasonably should know, threatens,
33 frightens, or intimidates the person, even if the respondent did not
34 intend to intimidate, frighten, or threaten the person.

35 (~~(36)~~) (35) "Temporary protection order" means a protection
36 order that is issued before the court has decided whether to issue a
37 full protection order. "Temporary protection order" includes ex parte
38 temporary protection orders, as well as temporary protection orders
39 that are reissued by the court pending the completion of a full
40 hearing to decide whether to issue a full protection order. An "ex

1 parte temporary protection order" means a temporary protection order
2 that is issued without prior notice to the respondent.

3 ~~((37))~~ (36) "Unlawful harassment" means:

4 (a) A knowing and willful course of conduct directed at a
5 specific person that seriously alarms, annoys, harasses, or is
6 detrimental to such person, and that serves no legitimate or lawful
7 purpose. The course of conduct must be such as would cause a
8 reasonable person to suffer substantial emotional distress, and must
9 actually cause substantial emotional distress to the petitioner; or

10 (b) A single act of violence or threat of violence directed at a
11 specific person that seriously alarms, annoys, harasses, or is
12 detrimental to such person, and that serves no legitimate or lawful
13 purpose, which would cause a reasonable person to suffer substantial
14 emotional distress, and must actually cause substantial emotional
15 distress to the petitioner. A single threat of violence must include:

16 (i) A malicious and intentional threat as described in RCW
17 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

18 ~~((38))~~ (37) "Vulnerable adult" includes a person:

19 (a) Sixty years of age or older who has the functional, mental,
20 or physical inability to care for himself or herself; or

21 (b) ~~((Found incapacitated under chapter 11.88 RCW))~~ Subject to a
22 guardianship under RCW 11.130.265 or adult subject to conservatorship
23 under RCW 11.130.360; or

24 (c) Who has a developmental disability as defined under RCW
25 71A.10.020; or

26 (d) Admitted to any facility; or

27 (e) Receiving services from home health, hospice, or home care
28 agencies licensed or required to be licensed under chapter 70.127
29 RCW; or

30 (f) Receiving services from a person under contract with the
31 department of social and health services to provide services in the
32 home under chapter 74.09 or 74.39A RCW; or

33 (g) Who self-directs his or her own care and receives services
34 from a personal aide under chapter 74.39 RCW.

35 **Sec. 73.** RCW 7.--.--- and 2021 c ... s 28 (section 28 of this
36 act) are each amended to read as follows:

37 For vulnerable adult protection order hearings, the following
38 also apply.

1 (1) When a petition for a vulnerable adult protection order is
2 filed by someone other than the vulnerable adult or the vulnerable
3 adult's (~~(full)~~) guardian (~~(over either the)~~), conservator, or person
4 (~~(or the estate)~~) acting under a protective arrangement, or both, and
5 the vulnerable adult for whom protection is sought advises the court
6 at the hearing that the vulnerable adult does not want all or part of
7 the protection sought in the petition, then the court may dismiss the
8 petition or the provisions that the vulnerable adult objects to and
9 any existing vulnerable adult protection order, or the court may take
10 additional testimony or evidence, or order additional evidentiary
11 hearings to determine whether the vulnerable adult is unable, due to
12 incapacity, undue influence, or duress, to protect his or her person
13 or estate in connection with the issues raised in the petition or
14 order. If an additional evidentiary hearing is ordered and the court
15 determines that there is reason to believe that there is a genuine
16 issue about whether the vulnerable adult is unable to protect his or
17 her person or estate in connection with the issues raised in the
18 petition or order, the court may issue a temporary protection order
19 of the vulnerable adult pending a decision after the evidentiary
20 hearing.

21 (2) Pursuant to subsection (1) of this section, an evidentiary
22 hearing on the issue of whether the vulnerable adult is unable, due
23 to incapacity, undue influence, or duress, to protect his or her
24 person or estate in connection with the issues raised in the petition
25 or order, must be held within 14 days of entry of the temporary
26 protection order. If the court did not enter a temporary protection
27 order, the evidentiary hearing must be held within 14 days of the
28 prior hearing on the petition. Notice of the time and place of the
29 evidentiary hearing must be served upon the vulnerable adult and the
30 respondent not less than five judicial days before the hearing. If
31 timely service cannot be made, the court may set a new hearing date.
32 A hearing under this subsection is not necessary if the vulnerable
33 adult has been determined to be (~~(fully incapacitated over either the~~
34 ~~person or the estate, or both, under the)~~) subject to a guardianship
35 (~~(laws)~~), conservatorship, or other protective arrangement under
36 chapter (~~(11.88)~~) 11.130 RCW. If a hearing is scheduled under this
37 subsection, the protection order must remain in effect pending the
38 court's decision at the subsequent hearing.

39 (3) At the hearing held pursuant to subsection (1) of this
40 section, the court shall give the vulnerable adult, the respondent,

1 the petitioner, and, in the court's discretion, other interested
2 persons, the opportunity to testify and submit relevant evidence.

3 (4) If the court determines that the vulnerable adult is capable
4 of protecting his or her person or estate in connection with the
5 issues raised in the petition, and the vulnerable adult continues to
6 object to the protection order, the court shall dismiss the order or
7 may modify the order if agreed to by the vulnerable adult. If the
8 court determines that the vulnerable adult is not capable of
9 protecting his or her person or estate in connection with the issues
10 raised in the petition or order, and that the vulnerable adult
11 continues to need protection, the court shall order relief consistent
12 with this chapter as it deems necessary for the protection of the
13 vulnerable adult. In the entry of any order that is inconsistent with
14 the expressed wishes of the vulnerable adult, the court's order is
15 governed by the legislative findings contained in RCW 7.--.---
16 (section 1, chapter . . . (this act), Laws of 2021).

17 **Sec. 74.** RCW 7.--.--- and 2021 c ... s 63 (section 63 of this
18 act) are each amended to read as follows:

19 This section applies to the modification or termination of
20 vulnerable adult protection orders.

21 (1) Any vulnerable adult who (~~has not been adjudicated fully~~
22 ~~incapacitated under chapter 11.88 RCW~~) is subject to a limited
23 guardianship, limited conservatorship, or other protective
24 arrangement under chapter 11.130 RCW, or the vulnerable adult's
25 guardian, conservator, or person acting on behalf of the vulnerable
26 adult under a protective arrangement, may, at any time subsequent to
27 the entry of a permanent protection order under this chapter, file a
28 motion to modify or terminate the protection order.

29 (2) In a hearing on a motion to modify or terminate the
30 protection order, the court shall grant such relief consistent with
31 RCW 7.--.--- (section 39, chapter . . . (this act), Laws of 2021) as
32 it deems necessary for the protection of the vulnerable adult,
33 including modification or termination of the protection order.

34 **PART XI**

35 **EXTREME RISK PROTECTION ORDERS AND ORDERS TO SURRENDER AND PROHIBIT**
36 **WEAPONS**

1 **Sec. 75.** RCW 9.41.040 and 2020 c 29 s 4 are each amended to read
2 as follows:

3 (1)(a) A person, whether an adult or juvenile, is guilty of the
4 crime of unlawful possession of a firearm in the first degree, if the
5 person owns, has in his or her possession, or has in his or her
6 control any firearm after having previously been convicted or found
7 not guilty by reason of insanity in this state or elsewhere of any
8 serious offense as defined in this chapter.

9 (b) Unlawful possession of a firearm in the first degree is a
10 class B felony punishable according to chapter 9A.20 RCW.

11 (2)(a) A person, whether an adult or juvenile, is guilty of the
12 crime of unlawful possession of a firearm in the second degree, if
13 the person does not qualify under subsection (1) of this section for
14 the crime of unlawful possession of a firearm in the first degree and
15 the person owns, has in his or her possession, or has in his or her
16 control any firearm:

17 (i) After having previously been convicted or found not guilty by
18 reason of insanity in this state or elsewhere of any felony not
19 specifically listed as prohibiting firearm possession under
20 subsection (1) of this section, or any of the following crimes when
21 committed by one family or household member against another or by one
22 intimate partner against another, committed on or after July 1, 1993:
23 Assault in the fourth degree, coercion, stalking, reckless
24 endangerment, criminal trespass in the first degree, or violation of
25 the provisions of a domestic violence protection order or no-contact
26 order restraining the person or excluding the person from a residence
27 (chapter 7.--- RCW (the new chapter created in section 81 of this
28 act), RCW 10.99.040, or any of the former RCW 26.50.060, 26.50.070,
29 and 26.50.130 (~~(, or 10.99.040)~~));

30 (ii) After having previously been convicted or found not guilty
31 by reason of insanity in this state or elsewhere of harassment when
32 committed by one family or household member against another or by one
33 intimate partner against another, committed on or after June 7, 2018;

34 (iii) During any period of time that the person is subject to a
35 court order issued under chapter (~~(7.90, 7.92)~~) 7.--- (the new
36 chapter created in section 81 of this act), 9A.46, (~~(10.14)~~) 10.99,
37 26.09, (~~(26.10)~~) 26.26A, or 26.26B(~~(, or 26.50)~~) RCW or any of the
38 former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:

39 (A) Was issued after a hearing (~~(of)~~) for which the person
40 received actual notice, and at which the person had an opportunity to

1 participate, whether the court then issues a full order or reissues a
2 temporary order. If the court enters an agreed order by the parties
3 without a hearing, such an order meets the requirements of this
4 subsection;

5 (B) Restrains the person from harassing, stalking, or threatening
6 the person protected under the order or child of the person or
7 protected person, or engaging in other conduct that would place the
8 protected person in reasonable fear of bodily injury to the protected
9 person or child; and

10 (C) (I) Includes a finding that the person represents a credible
11 threat to the physical safety of the protected person or child and by
12 its terms explicitly prohibits the use, attempted use, or threatened
13 use of physical force against the protected person or child that
14 would reasonably be expected to cause bodily injury; or

15 (II) Includes an order under RCW 9.41.800 requiring the person to
16 surrender all firearms and prohibiting the person from accessing,
17 ~~((obtaining, or))~~ having in his or her custody or control,
18 possessing, purchasing, receiving, or attempting to purchase or
19 receive, firearms;

20 (iv) After having previously been involuntarily committed ~~((for~~
21 ~~mental health treatment))~~ based on a mental disorder under RCW
22 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or
23 equivalent statutes of another jurisdiction, unless his or her right
24 to possess a firearm has been restored as provided in RCW 9.41.047;

25 (v) After dismissal of criminal charges based on incompetency to
26 stand trial under RCW 10.77.088 when the court has made a finding
27 indicating that the defendant has a history of one or more violent
28 acts, unless his or her right to possess a firearm has been restored
29 as provided in RCW 9.41.047;

30 (vi) If the person is under ~~((eighteen))~~ 18 years of age, except
31 as provided in RCW 9.41.042; and/or

32 (vii) If the person is free on bond or personal recognizance
33 pending trial, appeal, or sentencing for a serious offense as defined
34 in RCW 9.41.010.

35 ~~((a)(iii) of this subsection does not apply to a sexual~~
36 ~~assault protection order under chapter 7.90 RCW if the order has been~~
37 ~~modified pursuant to RCW 7.90.170 to remove any restrictions on~~
38 ~~firearm purchase, transfer, or possession.~~

39 ~~((e))~~ Unlawful possession of a firearm in the second degree is a
40 class C felony punishable according to chapter 9A.20 RCW.

1 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,
2 as used in this chapter, a person has been "convicted," whether in an
3 adult court or adjudicated in a juvenile court, at such time as a
4 plea of guilty has been accepted or a verdict of guilty has been
5 filed, notwithstanding the pendency of any future proceedings
6 including, but not limited to, sentencing or disposition, post-trial
7 or post-fact-finding motions, and appeals. Conviction includes a
8 dismissal entered after a period of probation, suspension, or
9 deferral of sentence, and also includes equivalent dispositions by
10 courts in jurisdictions other than Washington state. A person shall
11 not be precluded from possession of a firearm if the conviction has
12 been the subject of a pardon, annulment, certificate of
13 rehabilitation, or other equivalent procedure based on a finding of
14 the rehabilitation of the person convicted or the conviction or
15 disposition has been the subject of a pardon, annulment, or other
16 equivalent procedure based on a finding of innocence. Where no record
17 of the court's disposition of the charges can be found, there shall
18 be a rebuttable presumption that the person was not convicted of the
19 charge.

20 (4)(a) Notwithstanding subsection (1) or (2) of this section, a
21 person convicted or found not guilty by reason of insanity of an
22 offense prohibiting the possession of a firearm under this section
23 other than murder, manslaughter, robbery, rape, indecent liberties,
24 arson, assault, kidnapping, extortion, burglary, or violations with
25 respect to controlled substances under RCW 69.50.401 and 69.50.410,
26 who received a probationary sentence under RCW 9.95.200, and who
27 received a dismissal of the charge under RCW 9.95.240, shall not be
28 precluded from possession of a firearm as a result of the conviction
29 or finding of not guilty by reason of insanity. Notwithstanding any
30 other provisions of this section, if a person is prohibited from
31 possession of a firearm under subsection (1) or (2) of this section
32 and has not previously been convicted or found not guilty by reason
33 of insanity of a sex offense prohibiting firearm ownership under
34 subsection (1) or (2) of this section and/or any felony defined under
35 any law as a class A felony or with a maximum sentence of at least
36 (~~twenty~~) 20 years, or both, the individual may petition a court of
37 record to have his or her right to possess a firearm restored:

38 (i) Under RCW 9.41.047; and/or

39 (ii)(A) If the conviction or finding of not guilty by reason of
40 insanity was for a felony offense, after five or more consecutive

1 years in the community without being convicted or found not guilty by
2 reason of insanity or currently charged with any felony, gross
3 misdemeanor, or misdemeanor crimes, if the individual has no prior
4 felony convictions that prohibit the possession of a firearm counted
5 as part of the offender score under RCW 9.94A.525; or

6 (B) If the conviction or finding of not guilty by reason of
7 insanity was for a nonfelony offense, after three or more consecutive
8 years in the community without being convicted or found not guilty by
9 reason of insanity or currently charged with any felony, gross
10 misdemeanor, or misdemeanor crimes, if the individual has no prior
11 felony convictions that prohibit the possession of a firearm counted
12 as part of the offender score under RCW 9.94A.525 and the individual
13 has completed all conditions of the sentence.

14 (b) An individual may petition a court of record to have his or
15 her right to possess a firearm restored under (a) of this subsection
16 only at:

17 (i) The court of record that ordered the petitioner's prohibition
18 on possession of a firearm; or

19 (ii) The superior court in the county in which the petitioner
20 resides.

21 (5) In addition to any other penalty provided for by law, if a
22 person under the age of (~~eighteen~~) 18 years is found by a court to
23 have possessed a firearm in a vehicle in violation of subsection (1)
24 or (2) of this section or to have committed an offense while armed
25 with a firearm during which offense a motor vehicle served an
26 integral function, the court shall notify the department of licensing
27 within (~~twenty-four~~) 24 hours and the person's privilege to drive
28 shall be revoked under RCW 46.20.265, unless the offense is the
29 juvenile's first offense in violation of this section and has not
30 committed an offense while armed with a firearm, an unlawful
31 possession of a firearm offense, or an offense in violation of
32 chapter 66.44, 69.52, 69.41, or 69.50 RCW.

33 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed
34 or interpreted as preventing an offender from being charged and
35 subsequently convicted for the separate felony crimes of theft of a
36 firearm or possession of a stolen firearm, or both, in addition to
37 being charged and subsequently convicted under this section for
38 unlawful possession of a firearm in the first or second degree.
39 Notwithstanding any other law, if the offender is convicted under
40 this section for unlawful possession of a firearm in the first or

1 second degree and for the felony crimes of theft of a firearm or
2 possession of a stolen firearm, or both, then the offender shall
3 serve consecutive sentences for each of the felony crimes of
4 conviction listed in this subsection.

5 (7) Each firearm unlawfully possessed under this section shall be
6 a separate offense.

7 **Sec. 76.** RCW 9.41.075 and 2005 c 453 s 4 are each amended to
8 read as follows:

9 (1) The license shall be revoked by (~~the license-issuing~~
10 ~~authority~~) a law enforcement agency immediately upon:

11 (a) Discovery by the (~~issuing authority~~) law enforcement agency
12 that the (~~person~~) licensee was ineligible under RCW 9.41.070 for a
13 concealed pistol license when applying for the license or license
14 renewal;

15 (b) Conviction of the licensee, or the licensee being found not
16 guilty by reason of insanity, of an offense, or commitment of the
17 licensee for mental health treatment, that makes a person ineligible
18 under RCW 9.41.040 to possess a firearm;

19 (c) Conviction of the licensee for a third violation of this
20 chapter within five calendar years; (~~or~~)

21 (d) An order that the licensee forfeit a firearm under RCW
22 9.41.098(1)(d); or

23 (e) The law enforcement agency's receipt of an order to surrender
24 and prohibit weapons or an extreme risk protection order, other than
25 an ex parte temporary protection order, issued against the licensee.

26 (2)(a) Unless the person may lawfully possess a pistol without a
27 concealed pistol license, an ineligible person to whom a concealed
28 pistol license was issued shall, within (~~fourteen~~) 14 days of
29 license revocation, lawfully transfer ownership of any pistol
30 acquired while the person was in possession of the license.

31 (b) Upon discovering a person issued a concealed pistol license
32 was ineligible for the license, the (~~issuing authority~~) law
33 enforcement agency shall contact the department of licensing to
34 determine whether the person purchased a pistol while in possession
35 of the license. If the person did purchase a pistol while in
36 possession of the concealed pistol license, if the person may not
37 lawfully possess a pistol without a concealed pistol license, the
38 (~~issuing authority~~) law enforcement agency shall require the person
39 to present satisfactory evidence of having lawfully transferred

1 ownership of the pistol. The ((issuing authority)) law enforcement
2 agency shall require the person to produce the evidence within
3 ((fifteen)) 15 days of the revocation of the license.

4 (3) When a licensee is ordered to forfeit a firearm under RCW
5 9.41.098(1)(d), the ((issuing authority)) law enforcement agency
6 shall:

7 (a) On the first forfeiture, revoke the license for one year;

8 (b) On the second forfeiture, revoke the license for two years;
9 or

10 (c) On the third or subsequent forfeiture, revoke the license for
11 five years.

12 Any person whose license is revoked as a result of a forfeiture
13 of a firearm under RCW 9.41.098(1)(d) may not reapply for a new
14 license until the end of the revocation period.

15 (4) The ((issuing authority)) law enforcement agency shall
16 notify, in writing, the department of licensing of the revocation of
17 a license. The department of licensing shall record the revocation.

18 **Sec. 77.** RCW 9.41.800 and 2019 c 245 s 1 and 2019 c 46 s 5006
19 are each reenacted and amended to read as follows:

20 (1) Any court when entering an order authorized under chapter
21 ((7.92 RCW, RCW 7.90.090)) 7.--- RCW (the new chapter created in
22 section 81 of this act), RCW 9A.46.080, ((10.14.080,)) 10.99.040,
23 10.99.045, 26.09.050, 26.09.060, ((26.10.040, 26.10.115,))
24 26.26B.020, ((26.50.060, 26.50.070,)) or 26.26A.470 shall, upon a
25 showing by ((clear and convincing)) a preponderance of the evidence,
26 that a party has: Used, displayed, or threatened to use a firearm or
27 other dangerous weapon in a felony, or is ineligible to possess a
28 firearm under the provisions of RCW 9.41.040:

29 (a) Require that the party immediately surrender all firearms and
30 other dangerous weapons;

31 (b) Require that the party immediately surrender any concealed
32 pistol license issued under RCW 9.41.070;

33 (c) Prohibit the party from accessing, ((obtaining, or)) having
34 in his or her custody or control, possessing, purchasing, receiving,
35 or attempting to purchase or receive, any firearms or other dangerous
36 weapons;

37 (d) Prohibit the party from obtaining or possessing a concealed
38 pistol license;

1 (e) Other than for ex parte temporary protection orders, unless
2 the ex parte temporary protection order was reissued after the party
3 received noticed and had an opportunity to be heard, direct law
4 enforcement to revoke any concealed pistol license issued to the
5 party.

6 ~~(2) ((Any court when entering an order authorized under chapter~~
7 ~~7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045,~~
8 ~~26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060,~~
9 ~~26.50.070, or 26.26A.470 may, upon a showing by a preponderance of~~
10 ~~the evidence but not by clear and convincing evidence, that a party~~
11 ~~has: Used, displayed, or threatened to use a firearm or other~~
12 ~~dangerous weapon in a felony, or is ineligible to possess a firearm~~
13 ~~under the provisions of RCW 9.41.040:~~

14 ~~(a) Require that the party immediately surrender all firearms and~~
15 ~~other dangerous weapons;~~

16 ~~(b) Require that the party immediately surrender a concealed~~
17 ~~pistol license issued under RCW 9.41.070;~~

18 ~~(c) Prohibit the party from accessing, obtaining, or possessing~~
19 ~~any firearms or other dangerous weapons;~~

20 ~~(d) Prohibit the party from obtaining or possessing a concealed~~
21 ~~pistol license.~~

22 ~~(3))~~ During any period of time that the ~~((person))~~ party is
23 subject to a court order issued under chapter ~~((7.90, 7.92))~~ 7.---
24 (the new chapter created in section 81 of this act), 9A.46,
25 ((10.14,)) 10.99, 26.09, ((26.10,)) 26.26A, or 26.26B((, or 26.50))
26 RCW that:

27 (a) Was issued after a hearing of which the ~~((person))~~ party
28 received actual notice, and at which the ~~((person))~~ party had an
29 opportunity to participate, whether the court then issues a full
30 order or reissues a temporary order. If the court enters an agreed
31 order by the parties without a hearing, such an order meets the
32 requirements of this subsection;

33 (b) Restrains the ~~((person))~~ party from harassing, stalking, or
34 threatening an intimate partner of the ~~((person))~~ party, the
35 protected person, or child of the intimate partner, party, or
36 protected person, or engaging in other conduct that would place an
37 intimate partner or protected person in reasonable fear of bodily
38 injury to the intimate partner, protected person, or child; and

1 (c) (i) Includes a finding that the (~~person~~) party represents a
2 credible threat to the physical safety of the intimate partner,
3 protected person, or child; and

4 (ii) By its terms, explicitly prohibits the use, attempted use,
5 or threatened use of physical force against the intimate partner,
6 protected person, or child that would reasonably be expected to cause
7 bodily injury, the court shall:

8 (A) Require that the party immediately surrender all firearms and
9 other dangerous weapons;

10 (B) Require that the party immediately surrender a concealed
11 pistol license issued under RCW 9.41.070;

12 (C) Prohibit the party from accessing, (~~obtaining, or~~) having
13 in his or her custody or control, possessing, purchasing, receiving,
14 or attempting to purchase or receive, any firearms or other dangerous
15 weapons; and

16 (D) Prohibit the party from obtaining or possessing a concealed
17 pistol license.

18 (~~(4)~~) (3) The court may order temporary surrender and prohibit
19 the purchase of all firearms and other dangerous weapons, and any
20 concealed pistol license, without notice to the other party if it
21 finds, on the basis of the moving affidavit or other evidence, that
22 irreparable injury could result if an order is not issued until the
23 time for response has elapsed.

24 (~~(5)~~) (4) In addition to the provisions of subsections (1) (~~(7~~
25 ~~(2),~~) and (~~(4)~~) (3) of this section, the court may enter an order
26 requiring a party to comply with the provisions in subsection (1) of
27 this section if it finds that the possession of a firearm or other
28 dangerous weapon by any party presents a serious and imminent threat
29 to public health or safety, or to the health or safety of any
30 individual.

31 (~~(6)~~) (5) The requirements of subsections (1) (~~(, (2),~~) and
32 (~~(5)~~) (4) of this section may be for a period of time less than the
33 duration of the order.

34 (~~(7)~~) (6) The court (~~may~~) shall require the party to
35 surrender all firearms and other dangerous weapons in his or her
36 immediate possession or control or subject to his or her immediate
37 possession or control, and any concealed pistol license issued under
38 RCW 9.41.070, to the local law enforcement agency. Law enforcement
39 officers shall use law enforcement databases to assist in locating
40 the (~~respondent~~) party in situations where the protected person

1 does not know where the ((respondent)) party lives or where there is
2 evidence that the ((respondent)) party is trying to evade service.

3 ((+8)) (7) If the court enters a protection order, restraining
4 order, or no-contact order that includes an order to surrender
5 firearms, dangerous weapons, and any concealed pistol license under
6 this section(~~, the~~):

7 (a) The order must be served by a law enforcement officer; and

8 (b) Law enforcement must immediately ensure entry of the order to
9 surrender and prohibit weapons and the revocation of any concealed
10 pistol license is made into the appropriate databases making the
11 party ineligible to possess firearms and a concealed pistol license.

12 **Sec. 78.** RCW 9.41.801 and 2020 c 126 s 1 are each amended to
13 read as follows:

14 (1) Because of the heightened risk of lethality to petitioners
15 when respondents to protection orders become aware of court
16 involvement and continue to have access to firearms, and the
17 frequency of noncompliance with court orders prohibiting possession
18 of firearms, law enforcement and judicial processes must emphasize
19 swift and certain compliance with court orders prohibiting access,
20 possession, and ownership of all firearms.

21 (2) A law enforcement officer serving a protection order, no-
22 contact order, or restraining order that includes an order to
23 surrender all firearms, dangerous weapons, and a concealed pistol
24 license under RCW 9.41.800 shall inform the respondent that the order
25 is effective upon service and the respondent must immediately
26 surrender all firearms and dangerous weapons in ((his or her)) the
27 respondent's custody, control, or possession and any concealed pistol
28 license issued under RCW 9.41.070, and conduct any search permitted
29 by law for such firearms, dangerous weapons, and concealed pistol
30 license. The law enforcement officer shall take possession of all
31 firearms, dangerous weapons, and any concealed pistol license
32 belonging to the respondent that are surrendered, in plain sight, or
33 discovered pursuant to a lawful search. The order must be personally
34 served upon the respondent or defendant if the order is entered in
35 open court in the presence of the respondent or defendant. The
36 respondent or defendant shall acknowledge receipt and service. If the
37 respondent or defendant refuses service, an agent of the court may
38 indicate on the record that the respondent or defendant refused
39 service. The court shall enter the service and receipt into the

1 record. A copy of the order and service shall be transmitted
2 immediately to law enforcement. The respondent must immediately
3 surrender all firearms, dangerous weapons, and any concealed pistol
4 license in a safe manner to the control of the local law enforcement
5 agency on the day of the hearing at which the respondent was present.

6 (3) At the time of surrender, a law enforcement officer taking
7 possession of firearms, dangerous weapons, and any concealed pistol
8 license shall issue a receipt identifying all firearms, dangerous
9 weapons, and any concealed pistol license that have been surrendered
10 and provide a copy of the receipt to the respondent. The law
11 enforcement agency shall file the original receipt with the court
12 within (~~twenty-four~~) 24 hours after service of the order and retain
13 a copy of the receipt, electronically whenever electronic filing is
14 available.

15 (4) Upon the sworn statement or testimony of the petitioner or of
16 any law enforcement officer alleging that the respondent has failed
17 to comply with the surrender of firearms or dangerous weapons as
18 required by an order issued under RCW 9.41.800, the court shall
19 determine whether probable cause exists to believe that the
20 respondent has failed to surrender all firearms and dangerous weapons
21 in their possession, custody, or control. If probable cause exists
22 that a crime occurred, the court shall issue a warrant describing the
23 firearms or dangerous weapons and authorizing a search of the
24 locations where the firearms and dangerous weapons are reasonably
25 believed to be and the seizure of all firearms and dangerous weapons
26 discovered pursuant to such search.

27 (5) If a person other than the respondent claims title to any
28 firearms or dangerous weapons surrendered pursuant to this section,
29 and the person is determined by the law enforcement agency to be the
30 lawful owner of the firearm or dangerous weapon, the firearm or
31 dangerous weapon shall be returned to the lawful owner, provided
32 that:

33 (a) The firearm or dangerous weapon is removed from the
34 respondent's access, custody, control, or possession and the lawful
35 owner agrees by written document signed under penalty of perjury to
36 store the firearm or dangerous weapon in a manner such that the
37 respondent does not have access to or control of the firearm or
38 dangerous weapon;

39 (b) The firearm or dangerous weapon is not otherwise unlawfully
40 possessed by the owner; and

1 (c) The requirements of RCW 9.41.345 are met.

2 (6) Courts shall develop procedures to verify timely and complete
3 compliance with orders to surrender and prohibit weapons under RCW
4 9.41.800, including compliance review hearings to be held as soon as
5 possible upon receipt from law enforcement of proof of service. A
6 compliance review hearing is not required if the court can otherwise
7 enter findings on the record or enter written findings that the proof
8 of surrender or declaration of nonsurrender attested to by the person
9 subject to the order, along with verification from law enforcement
10 and any other relevant evidence, makes a sufficient showing that the
11 person has timely and completely surrendered all firearms and
12 dangerous weapons in (~~their~~) the person's custody, control, or
13 possession, and any concealed pistol license issued under RCW
14 9.41.070, to a law enforcement agency. If the court does not have a
15 sufficient record before it on which to make such a finding, the
16 court must set a review hearing to occur as soon as possible at which
17 the respondent must be present and provide proof of compliance with
18 the court's order. Courts shall make available forms that petitioners
19 may complete and submit to the court in response to a respondent's
20 declaration of whether the respondent has surrendered weapons.

21 (7) (a) If a court finds at the compliance review hearing, or any
22 other hearing where compliance with the order to surrender and
23 prohibit weapons is addressed, that there is probable cause to
24 believe the respondent was aware of and failed to fully comply with
25 the order, failed to appear at the compliance review hearing, or
26 violated the order after the court entered findings of compliance,
27 pursuant to its authority under chapter 7.21 RCW, the court may
28 initiate a contempt proceeding to impose remedial sanctions on its
29 own motion, or upon the motion of the prosecutor, city attorney, or
30 the petitioner's counsel, and issue an order requiring the respondent
31 to appear, provide proof of compliance with the order, and show cause
32 why the respondent should not be held in contempt of court.

33 (b) If the respondent is not present in court at the compliance
34 review hearing or if the court issues an order to appear and show
35 cause after a compliance review hearing, the clerk of the court shall
36 electronically transmit a copy of the order to show cause to the law
37 enforcement agency where the respondent resides for personal service
38 or service in the manner provided in the civil rules of superior
39 court or applicable statute. Law enforcement shall also serve a copy

1 of the order to show cause on the petitioner, either electronically
2 or in person, at no cost.

3 (c) The order to show cause served upon the respondent shall
4 state the date, time, and location of the hearing and shall include a
5 warning that the respondent may be held in contempt of court if the
6 respondent fails to promptly comply with the terms of the order to
7 surrender and prohibit weapons and a warning that an arrest warrant
8 could be issued if the respondent fails to appear on the date and
9 time provided in the order.

10 (d) (i) At the show cause hearing, the respondent must be present
11 and provide proof of compliance with the underlying court order to
12 surrender and prohibit weapons and demonstrate why the relief
13 requested should not be granted.

14 (ii) The court shall take judicial notice of the receipt filed
15 with the court by the law enforcement agency pursuant to subsection
16 (3) of this section. The court shall also provide sufficient notice
17 to the law enforcement agency of the hearing. Upon receiving notice
18 pursuant to this subsection, a law enforcement agency must:

19 (A) Provide the court with a complete list of firearms and other
20 dangerous weapons surrendered by the respondent or otherwise
21 belonging to the respondent that are in the possession of the law
22 enforcement agency; and

23 (B) Provide the court with verification that any concealed pistol
24 license issued to the respondent has been surrendered and the agency
25 with authority to revoke the license has been notified.

26 (iii) If the law enforcement agency has a reasonable suspicion
27 that the respondent is not in full compliance with the terms of the
28 order, the law enforcement agency must submit the basis for its
29 belief to the court, and may do so through the filing of (~~an~~
30 ~~affidavit~~) a declaration.

31 (e) If the court finds the respondent in contempt, the court may
32 impose remedial sanctions designed to ensure swift compliance with
33 the order to surrender and prohibit weapons.

34 (f) The court may order a respondent found in contempt of the
35 order to surrender and prohibit weapons to pay for any losses
36 incurred by a party in connection with the contempt proceeding,
37 including reasonable attorneys' fees, service fees, and other costs.
38 The costs of the proceeding shall not be borne by the petitioner.

39 (8) (a) To help ensure that accurate and comprehensive information
40 about firearms compliance is provided to judicial officers, a

1 representative from either the prosecuting attorney's office or city
2 attorney's office, or both, from the relevant jurisdiction may appear
3 and be heard at any hearing that concerns compliance with an order to
4 surrender and prohibit weapons issued in connection with another type
5 of protection order.

6 (b) Either the prosecuting attorney's office or city attorney's
7 office, or both, from the relevant jurisdiction may designate an
8 advocate or a staff person from their office who is not an attorney
9 to appear on behalf of their office. Such appearance does not
10 constitute the unauthorized practice of law.

11 (9) (a) An order to surrender and prohibit weapons issued pursuant
12 to RCW 9.41.800 must state that the act of voluntarily surrendering
13 firearms or weapons, or providing testimony relating to the surrender
14 of firearms or weapons, pursuant to such an order, may not be used
15 against the respondent or defendant in any criminal prosecution under
16 this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

17 (b) To provide relevant information to the court to determine
18 compliance with the order, the court may allow the prosecuting
19 attorney or city attorney to question the respondent regarding
20 compliance.

21 (10) All law enforcement agencies must have policies and
22 procedures to provide for the acceptance, storage, and return of
23 firearms, dangerous weapons, and concealed pistol licenses that a
24 court requires must be surrendered under RCW 9.41.800. A law
25 enforcement agency holding any firearm or concealed pistol license
26 that has been surrendered under RCW 9.41.800 shall comply with the
27 provisions of RCW 9.41.340 and 9.41.345 before the return of the
28 firearm or concealed pistol license to the owner or individual from
29 whom it was obtained.

30 ~~((+9))~~ (11) The administrative office of the courts shall create
31 a statewide pattern form to assist the courts in ensuring timely and
32 complete compliance in a consistent manner with orders issued under
33 this chapter. The administrative office of the courts shall report
34 annually on the number of orders issued under this chapter by each
35 court, the degree of compliance, and the number of firearms obtained,
36 and may make recommendations regarding additional procedures to
37 enhance compliance and victim safety.

38 NEW SECTION. Sec. 79. A new section is added to chapter 9.41
39 RCW to read as follows:

1 For the purpose of assisting courts in ensuring compliance with
2 an order to surrender and prohibit weapons or an extreme risk
3 protection order, the department of licensing, or the agency with
4 responsibility for maintaining that information should it be an
5 agency other than the department of licensing, shall make the
6 following information available to prosecuting attorneys' offices,
7 city attorneys' offices, public defender agency staff, probation
8 services personnel, and judicial officers and staff of municipal,
9 district, and superior courts for the following law enforcement
10 purposes:

11 (1) Determining whether a person is ineligible to possess
12 firearms;

13 (2) Determining a person's firearms purchase history; and

14 (3) Determining whether a person has or previously had a
15 concealed pistol license, or has applied for a concealed pistol
16 license.

17 **Sec. 80.** RCW 10.99.045 and 2010 c 274 s 301 are each amended to
18 read as follows:

19 (1) A defendant arrested for an offense involving domestic
20 violence as defined by RCW 10.99.020 shall be required to appear in
21 person before a magistrate within one judicial day after the arrest.

22 (2) A defendant who is charged by citation, complaint, or
23 information with an offense involving domestic violence as defined by
24 RCW 10.99.020 and not arrested shall appear in court for arraignment
25 in person as soon as practicable, but in no event later than
26 (~~fourteen~~) 14 days after the next day on which court is in session
27 following the issuance of the citation or the filing of the complaint
28 or information.

29 (3)(a) At the time of the appearances provided in subsection (1)
30 or (2) of this section, the court shall determine the necessity of
31 imposing a no-contact order or other conditions of pretrial release
32 according to the procedures established by court rule for a
33 preliminary appearance or an arraignment. The court may include in
34 the order any conditions authorized under RCW 9.41.800 and 10.99.040.

35 (b) For the purposes of (a) of this subsection, the prosecutor
36 shall provide for the court's review:

37 (i) The defendant's criminal history, if any, that occurred in
38 Washington or any other state;

1 (ii) If available, the defendant's criminal history that occurred
2 in any tribal jurisdiction; ~~((and))~~

3 (iii) The defendant's individual order history; and

4 (iv) The defendant's firearms purchase history, including any
5 concealed pistol license history.

6 (c) For the purposes of (b) of this subsection, criminal history
7 includes all previous convictions and orders of deferred prosecution,
8 as reported through the judicial information system or otherwise
9 available to the court or prosecutor, current to within the period
10 specified in (d) of this subsection before the date of the
11 appearance.

12 (d) The periods applicable to previous convictions and orders of
13 deferred prosecution are:

14 (i) One working day, in the case of previous actions of courts
15 that fully participate in the state judicial information system; and

16 (ii) Seven calendar days, in the case of previous actions of
17 courts that do not fully participate in the judicial information
18 system. For the purposes of this subsection, "fully participate"
19 means regularly providing records to and receiving records from the
20 system by electronic means on a daily basis.

21 (4) Appearances required pursuant to this section are mandatory
22 and cannot be waived.

23 (5) The no-contact order shall be issued and entered with the
24 ~~((appropriate))~~ law enforcement agency pursuant to the procedures
25 outlined in RCW 10.99.040 (2) and (6).

26 NEW SECTION. **Sec. 81.** Sections 1, 2, and 4 through 71 of this
27 act constitute a new chapter in Title 7 RCW.

28 **PART XII**

29 **CANADIAN DOMESTIC VIOLENCE PROTECTION ORDERS**

30 **Sec. 82.** RCW 26.55.010 and 2019 c 263 s 902 are each amended to
31 read as follows:

32 The definitions in this section apply throughout this chapter
33 unless the context clearly requires otherwise.

34 (1) "Canadian domestic violence protection order" means a
35 judgment or part of a judgment or order issued in a civil proceeding
36 by a court of Canada under law of the issuing jurisdiction which
37 relates to domestic violence ~~((and prohibits a respondent from:~~

1 ~~(a) Being in physical proximity to a protected individual or~~
2 ~~following a protected individual;~~

3 ~~(b) Directly or indirectly contacting or communicating with a~~
4 ~~protected individual or other individual described in the order;~~

5 ~~(c) Being within a certain distance of a specified place or~~
6 ~~location associated with a protected individual; or~~

7 ~~(d) Molesting, annoying, harassing, or engaging in threatening~~
8 ~~conduct directed at a protected individual)).~~

9 (2) "Domestic violence protection order" means an injunction or
10 other order issued by a ((tribunal)) court which relates to domestic
11 or family violence laws to prevent an individual from engaging in
12 violent or threatening acts against, harassment of, direct or
13 indirect contact or communication with, or being in physical
14 proximity to another individual.

15 (3) "Issuing court" means the court that issues a Canadian
16 domestic violence protection order.

17 (4) "Law enforcement officer" means an individual authorized by
18 law of this state other than this chapter to enforce a domestic
19 violence protection order.

20 (5) "Person" means an individual, estate, business or nonprofit
21 entity, public corporation, government or governmental subdivision,
22 agency, or instrumentality, or other legal entity.

23 (6) "Protected individual" means an individual protected by a
24 Canadian domestic violence protection order.

25 (7) "Record" means information that is inscribed on a tangible
26 medium or that is stored in an electronic or other medium and is
27 retrievable in perceivable form.

28 (8) "Respondent" means an individual against whom a Canadian
29 domestic violence protection order is issued.

30 (9) "State" means a state of the United States, the District of
31 Columbia, Puerto Rico, the United States Virgin Islands, or any
32 territory or insular possession subject to the jurisdiction of the
33 United States. The term includes a federally recognized Indian tribe.

34 ~~((10) "Tribunal" means a court, agency, or other entity~~
35 ~~authorized by law of this state other than this chapter to establish,~~
36 ~~enforce, or modify a domestic protection order.))~~

37 NEW SECTION. Sec. 83. A new section is added to chapter 26.55
38 RCW to read as follows:

1 (1) A Canadian domestic violence protection order that identifies
2 both a protected individual and a respondent and appears valid on its
3 face is prima facie evidence of its enforceability under this act.

4 (2) A Canadian domestic violence protection order is enforceable
5 only to the extent it prohibits a respondent from the following
6 conduct as ordered by a Canadian court:

7 (a) Being in physical proximity to a protected individual or
8 following a protected individual;

9 (b) Directly or indirectly contacting or communicating with a
10 protected individual or other individual described in the order;

11 (c) Being within a certain distance of a specified place or
12 location associated with a protected individual; or

13 (d) Molesting, annoying, harassing, or engaging in threatening
14 conduct directed at a protected individual.

15 (3) Neither filing with the clerk of the court under RCW
16 26.55.040 nor obtaining an order granting recognition and enforcement
17 under RCW 26.55.030 is required prior to the enforcement of a
18 Canadian domestic violence protection order by a law enforcement
19 officer.

20 **Sec. 84.** RCW 26.55.020 and 2019 c 263 s 903 are each amended to
21 read as follows:

22 (1) If a law enforcement officer determines under subsection (2)
23 or (3) of this section that there is probable cause to believe a
24 ~~((valid))~~ Canadian domestic violence protection order exists and that
25 one or more of the provisions of the order ~~((has))~~ identified in
26 section 83 of this act have been violated, the officer shall enforce
27 the terms of the Canadian domestic violence protection order as if
28 the terms were in an order ~~((of a tribunal. Presentation to a law~~
29 ~~enforcement officer of a certified copy of a Canadian domestic~~
30 ~~violence protection order is not required for enforcement))~~ issued in
31 Washington state.

32 (2) Presentation to a law enforcement officer of a record of a
33 Canadian domestic violence protection order that identifies both a
34 protected individual and a respondent, and on its face is in effect,
35 constitutes probable cause to believe that ~~((a valid))~~ an enforceable
36 order exists.

37 (3) If a record of a Canadian domestic violence protection order
38 is not presented as provided in subsection (2) of this section, a law
39 enforcement officer ~~((may consider))~~ is not prohibited from

1 considering other relevant information in determining whether there
2 is probable cause to believe that a ~~((valid))~~ Canadian domestic
3 violence protection order exists.

4 (4) If a law enforcement officer determines that ~~((an otherwise
5 valid))~~ a Canadian domestic violence protection order cannot be
6 enforced because the respondent has not been notified of or served
7 with the order, the officer shall notify the protected individual
8 that the officer will make reasonable efforts to contact the
9 respondent, consistent with the safety of the protected individual.
10 After notice to the protected individual and consistent with the
11 safety of the individual, the officer shall make a reasonable effort
12 to inform the respondent of the order, notify the respondent of the
13 terms of the order, provide a record of the order, if available, to
14 the respondent, and allow the respondent a reasonable opportunity to
15 comply with the order before the officer enforces the order.

16 (5) If a law enforcement officer determines that an individual is
17 a protected individual, the officer shall inform the individual of
18 available local victim services.

19 **Sec. 85.** RCW 26.55.030 and 2019 c 263 s 904 are each amended to
20 read as follows:

21 (1) A ~~((tribunal))~~ court may issue an order ~~((enforcing or
22 refusing to enforce))~~ granting recognition and enforcement or denying
23 recognition and enforcement of a Canadian domestic violence
24 protection order on ~~((application))~~ petition of:

25 (a) A protected individual;

26 (b) A person authorized by law of this state other than this
27 chapter to seek enforcement of a domestic violence protection order;
28 or

29 ~~((b))~~ (c) A respondent.

30 (2) ~~((In a proceeding under subsection (1) of this section, the
31 tribunal shall follow the procedures of this state for enforcement of
32 a domestic protection order. An order entered under this section is
33 limited to the enforcement of the terms of the Canadian domestic
34 violence protection order as defined in RCW 26.55.010.))~~ A petitioner
35 is not required to post a bond to obtain relief in any proceeding
36 under this section. No fees for any type of filing or service of
37 process may be charged by a court or any public agency to petitioners
38 seeking relief under this chapter. Courts may not charge petitioners
39 any fees or surcharges the payment of which is a condition precedent

1 to the petitioner's ability to secure access to relief under this
2 chapter. Petitioners shall be provided the necessary number of
3 certified copies, forms, and instructional brochures free of charge.
4 A respondent who is served electronically with a protection order
5 shall be provided a certified copy of the order free of charge upon
6 request.

7 (3) Upon receipt of the petition, the court shall order a
8 hearing, which shall be held not later than 14 days from the date of
9 the order. Service shall be provided as required in sections 10 and
10 18 through 21 of this act.

11 (4) The hearing shall be conducted as required by sections 24 and
12 25 of this act.

13 (5) Interpreters must be appointed as required in section 33 of
14 this act. An interpreter shall translate or interpret for the party
15 in preparing forms, participating in the hearing and court-ordered
16 assessments, and translating any orders.

17 ~~((3))~~ (6) A Canadian domestic violence protection order is
18 enforceable under this section if:

19 (a) The order identifies a protected individual and a respondent;

20 (b) The order is valid and in effect;

21 (c) The issuing court had jurisdiction over the parties and the
22 subject matter under law applicable in the issuing court; and

23 (d) The order was issued after:

24 (i) The respondent was given reasonable notice and had an
25 opportunity to be heard before the court issued the order; or

26 (ii) In the case of an ex parte temporary protection order, the
27 respondent was given reasonable notice and had or will have an
28 opportunity to be heard within a reasonable time after the order was
29 issued, in a manner consistent with the right of the respondent to
30 due process.

31 ~~((4) A Canadian domestic violence protection order valid on its~~
32 ~~face is prima facie evidence of its enforceability under this~~
33 ~~section.~~

34 ~~(5))~~ (7) A claim that a Canadian domestic violence protection
35 order does not comply with subsection ~~((3))~~ (6) of this section is
36 an affirmative defense in a proceeding seeking enforcement of the
37 order. If the ~~((tribunal))~~ court determines that the order is not
38 enforceable, the ~~((tribunal))~~ court shall issue an order that the
39 Canadian domestic violence protection order is not enforceable under

1 this section and RCW 26.55.020 and may not be (~~registered~~) filed
2 under RCW 26.55.040.

3 **Sec. 86.** RCW 26.55.040 and 2019 c 263 s 905 are each amended to
4 read as follows:

5 (1) A person entitled to protection who has a (~~valid~~) Canadian
6 domestic violence protection order may file that order by presenting
7 a certified, authenticated, or exemplified copy of the Canadian
8 domestic violence protection order to a clerk of the court of a
9 Washington court (~~in which the person entitled to protection resides~~
10 ~~or to a clerk of the court of a Washington court where the person~~
11 ~~entitled to protection believes enforcement may be necessary~~)
12 according to section 9 of this act. Any out-of-state department,
13 agency, or court responsible for maintaining protection order
14 records, may by facsimile or electronic transmission send a
15 reproduction of the foreign protection order to the clerk of the
16 court of Washington as long as it contains a facsimile or digital
17 signature by any person authorized to make such transmission.

18 (2) An individual filing a Canadian domestic violence protection
19 order under this section shall also file a declaration signed under
20 penalty of perjury stating that, to the best of the individual's
21 knowledge, the order is valid and in effect.

22 (3) On receipt of a certified, authenticated, or exemplified copy
23 of a Canadian domestic violence protection order and declaration
24 signed under penalty of perjury stating that, to the best of the
25 individual's knowledge, the order is valid and in effect, the clerk
26 of the court shall (~~register~~) file the order in accordance with
27 this section.

28 (~~(3) An individual registering a Canadian domestic violence~~
29 ~~protection order under this section shall file an affidavit stating~~
30 ~~that, to the best of the individual's knowledge, the order is valid~~
31 ~~and in effect.))~~

32 (4) After a Canadian domestic violence protection order is
33 (~~registered~~) filed under this section, the clerk of the court shall
34 provide the individual (~~registering~~) filing the order a certified
35 copy of the (~~registered~~) filed order.

36 (5) (~~A Canadian domestic violence protection order registered~~
37 ~~under this section may be entered in a state or federal registry of~~
38 ~~protection orders in accordance with law.~~

1 ~~(6) An inaccurate, expired, or unenforceable Canadian domestic~~
2 ~~violence protection order may be corrected or removed from the~~
3 ~~registry of protection orders maintained in this state in accordance~~
4 ~~with law of this state other than this chapter.~~

5 ~~(7))~~ A fee may not be charged for the ~~((registration))~~ filing of
6 a Canadian domestic violence protection order under this section.

7 ~~((8) Registration in this state or filing under law of this~~
8 ~~state other than this chapter of a Canadian domestic violence~~
9 ~~protection order is not required for its enforcement under this~~
10 ~~chapter.))~~

11 NEW SECTION. **Sec. 87.** A new section is added to chapter 26.55
12 RCW to read as follows:

13 (1) A copy of a Canadian domestic violence protection order filed
14 with the clerk, an order granting recognition and enforcement, or an
15 order denying recognition and enforcement under this chapter, shall
16 be forwarded by the clerk of the court on or before the next judicial
17 day to the law enforcement agency specified in the order. An order
18 granting or denying recognition and enforcement shall be accompanied
19 by a copy of the related Canadian domestic violence protection order.

20 (2) Upon receipt of the order, the law enforcement agency shall
21 comply with the requirements of section 42 of this act.

22 **Sec. 88.** RCW 26.55.050 and 2019 c 263 s 906 are each amended to
23 read as follows:

24 The state, state agency, local governmental agency, law
25 enforcement officer, prosecuting attorney, clerk of court, and state
26 or local governmental official acting in an official capacity are
27 immune from civil and criminal liability for an act or omission
28 arising out of the ~~((registration))~~ filing or recognition and
29 enforcement of a Canadian domestic violence protection order or the
30 detention or arrest of an alleged violator of a Canadian domestic
31 violence protection order if the act or omission was a good faith
32 effort to comply with this chapter.

33 **PART XIII**

34 **SCHOOL DISTRICT REQUIREMENTS**

35 NEW SECTION. **Sec. 89.** A new section is added to chapter 28A.225
36 RCW to read as follows:

1 (1) If any student is subject to a civil protection order, the
2 school district and school building staff will make adjustments to
3 the student's schedule and other modifications to the student's
4 school environment to support compliance with court orders and
5 maintain the student's access to education.

6 (2) If a student is the subject of a civil protection order that
7 prohibits regular attendance at the student's assigned school, the
8 school district must provide the student comparable educational
9 services in another setting. In such a case, the district shall not
10 charge tuition and must provide transportation at no cost. The
11 district shall put in place any needed supports to make the
12 transition to a new school environment successful for the student.

13 (3) A school district must provide notification to the parent or
14 legal guardian of a student who is subject to a civil protection
15 order of the modifications, accommodations, supports, and services
16 being created or provided for the student pursuant to this section.

17 **PART XIV**

18 **EFFECTIVE DATE AND EXPIRATION DATE**

19 NEW SECTION. **Sec. 90.** Sections 72, 73, and 74 of this act take
20 effect January 1, 2022.

21 NEW SECTION. **Sec. 91.** Sections 2, 28, and 63 of this act expire
22 January 1, 2022.

23 **PART XV**

24 **CONFORMING AND TECHNICAL AMENDMENTS**

25 **Sec. 92.** RCW 2.28.210 and 2016 c 89 s 1 are each amended to read
26 as follows:

27 (1) Before granting an order under any of the following titles of
28 the laws of the state of Washington, the court may consult the
29 judicial information system or any related databases, if available,
30 to determine criminal history or the pendency of other proceedings
31 involving the parties:

32 (a) Granting any temporary or final order establishing a
33 parenting plan or residential schedule or directing residential
34 placement of a child or restraining or limiting a party's contact
35 with a child under Title 26 RCW;

1 (b) Granting any order regarding a vulnerable child or adult or
2 alleged incapacitated person irrespective of the title or where
3 contained in the laws of the state of Washington;

4 (c) Granting letters of guardianship or administration or letters
5 testamentary under Title 11 RCW;

6 (d) Granting any relief under Title 71 RCW;

7 (e) Granting any relief in a juvenile proceeding under Title 13
8 RCW; or

9 (f) Granting any order of protection, temporary order of
10 protection, or criminal no-contact order under chapter (~~7.90,~~
11 ~~7.92,~~) 7.--- (the new chapter created in section 81 of this act),
12 9A.46, (~~10.14,~~) 10.99, (~~26.50,~~) or 26.52 RCW.

13 (2) In the event that the court consults such a database, the
14 court shall disclose that fact to the parties and shall disclose any
15 particular matters relied upon by the court in rendering the
16 decision. Upon request of a party, a copy of the document relied upon
17 must be filed, as a confidential document, within the court file,
18 with any confidential contact information such as addresses, phone
19 numbers, or other information that might disclose the location or
20 whereabouts of any person redacted from the document or documents.

21 **Sec. 93.** RCW 4.08.050 and 1996 c 134 s 7 are each amended to
22 read as follows:

23 Except as provided under RCW (~~26.50.020 and~~) 28A.225.035 and
24 section 14 of this act, when an infant is a party he or she shall
25 appear by guardian, or if he or she has no guardian, or in the
26 opinion of the court the guardian is an improper person, the court
27 shall appoint one to act. Said guardian shall be appointed as
28 follows:

29 (1) When the infant is plaintiff, upon the application of the
30 infant, if he or she be of the age of fourteen years, or if under
31 that age, upon the application of a relative or friend of the infant.

32 (2) When the infant is defendant, upon the application of the
33 infant, if he or she be of the age of fourteen years, and applies
34 within thirty days after the service of the summons; if he or she be
35 under the age of fourteen, or neglects to apply, then upon the
36 application of any other party to the action, or of a relative or
37 friend of the infant.

1 **Sec. 94.** RCW 4.24.130 and 1998 c 220 s 5 are each amended to
2 read as follows:

3 (1) Any person desiring a change of his or her name or that of
4 his or her child or ward, may apply therefor to the district court of
5 the judicial district in which he or she resides, by petition setting
6 forth the reasons for such change; thereupon such court in its
7 discretion may order a change of the name and thenceforth the new
8 name shall be in place of the former.

9 (2) An offender under the jurisdiction of the department of
10 corrections who applies to change his or her name under subsection
11 (1) of this section shall submit a copy of the application to the
12 department of corrections not fewer than five days before the entry
13 of an order granting the name change. No offender under the
14 jurisdiction of the department of corrections at the time of
15 application shall be granted an order changing his or her name if the
16 court finds that doing so will interfere with legitimate penological
17 interests, except that no order shall be denied when the name change
18 is requested for religious or legitimate cultural reasons or in
19 recognition of marriage or dissolution of marriage. An offender under
20 the jurisdiction of the department of corrections who receives an
21 order changing his or her name shall submit a copy of the order to
22 the department of corrections within five days of the entry of the
23 order. Violation of this subsection is a misdemeanor.

24 (3) A sex offender subject to registration under RCW 9A.44.130
25 who applies to change his or her name under subsection (1) of this
26 section shall follow the procedures set forth in RCW 9A.44.130(~~(+6)~~)
27 (7).

28 (4) The district court shall collect the fees authorized by RCW
29 36.18.010 for filing and recording a name change order, and transmit
30 the fee and the order to the county auditor. The court may collect a
31 reasonable fee to cover the cost of transmitting the order to the
32 county auditor.

33 (5) Name change petitions may be filed and shall be heard in
34 superior court when the person desiring a change of his or her name
35 or that of his or her child or ward is a victim of domestic violence
36 as defined in (~~RCW 26.50.010(1)~~) section 2 of this act and the
37 person seeks to have the name change file sealed due to reasonable
38 fear for his or her safety or that of his or her child or ward. Upon
39 granting the name change, the superior court shall seal the file if
40 the court finds that the safety of the person seeking the name change

1 or his or her child or ward warrants sealing the file. In all cases
2 filed under this subsection, whether or not the name change petition
3 is granted, there shall be no public access to any court record of
4 the name change filing, proceeding, or order, unless the name change
5 is granted but the file is not sealed.

6 **Sec. 95.** RCW 7.77.060 and 2020 c 29 s 1 are each amended to read
7 as follows:

8 During a collaborative law process, a tribunal may issue
9 emergency orders to protect the health, safety, welfare, or interest
10 of a party or of a family or household member or intimate partner, as
11 defined in (~~RCW 26.50.010~~) section 2 of this act.

12 **Sec. 96.** RCW 7.77.080 and 2020 c 29 s 2 are each amended to read
13 as follows:

14 (1) Except as otherwise provided in subsection (3) of this
15 section, a collaborative lawyer is disqualified from appearing before
16 a tribunal to represent a party in a proceeding related to the
17 collaborative matter.

18 (2) Except as otherwise provided in subsection (3) of this
19 section and RCW 7.77.090, a lawyer in a law firm with which the
20 collaborative lawyer is associated is disqualified from appearing
21 before a tribunal to represent a party in a proceeding related to the
22 collaborative matter if the collaborative lawyer is disqualified from
23 doing so under subsection (1) of this section.

24 (3) A collaborative lawyer or a lawyer in a law firm with which
25 the collaborative lawyer is associated may represent a party:

26 (a) To ask a tribunal to approve an agreement resulting from the
27 collaborative law process; or

28 (b) To seek or defend an emergency order to protect the health,
29 safety, welfare, or interest of a party, or family or household
30 member or intimate partner, as defined in (~~RCW 26.50.010~~) section 2
31 of this act, if a successor lawyer is not immediately available to
32 represent that person.

33 (4) If subsection (3)(b) of this section applies, a collaborative
34 lawyer, or lawyer in a law firm with which the collaborative lawyer
35 is associated, may represent a party or family or household member or
36 intimate partner only until the person is represented by a successor
37 lawyer or reasonable measures are taken to protect the health,
38 safety, welfare, or interest of the person.

1 **Sec. 97.** RCW 9.41.010 and 2020 c 29 s 3 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Antique firearm" means a firearm or replica of a firearm not
6 designed or redesigned for using rim fire or conventional center fire
7 ignition with fixed ammunition and manufactured in or before 1898,
8 including any matchlock, flintlock, percussion cap, or similar type
9 of ignition system and also any firearm using fixed ammunition
10 manufactured in or before 1898, for which ammunition is no longer
11 manufactured in the United States and is not readily available in the
12 ordinary channels of commercial trade.

13 (2) "Barrel length" means the distance from the bolt face of a
14 closed action down the length of the axis of the bore to the crown of
15 the muzzle, or in the case of a barrel with attachments to the end of
16 any legal device permanently attached to the end of the muzzle.

17 (3) "Bump-fire stock" means a butt stock designed to be attached
18 to a semiautomatic firearm with the effect of increasing the rate of
19 fire achievable with the semiautomatic firearm to that of a fully
20 automatic firearm by using the energy from the recoil of the firearm
21 to generate reciprocating action that facilitates repeated activation
22 of the trigger.

23 (4) "Crime of violence" means:

24 (a) Any of the following felonies, as now existing or hereafter
25 amended: Any felony defined under any law as a class A felony or an
26 attempt to commit a class A felony, criminal solicitation of or
27 criminal conspiracy to commit a class A felony, manslaughter in the
28 first degree, manslaughter in the second degree, indecent liberties
29 if committed by forcible compulsion, kidnapping in the second degree,
30 arson in the second degree, assault in the second degree, assault of
31 a child in the second degree, extortion in the first degree, burglary
32 in the second degree, residential burglary, and robbery in the second
33 degree;

34 (b) Any conviction for a felony offense in effect at any time
35 prior to June 6, 1996, which is comparable to a felony classified as
36 a crime of violence in (a) of this subsection; and

37 (c) Any federal or out-of-state conviction for an offense
38 comparable to a felony classified as a crime of violence under (a) or
39 (b) of this subsection.

1 (5) "Curio or relic" has the same meaning as provided in 27
2 C.F.R. Sec. 478.11.

3 (6) "Dealer" means a person engaged in the business of selling
4 firearms at wholesale or retail who has, or is required to have, a
5 federal firearms license under 18 U.S.C. Sec. 923(a). A person who
6 does not have, and is not required to have, a federal firearms
7 license under 18 U.S.C. Sec. 923(a), is not a dealer if that person
8 makes only occasional sales, exchanges, or purchases of firearms for
9 the enhancement of a personal collection or for a hobby, or sells all
10 or part of his or her personal collection of firearms.

11 (7) "Family or household member" has the same meaning as in ((RCW
12 ~~26.50.010~~) section 2 of this act.

13 (8) "Felony" means any felony offense under the laws of this
14 state or any federal or out-of-state offense comparable to a felony
15 offense under the laws of this state.

16 (9) "Felony firearm offender" means a person who has previously
17 been convicted or found not guilty by reason of insanity in this
18 state of any felony firearm offense. A person is not a felony firearm
19 offender under this chapter if any and all qualifying offenses have
20 been the subject of an expungement, pardon, annulment, certificate,
21 or rehabilitation, or other equivalent procedure based on a finding
22 of the rehabilitation of the person convicted or a pardon, annulment,
23 or other equivalent procedure based on a finding of innocence.

24 (10) "Felony firearm offense" means:

25 (a) Any felony offense that is a violation of this chapter;

26 (b) A violation of RCW 9A.36.045;

27 (c) A violation of RCW 9A.56.300;

28 (d) A violation of RCW 9A.56.310;

29 (e) Any felony offense if the offender was armed with a firearm
30 in the commission of the offense.

31 (11) "Firearm" means a weapon or device from which a projectile
32 or projectiles may be fired by an explosive such as gunpowder.
33 "Firearm" does not include a flare gun or other pyrotechnic visual
34 distress signaling device, or a powder-actuated tool or other device
35 designed solely to be used for construction purposes.

36 (12) "Gun" has the same meaning as firearm.

37 (13) "Intimate partner" has the same meaning as provided in ((RCW
38 ~~26.50.010~~) section 2 of this act.

39 (14) "Law enforcement officer" includes a general authority
40 Washington peace officer as defined in RCW 10.93.020, or a specially

1 commissioned Washington peace officer as defined in RCW 10.93.020.
2 "Law enforcement officer" also includes a limited authority
3 Washington peace officer as defined in RCW 10.93.020 if such officer
4 is duly authorized by his or her employer to carry a concealed
5 pistol.

6 (15) "Lawful permanent resident" has the same meaning afforded a
7 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
8 1101(a)(20).

9 (16) "Licensed collector" means a person who is federally
10 licensed under 18 U.S.C. Sec. 923(b).

11 (17) "Licensed dealer" means a person who is federally licensed
12 under 18 U.S.C. Sec. 923(a).

13 (18) "Loaded" means:

14 (a) There is a cartridge in the chamber of the firearm;

15 (b) Cartridges are in a clip that is locked in place in the
16 firearm;

17 (c) There is a cartridge in the cylinder of the firearm, if the
18 firearm is a revolver;

19 (d) There is a cartridge in the tube or magazine that is inserted
20 in the action; or

21 (e) There is a ball in the barrel and the firearm is capped or
22 primed if the firearm is a muzzle loader.

23 (19) "Machine gun" means any firearm known as a machine gun,
24 mechanical rifle, submachine gun, or any other mechanism or
25 instrument not requiring that the trigger be pressed for each shot
26 and having a reservoir clip, disc, drum, belt, or other separable
27 mechanical device for storing, carrying, or supplying ammunition
28 which can be loaded into the firearm, mechanism, or instrument, and
29 fired therefrom at the rate of five or more shots per second.

30 (20) "Manufacture" means, with respect to a firearm, the
31 fabrication or construction of a firearm.

32 (21) "Nonimmigrant alien" means a person defined as such in 8
33 U.S.C. Sec. 1101(a)(15).

34 (22) "Person" means any individual, corporation, company,
35 association, firm, partnership, club, organization, society, joint
36 stock company, or other legal entity.

37 (23) "Pistol" means any firearm with a barrel less than sixteen
38 inches in length, or is designed to be held and fired by the use of a
39 single hand.

1 (24) "Rifle" means a weapon designed or redesigned, made or
2 remade, and intended to be fired from the shoulder and designed or
3 redesigned, made or remade, and intended to use the energy of the
4 explosive in a fixed metallic cartridge to fire only a single
5 projectile through a rifled bore for each single pull of the trigger.

6 (25) "Sale" and "sell" mean the actual approval of the delivery
7 of a firearm in consideration of payment or promise of payment.

8 (26) "Secure gun storage" means:

9 (a) A locked box, gun safe, or other secure locked storage space
10 that is designed to prevent unauthorized use or discharge of a
11 firearm; and

12 (b) The act of keeping an unloaded firearm stored by such means.

13 (27) "Semiautomatic assault rifle" means any rifle which utilizes
14 a portion of the energy of a firing cartridge to extract the fired
15 cartridge case and chamber the next round, and which requires a
16 separate pull of the trigger to fire each cartridge.

17 "Semiautomatic assault rifle" does not include antique firearms,
18 any firearm that has been made permanently inoperable, or any firearm
19 that is manually operated by bolt, pump, lever, or slide action.

20 (28) "Serious offense" means any of the following felonies or a
21 felony attempt to commit any of the following felonies, as now
22 existing or hereafter amended:

23 (a) Any crime of violence;

24 (b) Any felony violation of the uniform controlled substances
25 act, chapter 69.50 RCW, that is classified as a class B felony or
26 that has a maximum term of imprisonment of at least ten years;

27 (c) Child molestation in the second degree;

28 (d) Incest when committed against a child under age fourteen;

29 (e) Indecent liberties;

30 (f) Leading organized crime;

31 (g) Promoting prostitution in the first degree;

32 (h) Rape in the third degree;

33 (i) Drive-by shooting;

34 (j) Sexual exploitation;

35 (k) Vehicular assault, when caused by the operation or driving of
36 a vehicle by a person while under the influence of intoxicating
37 liquor or any drug or by the operation or driving of a vehicle in a
38 reckless manner;

39 (l) Vehicular homicide, when proximately caused by the driving of
40 any vehicle by any person while under the influence of intoxicating

1 liquor or any drug as defined by RCW 46.61.502, or by the operation
2 of any vehicle in a reckless manner;

3 (m) Any other class B felony offense with a finding of sexual
4 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

5 (n) Any other felony with a deadly weapon verdict under RCW
6 9.94A.825;

7 (o) Any felony offense in effect at any time prior to June 6,
8 1996, that is comparable to a serious offense, or any federal or out-
9 of-state conviction for an offense that under the laws of this state
10 would be a felony classified as a serious offense; or

11 (p) Any felony conviction under RCW 9.41.115.

12 (29) "Short-barreled rifle" means a rifle having one or more
13 barrels less than sixteen inches in length and any weapon made from a
14 rifle by any means of modification if such modified weapon has an
15 overall length of less than twenty-six inches.

16 (30) "Short-barreled shotgun" means a shotgun having one or more
17 barrels less than eighteen inches in length and any weapon made from
18 a shotgun by any means of modification if such modified weapon has an
19 overall length of less than twenty-six inches.

20 (31) "Shotgun" means a weapon with one or more barrels, designed
21 or redesigned, made or remade, and intended to be fired from the
22 shoulder and designed or redesigned, made or remade, and intended to
23 use the energy of the explosive in a fixed shotgun shell to fire
24 through a smooth bore either a number of ball shot or a single
25 projectile for each single pull of the trigger.

26 (32) "Transfer" means the intended delivery of a firearm to
27 another person without consideration of payment or promise of payment
28 including, but not limited to, gifts and loans. "Transfer" does not
29 include the delivery of a firearm owned or leased by an entity
30 licensed or qualified to do business in the state of Washington to,
31 or return of such a firearm by, any of that entity's employees or
32 agents, defined to include volunteers participating in an honor
33 guard, for lawful purposes in the ordinary course of business.

34 (33) "Undetectable firearm" means any firearm that is not as
35 detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through
36 metal detectors or magnetometers commonly used at airports or any
37 firearm where the barrel, the slide or cylinder, or the frame or
38 receiver of the firearm would not generate an image that accurately
39 depicts the shape of the part when examined by the types of X-ray
40 machines commonly used at airports.

1 (34) "Unlicensed person" means any person who is not a licensed
2 dealer under this chapter.

3 (35) "Untraceable firearm" means any firearm manufactured after
4 July 1, 2019, that is not an antique firearm and that cannot be
5 traced by law enforcement by means of a serial number affixed to the
6 firearm by a federally licensed manufacturer or importer.

7 **Sec. 98.** RCW 9.41.070 and 2020 c 148 s 2 are each amended to
8 read as follows:

9 (1) The chief of police of a municipality or the sheriff of a
10 county shall within thirty days after the filing of an application of
11 any person, issue a license to such person to carry a pistol
12 concealed on his or her person within this state for five years from
13 date of issue, for the purposes of protection or while engaged in
14 business, sport, or while traveling. However, if the applicant does
15 not have a valid permanent Washington driver's license or Washington
16 state identification card or has not been a resident of the state for
17 the previous consecutive ninety days, the issuing authority shall
18 have up to sixty days after the filing of the application to issue a
19 license. The issuing authority shall not refuse to accept completed
20 applications for concealed pistol licenses during regular business
21 hours.

22 The applicant's constitutional right to bear arms shall not be
23 denied, unless:

24 (a) He or she is ineligible to possess a firearm under the
25 provisions of RCW 9.41.040 or 9.41.045, or is prohibited from
26 possessing a firearm under federal law;

27 (b) The applicant's concealed pistol license is in a revoked
28 status;

29 (c) He or she is under twenty-one years of age;

30 (d) He or she is subject to a court order or injunction regarding
31 firearms pursuant to chapter ~~((7.90, 7.92, or 7.94))~~ 7.--- RCW (the
32 new chapter created in section 81 of this act), or RCW 9A.46.080,
33 ~~((10.14.080,))~~ 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040,
34 ~~((26.10.115,))~~ 26.26B.020, ~~((26.50.060, 26.50.070,))~~ or 26.26A.470,
35 or any of the former RCW 10.14.080, 26.10.115, 26.50.060, and
36 26.50.070;

37 (e) He or she is free on bond or personal recognizance pending
38 trial, appeal, or sentencing for a felony offense;

1 (f) He or she has an outstanding warrant for his or her arrest
2 from any court of competent jurisdiction for a felony or misdemeanor;
3 or

4 (g) He or she has been ordered to forfeit a firearm under RCW
5 9.41.098(1)(e) within one year before filing an application to carry
6 a pistol concealed on his or her person.

7 No person convicted of a felony may have his or her right to
8 possess firearms restored or his or her privilege to carry a
9 concealed pistol restored, unless the person has been granted relief
10 from disabilities by the attorney general under 18 U.S.C. Sec.
11 925(c), or RCW 9.41.040 (3) or (4) applies.

12 (2)(a) The issuing authority shall conduct a check through the
13 national instant criminal background check system, the Washington
14 state patrol electronic database, the health care authority
15 electronic database, and with other agencies or resources as
16 appropriate, to determine whether the applicant is ineligible under
17 RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from
18 possessing a firearm under federal law, and therefore ineligible for
19 a concealed pistol license.

20 (b) The issuing authority shall deny a permit to anyone who is
21 found to be prohibited from possessing a firearm under federal or
22 state law.

23 (c) (a) and (b) of this subsection apply whether the applicant is
24 applying for a new concealed pistol license or to renew a concealed
25 pistol license.

26 (d) A background check for an original license must be conducted
27 through the Washington state patrol criminal identification section
28 and shall include a national check from the federal bureau of
29 investigation through the submission of fingerprints. The results
30 will be returned to the issuing authority. The applicant may request
31 and receive a copy of the results of the background check from the
32 issuing authority. If the applicant seeks to amend or correct their
33 record, the applicant must contact the Washington state patrol for a
34 Washington state record or the federal bureau of investigation for
35 records from other jurisdictions.

36 (3) Any person whose firearms rights have been restricted and who
37 has been granted relief from disabilities by the attorney general
38 under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.
39 921(a)(20)(A) shall have his or her right to acquire, receive,
40 transfer, ship, transport, carry, and possess firearms in accordance

1 with Washington state law restored except as otherwise prohibited by
2 this chapter.

3 (4) The license application shall bear the full name, residential
4 address, telephone number at the option of the applicant, email
5 address at the option of the applicant, date and place of birth,
6 race, gender, description, a complete set of fingerprints, and
7 signature of the licensee, and the licensee's driver's license number
8 or state identification card number if used for identification in
9 applying for the license. A signed application for a concealed pistol
10 license shall constitute a waiver of confidentiality and written
11 request that the health care authority, mental health institutions,
12 and other health care facilities release information relevant to the
13 applicant's eligibility for a concealed pistol license to an
14 inquiring court or law enforcement agency.

15 The application for an original license shall include a complete
16 set of fingerprints to be forwarded to the Washington state patrol.

17 The license and application shall contain a warning substantially
18 as follows:

19 CAUTION: Although state and local laws do not differ, federal
20 law and state law on the possession of firearms differ. If
21 you are prohibited by federal law from possessing a firearm,
22 you may be prosecuted in federal court. A state license is
23 not a defense to a federal prosecution.

24 The license shall contain a description of the major differences
25 between state and federal law and an explanation of the fact that
26 local laws and ordinances on firearms are preempted by state law and
27 must be consistent with state law.

28 The application shall contain questions about the applicant's
29 eligibility under RCW 9.41.040 and federal law to possess a pistol,
30 the applicant's place of birth, and whether the applicant is a United
31 States citizen. If the applicant is not a United States citizen, the
32 applicant must provide the applicant's country of citizenship, United
33 States issued alien number or admission number, and the basis on
34 which the applicant claims to be exempt from federal prohibitions on
35 firearm possession by aliens. The applicant shall not be required to
36 produce a birth certificate or other evidence of citizenship. A
37 person who is not a citizen of the United States shall, if
38 applicable, meet the additional requirements of RCW 9.41.173 and
39 produce proof of compliance with RCW 9.41.173 upon application. The

1 license may be in triplicate or in a form to be prescribed by the
2 department of licensing.

3 A photograph of the applicant may be required as part of the
4 application and printed on the face of the license.

5 The original thereof shall be delivered to the licensee, the
6 duplicate shall within seven days be sent to the director of
7 licensing and the triplicate shall be preserved for six years, by the
8 authority issuing the license.

9 The department of licensing shall make available to law
10 enforcement and corrections agencies, in an online format, all
11 information received under this subsection.

12 (5) The nonrefundable fee, paid upon application, for the
13 original five-year license shall be thirty-six dollars plus
14 additional charges imposed by the federal bureau of investigation
15 that are passed on to the applicant. No other state or local branch
16 or unit of government may impose any additional charges on the
17 applicant for the issuance of the license.

18 The fee shall be distributed as follows:

19 (a) Fifteen dollars shall be paid to the state general fund;

20 (b) Four dollars shall be paid to the agency taking the
21 fingerprints of the person licensed;

22 (c) Fourteen dollars shall be paid to the issuing authority for
23 the purpose of enforcing this chapter;

24 (d) Two dollars and sixteen cents to the firearms range account
25 in the general fund; and

26 (e) Eighty-four cents to the concealed pistol license renewal
27 notification account created in RCW 43.79.540.

28 (6) The nonrefundable fee for the renewal of such license shall
29 be thirty-two dollars. No other branch or unit of government may
30 impose any additional charges on the applicant for the renewal of the
31 license.

32 The renewal fee shall be distributed as follows:

33 (a) Fifteen dollars shall be paid to the state general fund;

34 (b) Fourteen dollars shall be paid to the issuing authority for
35 the purpose of enforcing this chapter;

36 (c) Two dollars and sixteen cents to the firearms range account
37 in the general fund; and

38 (d) Eighty-four cents to the concealed pistol license renewal
39 notification account created in RCW 43.79.540.

1 (7) The nonrefundable fee for replacement of lost or damaged
2 licenses is ten dollars to be paid to the issuing authority.

3 (8) Payment shall be by cash, check, or money order at the option
4 of the applicant. Additional methods of payment may be allowed at the
5 option of the issuing authority.

6 (9)(a) A licensee may renew a license if the licensee applies for
7 renewal within ninety days before or after the expiration date of the
8 license. A license so renewed shall take effect on the expiration
9 date of the prior license. A licensee renewing after the expiration
10 date of the license must pay a late renewal penalty of ten dollars in
11 addition to the renewal fee specified in subsection (6) of this
12 section. The fee shall be distributed as follows:

13 (i) Three dollars shall be deposited in the limited fish and
14 wildlife account and used exclusively first for the printing and
15 distribution of a pamphlet on the legal limits of the use of
16 firearms, firearms safety, and the preemptive nature of state law,
17 and subsequently the support of volunteer instructors in the basic
18 firearms safety training program conducted by the department of fish
19 and wildlife. The pamphlet shall be given to each applicant for a
20 license; and

21 (ii) Seven dollars shall be paid to the issuing authority for the
22 purpose of enforcing this chapter.

23 (b) Beginning with concealed pistol licenses that expire on or
24 after August 1, 2018, the department of licensing shall mail a
25 renewal notice approximately ninety days before the license
26 expiration date to the licensee at the address listed on the
27 concealed pistol license application, or to the licensee's new
28 address if the licensee has notified the department of licensing of a
29 change of address. Alternatively, if the licensee provides an email
30 address at the time of license application, the department of
31 licensing may send the renewal notice to the licensee's email
32 address. The notice must contain the date the concealed pistol
33 license will expire, the amount of renewal fee, the penalty for late
34 renewal, and instructions on how to renew the license.

35 (10) Notwithstanding the requirements of subsections (1) through
36 (9) of this section, the chief of police of the municipality or the
37 sheriff of the county of the applicant's residence may issue a
38 temporary emergency license for good cause pending review under
39 subsection (1) of this section. However, a temporary emergency
40 license issued under this subsection shall not exempt the holder of

1 the license from any records check requirement. Temporary emergency
2 licenses shall be easily distinguishable from regular licenses.

3 (11) A political subdivision of the state shall not modify the
4 requirements of this section or chapter, nor may a political
5 subdivision ask the applicant to voluntarily submit any information
6 not required by this section.

7 (12) A person who knowingly makes a false statement regarding
8 citizenship or identity on an application for a concealed pistol
9 license is guilty of false swearing under RCW 9A.72.040. In addition
10 to any other penalty provided for by law, the concealed pistol
11 license of a person who knowingly makes a false statement shall be
12 revoked, and the person shall be permanently ineligible for a
13 concealed pistol license.

14 (13) A person may apply for a concealed pistol license:

15 (a) To the municipality or to the county in which the applicant
16 resides if the applicant resides in a municipality;

17 (b) To the county in which the applicant resides if the applicant
18 resides in an unincorporated area; or

19 (c) Anywhere in the state if the applicant is a nonresident.

20 (14) Any person who, as a member of the armed forces, including
21 the national guard and armed forces reserves, is unable to renew his
22 or her license under subsections (6) and (9) of this section because
23 of the person's assignment, reassignment, or deployment for out-of-
24 state military service may renew his or her license within ninety
25 days after the person returns to this state from out-of-state
26 military service, if the person provides the following to the issuing
27 authority no later than ninety days after the person's date of
28 discharge or assignment, reassignment, or deployment back to this
29 state: (a) A copy of the person's original order designating the
30 specific period of assignment, reassignment, or deployment for out-
31 of-state military service, and (b) if appropriate, a copy of the
32 person's discharge or amended or subsequent assignment, reassignment,
33 or deployment order back to this state. A license so renewed under
34 this subsection (14) shall take effect on the expiration date of the
35 prior license. A licensee renewing after the expiration date of the
36 license under this subsection (14) shall pay only the renewal fee
37 specified in subsection (6) of this section and shall not be required
38 to pay a late renewal penalty in addition to the renewal fee.

39 (15)(a) By October 1, 2019, law enforcement agencies that issue
40 concealed pistol licenses shall develop and implement a procedure for

1 the renewal of concealed pistol licenses through a mail application
2 process, and may develop an online renewal application process, for
3 any person who, as a member of the armed forces, including the
4 national guard and armed forces reserves, is unable to renew his or
5 her license under subsections (6) and (9) of this section because of
6 the person's assignment, reassignment, or deployment for out-of-state
7 military service.

8 (b) A person applying for a license renewal under this subsection
9 shall:

10 (i) Provide a copy of the person's original order designating the
11 specific period of assignment, reassignment, or deployment for out-
12 of-state military service;

13 (ii) Apply for renewal within ninety days before or after the
14 expiration date of the license; and

15 (iii) Pay the renewal licensing fee under subsection (6) of this
16 section, and, if applicable, the late renewal penalty under
17 subsection (9) of this section.

18 (c) A license renewed under this subsection takes effect on the
19 expiration date of the prior license and is valid for a period of one
20 year.

21 **Sec. 99.** RCW 9.41.173 and 2019 c 46 s 5005 are each amended to
22 read as follows:

23 (1) In order to obtain an alien firearm license, a nonimmigrant
24 alien residing in Washington must apply to the sheriff of the county
25 in which he or she resides.

26 (2) The sheriff of the county shall within sixty days after the
27 filing of an application of a nonimmigrant alien residing in the
28 state of Washington, issue an alien firearm license to such person to
29 carry or possess a firearm for the purposes of hunting and sport
30 shooting. The license shall be good for two years. The issuing
31 authority shall not refuse to accept completed applications for alien
32 firearm licenses during regular business hours. An application for a
33 license may not be denied, unless the applicant's alien firearm
34 license is in a revoked status, or the applicant:

35 (a) Is ineligible to possess a firearm under the provisions of
36 RCW 9.41.040 or 9.41.045;

37 (b) Is subject to a court order or injunction regarding firearms
38 pursuant to chapter 7.--- RCW (the new chapter created in section 81
39 of this act), or RCW 9A.46.080, (~~(10.14.080,)~~) 10.99.040, 10.99.045,

1 26.09.050, 26.09.060, 26.10.040, (~~26.10.115,~~) 26.26B.020,
2 (~~26.50.060, 26.50.070,~~) or 26.26A.470, or any of the former RCW
3 10.14.080, 26.10.115, 26.50.060, and 26.50.070;

4 (c) Is free on bond or personal recognizance pending trial,
5 appeal, or sentencing for a felony offense; or

6 (d) Has an outstanding warrant for his or her arrest from any
7 court of competent jurisdiction for a felony or misdemeanor.

8 No license application shall be granted to a nonimmigrant alien
9 convicted of a felony unless the person has been granted relief from
10 disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or
11 unless RCW 9.41.040 (3) or (4) applies.

12 (3) The sheriff shall check with the national crime information
13 center, the Washington state patrol electronic database, the health
14 care authority electronic database, and with other agencies or
15 resources as appropriate, to determine whether the applicant is
16 ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm.

17 (4) The license application shall bear the full name, residential
18 address, telephone number at the option of the applicant, date and
19 place of birth, race, gender, description, a complete set of
20 fingerprints, and signature of the applicant, a copy of the
21 applicant's passport and visa showing the applicant is in the country
22 legally, and a valid Washington hunting license or documentation that
23 the applicant is a member of a sport shooting club.

24 A signed application for an alien firearm license shall
25 constitute a waiver of confidentiality and written request that the
26 health care authority, mental health institutions, and other health
27 care facilities release information relevant to the applicant's
28 eligibility for an alien firearm license to an inquiring court or law
29 enforcement agency.

30 The application for an original license shall include a complete
31 set of fingerprints to be forwarded to the Washington state patrol.

32 The license and application shall contain a warning substantially
33 as follows:

34 CAUTION: Although state and local laws do not differ, federal
35 law and state law on the possession of firearms differ. If
36 you are prohibited by federal law from possessing a firearm,
37 you may be prosecuted in federal court. A state license is
38 not a defense to a federal prosecution.

1 The license shall contain a description of the major differences
2 between state and federal law and an explanation of the fact that
3 local laws and ordinances on firearms are preempted by state law and
4 must be consistent with state law. The application shall contain
5 questions about the applicant's eligibility under RCW 9.41.040 to
6 possess a firearm. The nonimmigrant alien applicant shall be required
7 to produce a passport and visa as evidence of being in the country
8 legally.

9 The license may be in triplicate or in a form to be prescribed by
10 the department of licensing. The original thereof shall be delivered
11 to the licensee, the duplicate shall within seven days be sent to the
12 director of licensing and the triplicate shall be preserved for six
13 years, by the authority issuing the license.

14 The department of licensing shall make available to law
15 enforcement and corrections agencies, in an online format, all
16 information received under this section.

17 (5) The sheriff has the authority to collect a nonrefundable fee,
18 paid upon application, for the two-year license. The fee shall be
19 fifty dollars plus additional charges imposed by the Washington state
20 patrol and the federal bureau of investigation that are passed on to
21 the applicant. No other state or local branch or unit of government
22 may impose any additional charges on the applicant for the issuance
23 of the license. The fee shall be retained by the sheriff.

24 (6) Payment shall be by cash, check, or money order at the option
25 of the applicant. Additional methods of payment may be allowed at the
26 option of the sheriff.

27 (7) A political subdivision of the state shall not modify the
28 requirements of this section, nor may a political subdivision ask the
29 applicant to voluntarily submit any information not required by this
30 section.

31 (8) A person who knowingly makes a false statement regarding
32 citizenship or identity on an application for an alien firearm
33 license is guilty of false swearing under RCW 9A.72.040. In addition
34 to any other penalty provided for by law, the alien firearm license
35 of a person who knowingly makes a false statement shall be revoked,
36 and the person shall be permanently ineligible for an alien firearm
37 license.

1 **Sec. 100.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s
2 6007 are each reenacted and amended to read as follows:

3 (1) It is unlawful for any person to enter the following places
4 when he or she knowingly possesses or knowingly has under his or her
5 control a weapon:

6 (a) The restricted access areas of a jail, or of a law
7 enforcement facility, or any place used for the confinement of a
8 person (i) arrested for, charged with, or convicted of an offense,
9 (ii) held for extradition or as a material witness, or (iii)
10 otherwise confined pursuant to an order of a court, except an order
11 under chapter 13.32A or 13.34 RCW. Restricted access areas do not
12 include common areas of egress or ingress open to the general public;

13 (b) Those areas in any building which are used in connection with
14 court proceedings, including courtrooms, jury rooms, judge's
15 chambers, offices and areas used to conduct court business, waiting
16 areas, and corridors adjacent to areas used in connection with court
17 proceedings. The restricted areas do not include common areas of
18 ingress and egress to the building that is used in connection with
19 court proceedings, when it is possible to protect court areas without
20 restricting ingress and egress to the building. The restricted areas
21 shall be the minimum necessary to fulfill the objective of this
22 subsection (1)(b).

23 For purposes of this subsection (1)(b), "weapon" means any
24 firearm, explosive as defined in RCW 70.74.010, or any weapon of the
25 kind usually known as slungshot, sand club, or metal knuckles, or any
26 knife, dagger, dirk, or other similar weapon that is capable of
27 causing death or bodily injury and is commonly used with the intent
28 to cause death or bodily injury.

29 In addition, the local legislative authority shall provide either
30 a stationary locked box sufficient in size for pistols and key to a
31 weapon owner for weapon storage, or shall designate an official to
32 receive weapons for safekeeping, during the owner's visit to
33 restricted areas of the building. The locked box or designated
34 official shall be located within the same building used in connection
35 with court proceedings. The local legislative authority shall be
36 liable for any negligence causing damage to or loss of a weapon
37 either placed in a locked box or left with an official during the
38 owner's visit to restricted areas of the building.

39 The local judicial authority shall designate and clearly mark
40 those areas where weapons are prohibited, and shall post notices at

1 each entrance to the building of the prohibition against weapons in
2 the restricted areas;

3 (c) The restricted access areas of a public mental health
4 facility licensed or certified by the department of health for
5 inpatient hospital care and state institutions for the care of the
6 mentally ill, excluding those facilities solely for evaluation and
7 treatment. Restricted access areas do not include common areas of
8 egress and ingress open to the general public;

9 (d) That portion of an establishment classified by the state
10 liquor and cannabis board as off-limits to persons under twenty-one
11 years of age; or

12 (e) The restricted access areas of a commercial service airport
13 designated in the airport security plan approved by the federal
14 transportation security administration, including passenger screening
15 checkpoints at or beyond the point at which a passenger initiates the
16 screening process. These areas do not include airport drives, general
17 parking areas and walkways, and shops and areas of the terminal that
18 are outside the screening checkpoints and that are normally open to
19 unscreened passengers or visitors to the airport. Any restricted
20 access area shall be clearly indicated by prominent signs indicating
21 that firearms and other weapons are prohibited in the area.

22 (2) Cities, towns, counties, and other municipalities may enact
23 laws and ordinances:

24 (a) Restricting the discharge of firearms in any portion of their
25 respective jurisdictions where there is a reasonable likelihood that
26 humans, domestic animals, or property will be jeopardized. Such laws
27 and ordinances shall not abridge the right of the individual
28 guaranteed by Article I, section 24 of the state Constitution to bear
29 arms in defense of self or others; and

30 (b) Restricting the possession of firearms in any stadium or
31 convention center, operated by a city, town, county, or other
32 municipality, except that such restrictions shall not apply to:

33 (i) Any pistol in the possession of a person licensed under RCW
34 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

35 (ii) Any showing, demonstration, or lecture involving the
36 exhibition of firearms.

37 (3)(a) Cities, towns, and counties may enact ordinances
38 restricting the areas in their respective jurisdictions in which
39 firearms may be sold, but, except as provided in (b) of this
40 subsection, a business selling firearms may not be treated more

1 restrictively than other businesses located within the same zone. An
2 ordinance requiring the cessation of business within a zone shall not
3 have a shorter grandfather period for businesses selling firearms
4 than for any other businesses within the zone.

5 (b) Cities, towns, and counties may restrict the location of a
6 business selling firearms to not less than five hundred feet from
7 primary or secondary school grounds, if the business has a
8 storefront, has hours during which it is open for business, and posts
9 advertisements or signs observable to passersby that firearms are
10 available for sale. A business selling firearms that exists as of the
11 date a restriction is enacted under this subsection (3)(b) shall be
12 grandfathered according to existing law.

13 (4) Violations of local ordinances adopted under subsection (2)
14 of this section must have the same penalty as provided for by state
15 law.

16 (5) The perimeter of the premises of any specific location
17 covered by subsection (1) of this section shall be posted at
18 reasonable intervals to alert the public as to the existence of any
19 law restricting the possession of firearms on the premises.

20 (6) Subsection (1) of this section does not apply to:

21 (a) A person engaged in military activities sponsored by the
22 federal or state governments, while engaged in official duties;

23 (b) Law enforcement personnel, except that subsection (1)(b) of
24 this section does apply to a law enforcement officer who is present
25 at a courthouse building as a party to an antiharassment protection
26 order action or a domestic violence protection order action under
27 chapter ((10.147)) 7.--- (the new chapter created in section 81 of
28 this act) or 10.99((~~7~~ or ~~26.50~~)) RCW, or an action under Title 26 RCW
29 where any party has alleged the existence of domestic violence as
30 defined in ((RCW 26.50.010)) section 2 of this act; or

31 (c) Security personnel while engaged in official duties.

32 (7) Subsection (1)(a), (b), (c), and (e) of this section does not
33 apply to correctional personnel or community corrections officers, as
34 long as they are employed as such, who have completed government-
35 sponsored law enforcement firearms training, except that subsection
36 (1)(b) of this section does apply to a correctional employee or
37 community corrections officer who is present at a courthouse building
38 as a party to an antiharassment protection order action or a domestic
39 violence protection order action under chapter ((10.147)) 7.--- (the
40 new chapter created in section 81 of this act) or 10.99((~~7~~ or ~~26.50~~))

1 RCW, or an action under Title 26 RCW where any party has alleged the
2 existence of domestic violence as defined in (~~RCW 26.50.010~~)
3 section 2 of this act.

4 (8) Subsection (1)(a) of this section does not apply to a person
5 licensed pursuant to RCW 9.41.070 who, upon entering the place or
6 facility, directly and promptly proceeds to the administrator of the
7 facility or the administrator's designee and obtains written
8 permission to possess the firearm while on the premises or checks his
9 or her firearm. The person may reclaim the firearms upon leaving but
10 must immediately and directly depart from the place or facility.

11 (9) Subsection (1)(c) of this section does not apply to any
12 administrator or employee of the facility or to any person who, upon
13 entering the place or facility, directly and promptly proceeds to the
14 administrator of the facility or the administrator's designee and
15 obtains written permission to possess the firearm while on the
16 premises.

17 (10) Subsection (1)(d) of this section does not apply to the
18 proprietor of the premises or his or her employees while engaged in
19 their employment.

20 (11) Government-sponsored law enforcement firearms training must
21 be training that correctional personnel and community corrections
22 officers receive as part of their job requirement and reference to
23 such training does not constitute a mandate that it be provided by
24 the correctional facility.

25 (12) Any person violating subsection (1) of this section is
26 guilty of a gross misdemeanor.

27 (13) "Weapon" as used in this section means any firearm,
28 explosive as defined in RCW 70.74.010, or instrument or weapon listed
29 in RCW 9.41.250.

30 **Sec. 101.** RCW 9.94A.030 and 2020 c 296 s 2, 2020 c 252 s 4, and
31 2020 c 137 s 1 are each reenacted and amended to read as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout this chapter.

34 (1) "Board" means the indeterminate sentence review board created
35 under chapter 9.95 RCW.

36 (2) "Collect," or any derivative thereof, "collect and remit," or
37 "collect and deliver," when used with reference to the department,
38 means that the department, either directly or through a collection
39 agreement authorized by RCW 9.94A.760, is responsible for monitoring

1 and enforcing the offender's sentence with regard to the legal
2 financial obligation, receiving payment thereof from the offender,
3 and, consistent with current law, delivering daily the entire payment
4 to the superior court clerk without depositing it in a departmental
5 account.

6 (3) "Commission" means the sentencing guidelines commission.

7 (4) "Community corrections officer" means an employee of the
8 department who is responsible for carrying out specific duties in
9 supervision of sentenced offenders and monitoring of sentence
10 conditions.

11 (5) "Community custody" means that portion of an offender's
12 sentence of confinement in lieu of earned release time or imposed as
13 part of a sentence under this chapter and served in the community
14 subject to controls placed on the offender's movement and activities
15 by the department.

16 (6) "Community protection zone" means the area within eight
17 hundred eighty feet of the facilities and grounds of a public or
18 private school.

19 (7) "Community restitution" means compulsory service, without
20 compensation, performed for the benefit of the community by the
21 offender.

22 (8) "Confinement" means total or partial confinement.

23 (9) "Conviction" means an adjudication of guilt pursuant to Title
24 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
25 and acceptance of a plea of guilty.

26 (10) "Crime-related prohibition" means an order of a court
27 prohibiting conduct that directly relates to the circumstances of the
28 crime for which the offender has been convicted, and shall not be
29 construed to mean orders directing an offender affirmatively to
30 participate in rehabilitative programs or to otherwise perform
31 affirmative conduct. However, affirmative acts necessary to monitor
32 compliance with the order of a court may be required by the
33 department.

34 (11) "Criminal history" means the list of a defendant's prior
35 convictions and juvenile adjudications, whether in this state, in
36 federal court, or elsewhere, and any issued certificates of
37 restoration of opportunity pursuant to RCW 9.97.020.

38 (a) The history shall include, where known, for each conviction

39 (i) whether the defendant has been placed on probation and the length

1 and terms thereof; and (ii) whether the defendant has been
2 incarcerated and the length of incarceration.

3 (b) A conviction may be removed from a defendant's criminal
4 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
5 9.95.240, or a similar out-of-state statute, or if the conviction has
6 been vacated pursuant to a governor's pardon. However, when a
7 defendant is charged with a recidivist offense, "criminal history"
8 includes a vacated prior conviction for the sole purpose of
9 establishing that such vacated prior conviction constitutes an
10 element of the present recidivist offense as provided in RCW
11 9.94A.640(3)(b) and 9.96.060(6)(c).

12 (c) The determination of a defendant's criminal history is
13 distinct from the determination of an offender score. A prior
14 conviction that was not included in an offender score calculated
15 pursuant to a former version of the sentencing reform act remains
16 part of the defendant's criminal history.

17 (12) "Criminal street gang" means any ongoing organization,
18 association, or group of three or more persons, whether formal or
19 informal, having a common name or common identifying sign or symbol,
20 having as one of its primary activities the commission of criminal
21 acts, and whose members or associates individually or collectively
22 engage in or have engaged in a pattern of criminal street gang
23 activity. This definition does not apply to employees engaged in
24 concerted activities for their mutual aid and protection, or to the
25 activities of labor and bona fide nonprofit organizations or their
26 members or agents.

27 (13) "Criminal street gang associate or member" means any person
28 who actively participates in any criminal street gang and who
29 intentionally promotes, furthers, or assists in any criminal act by
30 the criminal street gang.

31 (14) "Criminal street gang-related offense" means any felony or
32 misdemeanor offense, whether in this state or elsewhere, that is
33 committed for the benefit of, at the direction of, or in association
34 with any criminal street gang, or is committed with the intent to
35 promote, further, or assist in any criminal conduct by the gang, or
36 is committed for one or more of the following reasons:

- 37 (a) To gain admission, prestige, or promotion within the gang;
38 (b) To increase or maintain the gang's size, membership,
39 prestige, dominance, or control in any geographical area;

1 (c) To exact revenge or retribution for the gang or any member of
2 the gang;

3 (d) To obstruct justice, or intimidate or eliminate any witness
4 against the gang or any member of the gang;

5 (e) To directly or indirectly cause any benefit, aggrandizement,
6 gain, profit, or other advantage for the gang, its reputation,
7 influence, or membership; or

8 (f) To provide the gang with any advantage in, or any control or
9 dominance over any criminal market sector, including, but not limited
10 to, manufacturing, delivering, or selling any controlled substance
11 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
12 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
13 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
14 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
15 9.68 RCW).

16 (15) "Day fine" means a fine imposed by the sentencing court that
17 equals the difference between the offender's net daily income and the
18 reasonable obligations that the offender has for the support of the
19 offender and any dependents.

20 (16) "Day reporting" means a program of enhanced supervision
21 designed to monitor the offender's daily activities and compliance
22 with sentence conditions, and in which the offender is required to
23 report daily to a specific location designated by the department or
24 the sentencing court.

25 (17) "Department" means the department of corrections.

26 (18) "Determinate sentence" means a sentence that states with
27 exactitude the number of actual years, months, or days of total
28 confinement, of partial confinement, of community custody, the number
29 of actual hours or days of community restitution work, or dollars or
30 terms of a legal financial obligation. The fact that an offender
31 through earned release can reduce the actual period of confinement
32 shall not affect the classification of the sentence as a determinate
33 sentence.

34 (19) "Disposable earnings" means that part of the earnings of an
35 offender remaining after the deduction from those earnings of any
36 amount required by law to be withheld. For the purposes of this
37 definition, "earnings" means compensation paid or payable for
38 personal services, whether denominated as wages, salary, commission,
39 bonuses, or otherwise, and, notwithstanding any other provision of
40 law making the payments exempt from garnishment, attachment, or other

1 process to satisfy a court-ordered legal financial obligation,
2 specifically includes periodic payments pursuant to pension or
3 retirement programs, or insurance policies of any type, but does not
4 include payments made under Title 50 RCW, except as provided in RCW
5 50.40.020 and 50.40.050, or Title 74 RCW.

6 (20)(a) "Domestic violence" has the same meaning as defined in
7 RCW 10.99.020 (~~and 26.50.010~~).

8 (b) "Domestic violence" also means: (i) Physical harm, bodily
9 injury, assault, or the infliction of fear of imminent physical harm,
10 bodily injury, or assault, sexual assault, or stalking, as defined in
11 RCW 9A.46.110, of one intimate partner by another intimate partner as
12 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,
13 assault, or the infliction of fear of imminent physical harm, bodily
14 injury, or assault, sexual assault, or stalking, as defined in RCW
15 9A.46.110, of one family or household member by another family or
16 household member as defined in RCW 10.99.020.

17 (21) "Drug offender sentencing alternative" is a sentencing
18 option available to persons convicted of a felony offense who are
19 eligible for the option under RCW 9.94A.660.

20 (22) "Drug offense" means:

21 (a) Any felony violation of chapter 69.50 RCW except possession
22 of a controlled substance (RCW 69.50.4013) or forged prescription for
23 a controlled substance (RCW 69.50.403);

24 (b) Any offense defined as a felony under federal law that
25 relates to the possession, manufacture, distribution, or
26 transportation of a controlled substance; or

27 (c) Any out-of-state conviction for an offense that under the
28 laws of this state would be a felony classified as a drug offense
29 under (a) of this subsection.

30 (23) "Earned release" means earned release from confinement as
31 provided in RCW 9.94A.728.

32 (24) "Electronic monitoring" means tracking the location of an
33 individual through the use of technology that is capable of
34 determining or identifying the monitored individual's presence or
35 absence at a particular location including, but not limited to:

36 (a) Radio frequency signaling technology, which detects if the
37 monitored individual is or is not at an approved location and
38 notifies the monitoring agency of the time that the monitored
39 individual either leaves the approved location or tampers with or
40 removes the monitoring device; or

1 (b) Active or passive global positioning system technology, which
2 detects the location of the monitored individual and notifies the
3 monitoring agency of the monitored individual's location and which
4 may also include electronic monitoring with victim notification
5 technology that is capable of notifying a victim or protected party,
6 either directly or through a monitoring agency, if the monitored
7 individual enters within the restricted distance of a victim or
8 protected party, or within the restricted distance of a designated
9 location.

10 (25) "Escape" means:

11 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
12 the first degree (RCW 9A.76.110), escape in the second degree (RCW
13 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
14 willful failure to return from work release (RCW 72.65.070), or
15 willful failure to be available for supervision by the department
16 while in community custody (RCW 72.09.310); or

17 (b) Any federal or out-of-state conviction for an offense that
18 under the laws of this state would be a felony classified as an
19 escape under (a) of this subsection.

20 (26) "Felony traffic offense" means:

21 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
22 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
23 run injury-accident (RCW 46.52.020(4)), felony driving while under
24 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
25 or felony physical control of a vehicle while under the influence of
26 intoxicating liquor or any drug (RCW 46.61.504(6)); or

27 (b) Any federal or out-of-state conviction for an offense that
28 under the laws of this state would be a felony classified as a felony
29 traffic offense under (a) of this subsection.

30 (27) "Fine" means a specific sum of money ordered by the
31 sentencing court to be paid by the offender to the court over a
32 specific period of time.

33 (28) "First-time offender" means any person who has no prior
34 convictions for a felony and is eligible for the first-time offender
35 waiver under RCW 9.94A.650.

36 (29) "Home detention" is a subset of electronic monitoring and
37 means a program of partial confinement available to offenders wherein
38 the offender is confined in a private residence twenty-four hours a
39 day, unless an absence from the residence is approved, authorized, or
40 otherwise permitted in the order by the court or other supervising

1 agency that ordered home detention, and the offender is subject to
2 electronic monitoring.

3 (30) "Homelessness" or "homeless" means a condition where an
4 individual lacks a fixed, regular, and adequate nighttime residence
5 and who has a primary nighttime residence that is:

6 (a) A supervised, publicly or privately operated shelter designed
7 to provide temporary living accommodations;

8 (b) A public or private place not designed for, or ordinarily
9 used as, a regular sleeping accommodation for human beings; or

10 (c) A private residence where the individual stays as a transient
11 invitee.

12 (31) "Legal financial obligation" means a sum of money that is
13 ordered by a superior court of the state of Washington for legal
14 financial obligations which may include restitution to the victim,
15 statutorily imposed crime victims' compensation fees as assessed
16 pursuant to RCW 7.68.035, court costs, county or interlocal drug
17 funds, court-appointed attorneys' fees, and costs of defense, fines,
18 and any other financial obligation that is assessed to the offender
19 as a result of a felony conviction. Upon conviction for vehicular
20 assault while under the influence of intoxicating liquor or any drug,
21 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
22 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
23 financial obligations may also include payment to a public agency of
24 the expense of an emergency response to the incident resulting in the
25 conviction, subject to RCW 38.52.430.

26 (32) "Most serious offense" means any of the following felonies
27 or a felony attempt to commit any of the following felonies:

28 (a) Any felony defined under any law as a class A felony or
29 criminal solicitation of or criminal conspiracy to commit a class A
30 felony;

31 (b) Assault in the second degree;

32 (c) Assault of a child in the second degree;

33 (d) Child molestation in the second degree;

34 (e) Controlled substance homicide;

35 (f) Extortion in the first degree;

36 (g) Incest when committed against a child under age fourteen;

37 (h) Indecent liberties;

38 (i) Kidnapping in the second degree;

39 (j) Leading organized crime;

40 (k) Manslaughter in the first degree;

1 (l) Manslaughter in the second degree;
2 (m) Promoting prostitution in the first degree;
3 (n) Rape in the third degree;
4 (o) Sexual exploitation;
5 (p) Vehicular assault, when caused by the operation or driving of
6 a vehicle by a person while under the influence of intoxicating
7 liquor or any drug or by the operation or driving of a vehicle in a
8 reckless manner;
9 (q) Vehicular homicide, when proximately caused by the driving of
10 any vehicle by any person while under the influence of intoxicating
11 liquor or any drug as defined by RCW 46.61.502, or by the operation
12 of any vehicle in a reckless manner;
13 (r) Any other class B felony offense with a finding of sexual
14 motivation;
15 (s) Any other felony with a deadly weapon verdict under RCW
16 9.94A.825;
17 (t) Any felony offense in effect at any time prior to December 2,
18 1993, that is comparable to a most serious offense under this
19 subsection, or any federal or out-of-state conviction for an offense
20 that under the laws of this state would be a felony classified as a
21 most serious offense under this subsection;
22 (u)(i) A prior conviction for indecent liberties under RCW
23 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
24 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
25 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
26 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
27 until July 1, 1988;
28 (ii) A prior conviction for indecent liberties under RCW
29 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
30 if: (A) The crime was committed against a child under the age of
31 fourteen; or (B) the relationship between the victim and perpetrator
32 is included in the definition of indecent liberties under RCW
33 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
34 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
35 1993, through July 27, 1997;
36 (v) Any out-of-state conviction for a felony offense with a
37 finding of sexual motivation if the minimum sentence imposed was ten
38 years or more; provided that the out-of-state felony offense must be
39 comparable to a felony offense under this title and Title 9A RCW and

1 the out-of-state definition of sexual motivation must be comparable
2 to the definition of sexual motivation contained in this section.

3 (33) "Nonviolent offense" means an offense which is not a violent
4 offense.

5 (34) "Offender" means a person who has committed a felony
6 established by state law and is eighteen years of age or older or is
7 less than eighteen years of age but whose case is under superior
8 court jurisdiction under RCW 13.04.030 or has been transferred by the
9 appropriate juvenile court to a criminal court pursuant to RCW
10 13.40.110. In addition, for the purpose of community custody
11 requirements under this chapter, "offender" also means a misdemeanor
12 or gross misdemeanor probationer ordered by a superior court to
13 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
14 supervised by the department pursuant to RCW 9.94A.501 and
15 9.94A.5011. Throughout this chapter, the terms "offender" and
16 "defendant" are used interchangeably.

17 (35) "Partial confinement" means confinement for no more than one
18 year in a facility or institution operated or utilized under contract
19 by the state or any other unit of government, or, if home detention,
20 electronic monitoring, or work crew has been ordered by the court or
21 home detention has been ordered by the department as part of the
22 parenting program or the graduated reentry program, in an approved
23 residence, for a substantial portion of each day with the balance of
24 the day spent in the community. Partial confinement includes work
25 release, home detention, work crew, electronic monitoring, and a
26 combination of work crew, electronic monitoring, and home detention.

27 (36) "Pattern of criminal street gang activity" means:

28 (a) The commission, attempt, conspiracy, or solicitation of, or
29 any prior juvenile adjudication of or adult conviction of, two or
30 more of the following criminal street gang-related offenses:

31 (i) Any "serious violent" felony offense as defined in this
32 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
33 Child 1 (RCW 9A.36.120);

34 (ii) Any "violent" offense as defined by this section, excluding
35 Assault of a Child 2 (RCW 9A.36.130);

36 (iii) Deliver or Possession with Intent to Deliver a Controlled
37 Substance (chapter 69.50 RCW);

38 (iv) Any violation of the firearms and dangerous weapon act
39 (chapter 9.41 RCW);

40 (v) Theft of a Firearm (RCW 9A.56.300);

- 1 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);
2 (vii) Hate Crime (RCW 9A.36.080);
3 (viii) Harassment where a subsequent violation or deadly threat
4 is made (RCW 9A.46.020(2)(b));
5 (ix) Criminal Gang Intimidation (RCW 9A.46.120);
6 (x) Any felony conviction by a person eighteen years of age or
7 older with a special finding of involving a juvenile in a felony
8 offense under RCW 9.94A.833;
9 (xi) Residential Burglary (RCW 9A.52.025);
10 (xii) Burglary 2 (RCW 9A.52.030);
11 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
12 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
13 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
14 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
15 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
16 9A.56.070);
17 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
18 9A.56.075);
19 (xix) Extortion 1 (RCW 9A.56.120);
20 (xx) Extortion 2 (RCW 9A.56.130);
21 (xxi) Intimidating a Witness (RCW 9A.72.110);
22 (xxii) Tampering with a Witness (RCW 9A.72.120);
23 (xxiii) Reckless Endangerment (RCW 9A.36.050);
24 (xxiv) Coercion (RCW 9A.36.070);
25 (xxv) Harassment (RCW 9A.46.020); or
26 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);
27 (b) That at least one of the offenses listed in (a) of this
28 subsection shall have occurred after July 1, 2008;
29 (c) That the most recent committed offense listed in (a) of this
30 subsection occurred within three years of a prior offense listed in
31 (a) of this subsection; and
32 (d) Of the offenses that were committed in (a) of this
33 subsection, the offenses occurred on separate occasions or were
34 committed by two or more persons.
35 (37) "Persistent offender" is an offender who:
36 (a) (i) Has been convicted in this state of any felony considered
37 a most serious offense; and
38 (ii) Has, before the commission of the offense under (a) of this
39 subsection, been convicted as an offender on at least two separate
40 occasions, whether in this state or elsewhere, of felonies that under

1 the laws of this state would be considered most serious offenses and
2 would be included in the offender score under RCW 9.94A.525; provided
3 that of the two or more previous convictions, at least one conviction
4 must have occurred before the commission of any of the other most
5 serious offenses for which the offender was previously convicted; or

6 (b) (i) Has been convicted of: (A) Rape in the first degree, rape
7 of a child in the first degree, child molestation in the first
8 degree, rape in the second degree, rape of a child in the second
9 degree, or indecent liberties by forcible compulsion; (B) any of the
10 following offenses with a finding of sexual motivation: Murder in the
11 first degree, murder in the second degree, homicide by abuse,
12 kidnapping in the first degree, kidnapping in the second degree,
13 assault in the first degree, assault in the second degree, assault of
14 a child in the first degree, assault of a child in the second degree,
15 or burglary in the first degree; or (C) an attempt to commit any
16 crime listed in this subsection (37) (b) (i); and

17 (ii) Has, before the commission of the offense under (b) (i) of
18 this subsection, been convicted as an offender on at least one
19 occasion, whether in this state or elsewhere, of an offense listed in
20 (b) (i) of this subsection or any federal or out-of-state offense or
21 offense under prior Washington law that is comparable to the offenses
22 listed in (b) (i) of this subsection. A conviction for rape of a child
23 in the first degree constitutes a conviction under (b) (i) of this
24 subsection only when the offender was sixteen years of age or older
25 when the offender committed the offense. A conviction for rape of a
26 child in the second degree constitutes a conviction under (b) (i) of
27 this subsection only when the offender was eighteen years of age or
28 older when the offender committed the offense.

29 (38) "Predatory" means: (a) The perpetrator of the crime was a
30 stranger to the victim, as defined in this section; (b) the
31 perpetrator established or promoted a relationship with the victim
32 prior to the offense and the victimization of the victim was a
33 significant reason the perpetrator established or promoted the
34 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
35 volunteer, or other person in authority in any public or private
36 school and the victim was a student of the school under his or her
37 authority or supervision. For purposes of this subsection, "school"
38 does not include home-based instruction as defined in RCW
39 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
40 authority in any recreational activity and the victim was a

1 participant in the activity under his or her authority or
2 supervision; (iii) a pastor, elder, volunteer, or other person in
3 authority in any church or religious organization, and the victim was
4 a member or participant of the organization under his or her
5 authority; or (iv) a teacher, counselor, volunteer, or other person
6 in authority providing home-based instruction and the victim was a
7 student receiving home-based instruction while under his or her
8 authority or supervision. For purposes of this subsection: (A) "Home-
9 based instruction" has the same meaning as defined in RCW
10 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
11 in authority" does not include the parent or legal guardian of the
12 victim.

13 (39) "Private school" means a school regulated under chapter
14 28A.195 or 28A.205 RCW.

15 (40) "Public school" has the same meaning as in RCW 28A.150.010.

16 (41) "Recidivist offense" means a felony offense where a prior
17 conviction of the same offense or other specified offense is an
18 element of the crime including, but not limited to:

19 (a) Assault in the fourth degree where domestic violence is
20 pleaded and proven, RCW 9A.36.041(3);

21 (b) Cyberstalking, RCW 9.61.260(3)(a);

22 (c) Harassment, RCW 9A.46.020(2)(b)(i);

23 (d) Indecent exposure, RCW 9A.88.010(2)(c);

24 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

25 (f) Telephone harassment, RCW 9.61.230(2)(a); and

26 (g) Violation of a no-contact or protection order, section 56 of
27 this act or former RCW 26.50.110(5).

28 (42) "Repetitive domestic violence offense" means any:

29 (a)(i) Domestic violence assault that is not a felony offense
30 under RCW 9A.36.041;

31 (ii) Domestic violence violation of a no-contact order under
32 chapter 10.99 RCW that is not a felony offense;

33 (iii) Domestic violence violation of a protection order under
34 chapter 26.09, 26.10, 26.26A, or 26.26B(~~, or 26.50~~) RCW or former
35 chapter 26.50 RCW, or violation of a domestic violence protection
36 order under chapter 7.--- RCW (the new chapter created in section 81
37 of this act), that is not a felony offense;

38 (iv) Domestic violence harassment offense under RCW 9A.46.020
39 that is not a felony offense; or

1 (v) Domestic violence stalking offense under RCW 9A.46.110 that
2 is not a felony offense; or

3 (b) Any federal, out-of-state, tribal court, military, county, or
4 municipal conviction for an offense that under the laws of this state
5 would be classified as a repetitive domestic violence offense under
6 (a) of this subsection.

7 (43) "Restitution" means a specific sum of money ordered by the
8 sentencing court to be paid by the offender to the court over a
9 specified period of time as payment of damages. The sum may include
10 both public and private costs.

11 (44) "Risk assessment" means the application of the risk
12 instrument recommended to the department by the Washington state
13 institute for public policy as having the highest degree of
14 predictive accuracy for assessing an offender's risk of reoffense.

15 (45) "Serious traffic offense" means:

16 (a) Nonfelony driving while under the influence of intoxicating
17 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
18 while under the influence of intoxicating liquor or any drug (RCW
19 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
20 attended vehicle (RCW 46.52.020(5)); or

21 (b) Any federal, out-of-state, county, or municipal conviction
22 for an offense that under the laws of this state would be classified
23 as a serious traffic offense under (a) of this subsection.

24 (46) "Serious violent offense" is a subcategory of violent
25 offense and means:

26 (a) (i) Murder in the first degree;

27 (ii) Homicide by abuse;

28 (iii) Murder in the second degree;

29 (iv) Manslaughter in the first degree;

30 (v) Assault in the first degree;

31 (vi) Kidnapping in the first degree;

32 (vii) Rape in the first degree;

33 (viii) Assault of a child in the first degree; or

34 (ix) An attempt, criminal solicitation, or criminal conspiracy to
35 commit one of these felonies; or

36 (b) Any federal or out-of-state conviction for an offense that
37 under the laws of this state would be a felony classified as a
38 serious violent offense under (a) of this subsection.

39 (47) "Sex offense" means:

1 (a)(i) A felony that is a violation of chapter 9A.44 RCW other
2 than RCW 9A.44.132;

3 (ii) A violation of RCW 9A.64.020;

4 (iii) A felony that is a violation of chapter 9.68A RCW other
5 than RCW 9.68A.080;

6 (iv) A felony that is, under chapter 9A.28 RCW, a criminal
7 attempt, criminal solicitation, or criminal conspiracy to commit such
8 crimes; or

9 (v) A felony violation of RCW 9A.44.132(1) (failure to register
10 as a sex offender) if the person has been convicted of violating RCW
11 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
12 prior to June 10, 2010, on at least one prior occasion;

13 (b) Any conviction for a felony offense in effect at any time
14 prior to July 1, 1976, that is comparable to a felony classified as a
15 sex offense in (a) of this subsection;

16 (c) A felony with a finding of sexual motivation under RCW
17 9.94A.835 or 13.40.135; or

18 (d) Any federal or out-of-state conviction for an offense that
19 under the laws of this state would be a felony classified as a sex
20 offense under (a) of this subsection.

21 (48) "Sexual motivation" means that one of the purposes for which
22 the defendant committed the crime was for the purpose of his or her
23 sexual gratification.

24 (49) "Standard sentence range" means the sentencing court's
25 discretionary range in imposing a nonappealable sentence.

26 (50) "Statutory maximum sentence" means the maximum length of
27 time for which an offender may be confined as punishment for a crime
28 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute
29 defining the crime, or other statute defining the maximum penalty for
30 a crime.

31 (51) "Stranger" means that the victim did not know the offender
32 twenty-four hours before the offense.

33 (52) "Total confinement" means confinement inside the physical
34 boundaries of a facility or institution operated or utilized under
35 contract by the state or any other unit of government for twenty-four
36 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

37 (53) "Transition training" means written and verbal instructions
38 and assistance provided by the department to the offender during the
39 two weeks prior to the offender's successful completion of the work
40 ethic camp program. The transition training shall include

1 instructions in the offender's requirements and obligations during
2 the offender's period of community custody.

3 (54) "Victim" means any person who has sustained emotional,
4 psychological, physical, or financial injury to person or property as
5 a direct result of the crime charged.

6 (55) "Violent offense" means:

7 (a) Any of the following felonies:

8 (i) Any felony defined under any law as a class A felony or an
9 attempt to commit a class A felony;

10 (ii) Criminal solicitation of or criminal conspiracy to commit a
11 class A felony;

12 (iii) Manslaughter in the first degree;

13 (iv) Manslaughter in the second degree;

14 (v) Indecent liberties if committed by forcible compulsion;

15 (vi) Kidnapping in the second degree;

16 (vii) Arson in the second degree;

17 (viii) Assault in the second degree;

18 (ix) Assault of a child in the second degree;

19 (x) Extortion in the first degree;

20 (xi) Robbery in the second degree;

21 (xii) Drive-by shooting;

22 (xiii) Vehicular assault, when caused by the operation or driving
23 of a vehicle by a person while under the influence of intoxicating
24 liquor or any drug or by the operation or driving of a vehicle in a
25 reckless manner; and

26 (xiv) Vehicular homicide, when proximately caused by the driving
27 of any vehicle by any person while under the influence of
28 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
29 the operation of any vehicle in a reckless manner;

30 (b) Any conviction for a felony offense in effect at any time
31 prior to July 1, 1976, that is comparable to a felony classified as a
32 violent offense in (a) of this subsection; and

33 (c) Any federal or out-of-state conviction for an offense that
34 under the laws of this state would be a felony classified as a
35 violent offense under (a) or (b) of this subsection.

36 (56) "Work crew" means a program of partial confinement
37 consisting of civic improvement tasks for the benefit of the
38 community that complies with RCW 9.94A.725.

39 (57) "Work ethic camp" means an alternative incarceration program
40 as provided in RCW 9.94A.690 designed to reduce recidivism and lower

1 the cost of corrections by requiring offenders to complete a
2 comprehensive array of real-world job and vocational experiences,
3 character-building work ethics training, life management skills
4 development, substance abuse rehabilitation, counseling, literacy
5 training, and basic adult education.

6 (58) "Work release" means a program of partial confinement
7 available to offenders who are employed or engaged as a student in a
8 regular course of study at school.

9 **Sec. 102.** RCW 9.94A.411 and 2019 c 46 s 5008 are each amended to
10 read as follows:

11 (1) Decision not to prosecute.

12 STANDARD: A prosecuting attorney may decline to prosecute, even
13 though technically sufficient evidence to prosecute exists, in
14 situations where prosecution would serve no public purpose, would
15 defeat the underlying purpose of the law in question or would result
16 in decreased respect for the law.

17 GUIDELINE/COMMENTARY:

18 Examples

19 The following are examples of reasons not to prosecute which
20 could satisfy the standard.

21 (a) Contrary to Legislative Intent - It may be proper to decline
22 to charge where the application of criminal sanctions would be
23 clearly contrary to the intent of the legislature in enacting the
24 particular statute.

25 (b) Antiquated Statute - It may be proper to decline to charge
26 where the statute in question is antiquated in that:

27 (i) It has not been enforced for many years; and

28 (ii) Most members of society act as if it were no longer in
29 existence; and

30 (iii) It serves no deterrent or protective purpose in today's
31 society; and

32 (iv) The statute has not been recently reconsidered by the
33 legislature.

34 This reason is not to be construed as the basis for declining
35 cases because the law in question is unpopular or because it is
36 difficult to enforce.

37 (c) De Minimis Violation - It may be proper to decline to charge
38 where the violation of law is only technical or insubstantial and

1 where no public interest or deterrent purpose would be served by
2 prosecution.

3 (d) Confinement on Other Charges - It may be proper to decline to
4 charge because the accused has been sentenced on another charge to a
5 lengthy period of confinement; and

6 (i) Conviction of the new offense would not merit any additional
7 direct or collateral punishment;

8 (ii) The new offense is either a misdemeanor or a felony which is
9 not particularly aggravated; and

10 (iii) Conviction of the new offense would not serve any
11 significant deterrent purpose.

12 (e) Pending Conviction on Another Charge - It may be proper to
13 decline to charge because the accused is facing a pending prosecution
14 in the same or another county; and

15 (i) Conviction of the new offense would not merit any additional
16 direct or collateral punishment;

17 (ii) Conviction in the pending prosecution is imminent;

18 (iii) The new offense is either a misdemeanor or a felony which
19 is not particularly aggravated; and

20 (iv) Conviction of the new offense would not serve any
21 significant deterrent purpose.

22 (f) High Disproportionate Cost of Prosecution - It may be proper
23 to decline to charge where the cost of locating or transporting, or
24 the burden on, prosecution witnesses is highly disproportionate to
25 the importance of prosecuting the offense in question. This reason
26 should be limited to minor cases and should not be relied upon in
27 serious cases.

28 (g) Improper Motives of Complainant - It may be proper to decline
29 charges because the motives of the complainant are improper and
30 prosecution would serve no public purpose, would defeat the
31 underlying purpose of the law in question or would result in
32 decreased respect for the law.

33 (h) Immunity - It may be proper to decline to charge where
34 immunity is to be given to an accused in order to prosecute another
35 where the accused's information or testimony will reasonably lead to
36 the conviction of others who are responsible for more serious
37 criminal conduct or who represent a greater danger to the public
38 interest.

1 (i) Victim Request - It may be proper to decline to charge
2 because the victim requests that no criminal charges be filed and the
3 case involves the following crimes or situations:

4 (i) Assault cases where the victim has suffered little or no
5 injury;

6 (ii) Crimes against property, not involving violence, where no
7 major loss was suffered;

8 (iii) Where doing so would not jeopardize the safety of society.

9 Care should be taken to insure that the victim's request is
10 freely made and is not the product of threats or pressure by the
11 accused.

12 The presence of these factors may also justify the decision to
13 dismiss a prosecution which has been commenced.

14 Notification

15 The prosecutor is encouraged to notify the victim, when
16 practical, and the law enforcement personnel, of the decision not to
17 prosecute.

18 (2) Decision to prosecute.

19 (a) STANDARD:

20 Crimes against persons will be filed if sufficient admissible
21 evidence exists, which, when considered with the most plausible,
22 reasonably foreseeable defense that could be raised under the
23 evidence, would justify conviction by a reasonable and objective fact
24 finder. With regard to offenses prohibited by RCW 9A.44.040,
25 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086,
26 9A.44.089, and 9A.64.020 the prosecutor should avoid prefiling
27 agreements or diversions intended to place the accused in a program
28 of treatment or counseling, so that treatment, if determined to be
29 beneficial, can be provided pursuant to RCW 9.94A.670.

30 Crimes against property/other crimes will be filed if the
31 admissible evidence is of such convincing force as to make it
32 probable that a reasonable and objective fact finder would convict
33 after hearing all the admissible evidence and the most plausible
34 defense that could be raised.

35 See table below for the crimes within these categories.

36 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

37 CRIMES AGAINST PERSONS

38 Aggravated Murder (RCW 10.95.020)

39 1st Degree Murder (RCW 9A.32.030)

1 2nd Degree Murder (RCW 9A.32.050)
2 1st Degree Manslaughter (RCW 9A.32.060)
3 2nd Degree Manslaughter (RCW 9A.32.070)
4 1st Degree Kidnapping (RCW 9A.40.020)
5 2nd Degree Kidnapping (RCW 9A.40.030)
6 1st Degree Assault (RCW 9A.36.011)
7 2nd Degree Assault (RCW 9A.36.021)
8 3rd Degree Assault (RCW 9A.36.031)
9 4th Degree Assault (if a violation of RCW 9A.36.041(3))
10 1st Degree Assault of a Child (RCW 9A.36.120)
11 2nd Degree Assault of a Child (RCW 9A.36.130)
12 3rd Degree Assault of a Child (RCW 9A.36.140)
13 1st Degree Rape (RCW 9A.44.040)
14 2nd Degree Rape (RCW 9A.44.050)
15 3rd Degree Rape (RCW 9A.44.060)
16 1st Degree Rape of a Child (RCW 9A.44.073)
17 2nd Degree Rape of a Child (RCW 9A.44.076)
18 3rd Degree Rape of a Child (RCW 9A.44.079)
19 1st Degree Robbery (RCW 9A.56.200)
20 2nd Degree Robbery (RCW 9A.56.210)
21 1st Degree Arson (RCW 9A.48.020)
22 1st Degree Burglary (RCW 9A.52.020)
23 1st Degree Identity Theft (RCW 9.35.020(2))
24 2nd Degree Identity Theft (RCW 9.35.020(3))
25 1st Degree Extortion (RCW 9A.56.120)
26 2nd Degree Extortion (RCW 9A.56.130)
27 1st Degree Criminal Mistreatment (RCW 9A.42.020)
28 2nd Degree Criminal Mistreatment (RCW 9A.42.030)
29 1st Degree Theft from a Vulnerable Adult (RCW 9A.56.400(1))
30 2nd Degree Theft from a Vulnerable Adult (RCW 9A.56.400(2))
31 Indecent Liberties (RCW 9A.44.100)
32 Incest (RCW 9A.64.020)
33 Vehicular Homicide (RCW 46.61.520)
34 Vehicular Assault (RCW 46.61.522)
35 1st Degree Child Molestation (RCW 9A.44.083)
36 2nd Degree Child Molestation (RCW 9A.44.086)
37 3rd Degree Child Molestation (RCW 9A.44.089)
38 1st Degree Promoting Prostitution (RCW 9A.88.070)
39 Intimidating a Juror (RCW 9A.72.130)
40 Communication with a Minor (RCW 9.68A.090)

1 Intimidating a Witness (RCW 9A.72.110)
2 Intimidating a Public Servant (RCW 9A.76.180)
3 Bomb Threat (if against person) (RCW 9.61.160)
4 Unlawful Imprisonment (RCW 9A.40.040)
5 Promoting a Suicide Attempt (RCW 9A.36.060)
6 Criminal Mischief (if against person) (RCW 9A.84.010)
7 Stalking (RCW 9A.46.110)
8 Custodial Assault (RCW 9A.36.100)
9 Domestic Violence Court Order Violation (section 56 of this act,
10 RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050,
11 (~~26.50.110,~~) or 26.52.070(~~(, or 74.34.145)~~), or any of the former
12 RCW 26.50.110 and 74.34.145)
13 Counterfeiting (if a violation of RCW 9.16.035(4))
14 Felony Driving a Motor Vehicle While Under the Influence of
15 Intoxicating Liquor or Any Drug (RCW 46.61.502(6))
16 Felony Physical Control of a Motor Vehicle While Under the
17 Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))
18 CRIMES AGAINST PROPERTY/OTHER CRIMES
19 2nd Degree Arson (RCW 9A.48.030)
20 1st Degree Escape (RCW 9A.76.110)
21 2nd Degree Escape (RCW 9A.76.120)
22 2nd Degree Burglary (RCW 9A.52.030)
23 1st Degree Theft (RCW 9A.56.030)
24 2nd Degree Theft (RCW 9A.56.040)
25 1st Degree Perjury (RCW 9A.72.020)
26 2nd Degree Perjury (RCW 9A.72.030)
27 1st Degree Introducing Contraband (RCW 9A.76.140)
28 2nd Degree Introducing Contraband (RCW 9A.76.150)
29 1st Degree Possession of Stolen Property (RCW 9A.56.150)
30 2nd Degree Possession of Stolen Property (RCW 9A.56.160)
31 Bribery (RCW 9A.68.010)
32 Bribing a Witness (RCW 9A.72.090)
33 Bribe received by a Witness (RCW 9A.72.100)
34 Bomb Threat (if against property) (RCW 9.61.160)
35 1st Degree Malicious Mischief (RCW 9A.48.070)
36 2nd Degree Malicious Mischief (RCW 9A.48.080)
37 1st Degree Reckless Burning (RCW 9A.48.040)
38 Taking a Motor Vehicle without Authorization (RCW 9A.56.070 and
39 9A.56.075)

1 Forgery (RCW 9A.60.020)
2 2nd Degree Promoting Prostitution (RCW 9A.88.080)
3 Tampering with a Witness (RCW 9A.72.120)
4 Trading in Public Office (RCW 9A.68.040)
5 Trading in Special Influence (RCW 9A.68.050)
6 Receiving/Granting Unlawful Compensation (RCW 9A.68.030)
7 Bigamy (RCW 9A.64.010)
8 Eluding a Pursuing Police Vehicle (RCW 46.61.024)
9 Willful Failure to Return from Furlough
10 Escape from Community Custody
11 Criminal Mischief (if against property) (RCW 9A.84.010)
12 1st Degree Theft of Livestock (RCW 9A.56.080)
13 2nd Degree Theft of Livestock (RCW 9A.56.083)

14 ALL OTHER UNCLASSIFIED FELONIES

15 Selection of Charges/Degree of Charge

16 (i) The prosecutor should file charges which adequately describe
17 the nature of defendant's conduct. Other offenses may be charged only
18 if they are necessary to ensure that the charges:

19 (A) Will significantly enhance the strength of the state's case
20 at trial; or

21 (B) Will result in restitution to all victims.

22 (ii) The prosecutor should not overcharge to obtain a guilty
23 plea. Overcharging includes:

24 (A) Charging a higher degree;

25 (B) Charging additional counts.

26 This standard is intended to direct prosecutors to charge those
27 crimes which demonstrate the nature and seriousness of a defendant's
28 criminal conduct, but to decline to charge crimes which are not
29 necessary to such an indication. Crimes which do not merge as a
30 matter of law, but which arise from the same course of conduct, do
31 not all have to be charged.

32 (b) GUIDELINES/COMMENTARY:

33 (i) Police Investigation

34 A prosecuting attorney is dependent upon law enforcement agencies
35 to conduct the necessary factual investigation which must precede the
36 decision to prosecute. The prosecuting attorney shall ensure that a
37 thorough factual investigation has been conducted before a decision
38 to prosecute is made. In ordinary circumstances the investigation
39 should include the following:

1 (A) The interviewing of all material witnesses, together with the
2 obtaining of written statements whenever possible;

3 (B) The completion of necessary laboratory tests; and

4 (C) The obtaining, in accordance with constitutional
5 requirements, of the suspect's version of the events.

6 If the initial investigation is incomplete, a prosecuting
7 attorney should insist upon further investigation before a decision
8 to prosecute is made, and specify what the investigation needs to
9 include.

10 (ii) Exceptions

11 In certain situations, a prosecuting attorney may authorize
12 filing of a criminal complaint before the investigation is complete
13 if:

14 (A) Probable cause exists to believe the suspect is guilty; and

15 (B) The suspect presents a danger to the community or is likely
16 to flee if not apprehended; or

17 (C) The arrest of the suspect is necessary to complete the
18 investigation of the crime.

19 In the event that the exception to the standard is applied, the
20 prosecuting attorney shall obtain a commitment from the law
21 enforcement agency involved to complete the investigation in a timely
22 manner. If the subsequent investigation does not produce sufficient
23 evidence to meet the normal charging standard, the complaint should
24 be dismissed.

25 (iii) Investigation Techniques

26 The prosecutor should be fully advised of the investigatory
27 techniques that were used in the case investigation including:

28 (A) Polygraph testing;

29 (B) Hypnosis;

30 (C) Electronic surveillance;

31 (D) Use of informants.

32 (iv) Prefiling Discussions with Defendant

33 Discussions with the defendant or his/her representative
34 regarding the selection or disposition of charges may occur prior to
35 the filing of charges, and potential agreements can be reached.

36 (v) Prefiling Discussions with Victim(s)

37 Discussions with the victim(s) or victims' representatives
38 regarding the selection or disposition of charges may occur before
39 the filing of charges. The discussions may be considered by the
40 prosecutor in charging and disposition decisions, and should be

1 considered before reaching any agreement with the defendant regarding
2 these decisions.

3 **Sec. 103.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to
4 read as follows:

5 TABLE 2

6 CRIMES INCLUDED WITHIN EACH
7 SERIOUSNESS LEVEL

- 8 XVI Aggravated Murder 1 (RCW 10.95.020)
- 9 XV Homicide by abuse (RCW 9A.32.055)
- 10 Malicious explosion 1 (RCW
11 70.74.280(1))
- 12 Murder 1 (RCW 9A.32.030)
- 13 XIV Murder 2 (RCW 9A.32.050)
- 14 Trafficking 1 (RCW 9A.40.100(1))
- 15 XIII Malicious explosion 2 (RCW
16 70.74.280(2))
- 17 Malicious placement of an explosive 1
18 (RCW 70.74.270(1))
- 19 XII Assault 1 (RCW 9A.36.011)
- 20 Assault of a Child 1 (RCW 9A.36.120)
- 21 Malicious placement of an imitation
22 device 1 (RCW 70.74.272(1)(a))
- 23 Promoting Commercial Sexual Abuse of
24 a Minor (RCW 9.68A.101)
- 25 Rape 1 (RCW 9A.44.040)
- 26 Rape of a Child 1 (RCW 9A.44.073)
- 27 Trafficking 2 (RCW 9A.40.100(3))
- 28 XI Manslaughter 1 (RCW 9A.32.060)
- 29 Rape 2 (RCW 9A.44.050)
- 30 Rape of a Child 2 (RCW 9A.44.076)
- 31 Vehicular Homicide, by being under the
32 influence of intoxicating liquor or
33 any drug (RCW 46.61.520)

1 Vehicular Homicide, by the operation of
2 any vehicle in a reckless manner
3 (RCW 46.61.520)

4 X Child Molestation 1 (RCW 9A.44.083)

5 Criminal Mistreatment 1 (RCW
6 9A.42.020)

7 Indecent Liberties (with forcible
8 compulsion) (RCW
9 9A.44.100(1)(a))

10 Kidnapping 1 (RCW 9A.40.020)

11 Leading Organized Crime (RCW
12 9A.82.060(1)(a))

13 Malicious explosion 3 (RCW
14 70.74.280(3))

15 Sexually Violent Predator Escape (RCW
16 9A.76.115)

17 IX Abandonment of Dependent Person 1
18 (RCW 9A.42.060)

19 Assault of a Child 2 (RCW 9A.36.130)

20 Explosive devices prohibited (RCW
21 70.74.180)

22 Hit and Run—Death (RCW
23 46.52.020(4)(a))

24 Homicide by Watercraft, by being under
25 the influence of intoxicating liquor
26 or any drug (RCW 79A.60.050)

27 Inciting Criminal Profiteering (RCW
28 9A.82.060(1)(b))

29 Malicious placement of an explosive 2
30 (RCW 70.74.270(2))

31 Robbery 1 (RCW 9A.56.200)

32 Sexual Exploitation (RCW 9.68A.040)

33 VIII Arson 1 (RCW 9A.48.020)

34 Commercial Sexual Abuse of a Minor
35 (RCW 9.68A.100)

1 Homicide by Watercraft, by the
2 operation of any vessel in a reckless
3 manner (RCW 79A.60.050)
4 Manslaughter 2 (RCW 9A.32.070)
5 Promoting Prostitution 1 (RCW
6 9A.88.070)
7 Theft of Ammonia (RCW 69.55.010)
8 VII Air bag diagnostic systems (causing
9 bodily injury or death) (RCW
10 46.37.660(2)(b))
11 Air bag replacement requirements
12 (causing bodily injury or death)
13 (RCW 46.37.660(1)(b))
14 Burglary 1 (RCW 9A.52.020)
15 Child Molestation 2 (RCW 9A.44.086)
16 Civil Disorder Training (RCW
17 9A.48.120)
18 Dealing in depictions of minor engaged
19 in sexually explicit conduct 1
20 (RCW 9.68A.050(1))
21 Drive-by Shooting (RCW 9A.36.045)
22 False Reporting 1 (RCW
23 9A.84.040(2)(a))
24 Homicide by Watercraft, by disregard
25 for the safety of others (RCW
26 79A.60.050)
27 Indecent Liberties (without forcible
28 compulsion) (RCW 9A.44.100(1)
29 (b) and (c))
30 Introducing Contraband 1 (RCW
31 9A.76.140)
32 Malicious placement of an explosive 3
33 (RCW 70.74.270(3))

1 Manufacture or import counterfeit,
2 nonfunctional, damaged, or
3 previously deployed air bag
4 (causing bodily injury or death)
5 (RCW 46.37.650(1)(b))
6 Negligently Causing Death By Use of a
7 Signal Preemption Device (RCW
8 46.37.675)
9 Sell, install, or reinstall counterfeit,
10 nonfunctional, damaged, or
11 previously deployed airbag (RCW
12 46.37.650(2)(b))
13 Sending, bringing into state depictions
14 of minor engaged in sexually
15 explicit conduct 1 (RCW
16 9.68A.060(1))
17 Unlawful Possession of a Firearm in the
18 first degree (RCW 9.41.040(1))
19 Use of a Machine Gun or Bump-fire
20 Stock in Commission of a Felony
21 (RCW 9.41.225)
22 Vehicular Homicide, by disregard for
23 the safety of others (RCW
24 46.61.520)
25 VI Bail Jumping with Murder 1 (RCW
26 9A.76.170(3)(a))
27 Bribery (RCW 9A.68.010)
28 Incest 1 (RCW 9A.64.020(1))
29 Intimidating a Judge (RCW 9A.72.160)
30 Intimidating a Juror/Witness (RCW
31 9A.72.110, 9A.72.130)
32 Malicious placement of an imitation
33 device 2 (RCW 70.74.272(1)(b))
34 Possession of Depictions of a Minor
35 Engaged in Sexually Explicit
36 Conduct 1 (RCW 9.68A.070(1))

1 Rape of a Child 3 (RCW 9A.44.079)
2 Theft of a Firearm (RCW 9A.56.300)
3 Theft from a Vulnerable Adult 1 (RCW
4 9A.56.400(1))
5 Unlawful Storage of Ammonia (RCW
6 69.55.020)
7 V Abandonment of Dependent Person 2
8 (RCW 9A.42.070)
9 Advancing money or property for
10 extortionate extension of credit
11 (RCW 9A.82.030)
12 Air bag diagnostic systems (RCW
13 46.37.660(2)(c))
14 Air bag replacement requirements
15 (RCW 46.37.660(1)(c))
16 Bail Jumping with class A Felony
17 (RCW 9A.76.170(3)(b))
18 Child Molestation 3 (RCW 9A.44.089)
19 Criminal Mistreatment 2 (RCW
20 9A.42.030)
21 Custodial Sexual Misconduct 1 (RCW
22 9A.44.160)
23 Dealing in Depictions of Minor
24 Engaged in Sexually Explicit
25 Conduct 2 (RCW 9.68A.050(2))
26 Domestic Violence Court Order
27 Violation (section 56 of this act,
28 RCW 10.99.040, 10.99.050,
29 26.09.300, 26.10.220, 26.26B.050,
30 26.50.110, 26.52.070, or 74.34.145)
31 Extortion 1 (RCW 9A.56.120)
32 Extortionate Extension of Credit (RCW
33 9A.82.020)
34 Extortionate Means to Collect
35 Extensions of Credit (RCW
36 9A.82.040)

1 Incest 2 (RCW 9A.64.020(2))
2 Kidnapping 2 (RCW 9A.40.030)
3 Manufacture or import counterfeit,
4 nonfunctional, damaged, or
5 previously deployed air bag (RCW
6 46.37.650(1)(c))
7 Perjury 1 (RCW 9A.72.020)
8 Persistent prison misbehavior (RCW
9 9.94.070)
10 Possession of a Stolen Firearm (RCW
11 9A.56.310)
12 Rape 3 (RCW 9A.44.060)
13 Rendering Criminal Assistance 1 (RCW
14 9A.76.070)
15 Sell, install, or reinstall counterfeit,
16 nonfunctional, damaged, or
17 previously deployed airbag (RCW
18 46.37.650(2)(c))
19 Sending, Bringing into State Depictions
20 of Minor Engaged in Sexually
21 Explicit Conduct 2 (RCW
22 9.68A.060(2))
23 Sexual Misconduct with a Minor 1
24 (RCW 9A.44.093)
25 Sexually Violating Human Remains
26 (RCW 9A.44.105)
27 Stalking (RCW 9A.46.110)
28 Taking Motor Vehicle Without
29 Permission 1 (RCW 9A.56.070)
30 IV Arson 2 (RCW 9A.48.030)
31 Assault 2 (RCW 9A.36.021)
32 Assault 3 (of a Peace Officer with a
33 Projectile Stun Gun) (RCW
34 9A.36.031(1)(h))
35 Assault 4 (third domestic violence
36 offense) (RCW 9A.36.041(3))

1 Assault by Watercraft (RCW
2 79A.60.060)
3 Bribing a Witness/Bribe Received by
4 Witness (RCW 9A.72.090,
5 9A.72.100)
6 Cheating 1 (RCW 9.46.1961)
7 Commercial Bribery (RCW 9A.68.060)
8 Counterfeiting (RCW 9.16.035(4))
9 Driving While Under the Influence
10 (RCW 46.61.502(6))
11 Endangerment with a Controlled
12 Substance (RCW 9A.42.100)
13 Escape 1 (RCW 9A.76.110)
14 Hate Crime (RCW 9A.36.080)
15 Hit and Run—Injury (RCW
16 46.52.020(4)(b))
17 Hit and Run with Vessel—Injury
18 Accident (RCW 79A.60.200(3))
19 Identity Theft 1 (RCW 9.35.020(2))
20 Indecent Exposure to Person Under Age
21 Fourteen (subsequent sex offense)
22 (RCW 9A.88.010)
23 Influencing Outcome of Sporting Event
24 (RCW 9A.82.070)
25 Physical Control of a Vehicle While
26 Under the Influence (RCW
27 46.61.504(6))
28 Possession of Depictions of a Minor
29 Engaged in Sexually Explicit
30 Conduct 2 (RCW 9.68A.070(2))
31 Residential Burglary (RCW 9A.52.025)
32 Robbery 2 (RCW 9A.56.210)
33 Theft of Livestock 1 (RCW 9A.56.080)
34 Threats to Bomb (RCW 9.61.160)

1 Trafficking in Stolen Property 1 (RCW
2 9A.82.050)

3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(b))

6 Unlawful transaction of health coverage
7 as a health care service contractor
8 (RCW 48.44.016(3))

9 Unlawful transaction of health coverage
10 as a health maintenance
11 organization (RCW 48.46.033(3))

12 Unlawful transaction of insurance
13 business (RCW 48.15.023(3))

14 Unlicensed practice as an insurance
15 professional (RCW 48.17.063(2))

16 Use of Proceeds of Criminal
17 Profiteering (RCW 9A.82.080 (1)
18 and (2))

19 Vehicle Prowling 2 (third or subsequent
20 offense) (RCW 9A.52.100(3))

21 Vehicular Assault, by being under the
22 influence of intoxicating liquor or
23 any drug, or by the operation or
24 driving of a vehicle in a reckless
25 manner (RCW 46.61.522)

26 Viewing of Depictions of a Minor
27 Engaged in Sexually Explicit
28 Conduct 1 (RCW 9.68A.075(1))

29 Willful Failure to Return from Furlough
30 (RCW 72.66.060)

31 III Animal Cruelty 1 (Sexual Conduct or
32 Contact) (RCW 16.52.205(3))

33 Assault 3 (Except Assault 3 of a Peace
34 Officer With a Projectile Stun Gun)
35 (RCW 9A.36.031 except subsection
36 (1)(h))

37 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony
2 (RCW 9A.76.170(3)(c))
3 Burglary 2 (RCW 9A.52.030)
4 Communication with a Minor for
5 Immoral Purposes (RCW
6 9.68A.090)
7 Criminal Gang Intimidation (RCW
8 9A.46.120)
9 Custodial Assault (RCW 9A.36.100)
10 Cyberstalking (subsequent conviction or
11 threat of death) (RCW 9.61.260(3))
12 Escape 2 (RCW 9A.76.120)
13 Extortion 2 (RCW 9A.56.130)
14 False Reporting 2 (RCW
15 9A.84.040(2)(b))
16 Harassment (RCW 9A.46.020)
17 Intimidating a Public Servant (RCW
18 9A.76.180)
19 Introducing Contraband 2 (RCW
20 9A.76.150)
21 Malicious Injury to Railroad Property
22 (RCW 81.60.070)
23 Manufacture of Untraceable Firearm
24 with Intent to Sell (RCW 9.41.190)
25 Manufacture or Assembly of an
26 Undetectable Firearm or
27 Untraceable Firearm (RCW
28 9.41.325)
29 Mortgage Fraud (RCW 19.144.080)
30 Negligently Causing Substantial Bodily
31 Harm By Use of a Signal
32 Preemption Device (RCW
33 46.37.674)
34 Organized Retail Theft 1 (RCW
35 9A.56.350(2))

1 Perjury 2 (RCW 9A.72.030)
2 Possession of Incendiary Device (RCW
3 9.40.120)
4 Possession of Machine Gun, Bump-Fire
5 Stock, Undetectable Firearm, or
6 Short-Barreled Shotgun or Rifle
7 (RCW 9.41.190)
8 Promoting Prostitution 2 (RCW
9 9A.88.080)
10 Retail Theft with Special Circumstances
11 1 (RCW 9A.56.360(2))
12 Securities Act violation (RCW
13 21.20.400)
14 Tampering with a Witness (RCW
15 9A.72.120)
16 Telephone Harassment (subsequent
17 conviction or threat of death) (RCW
18 9.61.230(2))
19 Theft of Livestock 2 (RCW 9A.56.083)
20 Theft with the Intent to Resell 1 (RCW
21 9A.56.340(2))
22 Trafficking in Stolen Property 2 (RCW
23 9A.82.055)
24 Unlawful Hunting of Big Game 1 (RCW
25 77.15.410(3)(b))
26 Unlawful Imprisonment (RCW
27 9A.40.040)
28 Unlawful Misbranding of Fish or
29 Shellfish 1 (RCW 77.140.060(3))
30 Unlawful possession of firearm in the
31 second degree (RCW 9.41.040(2))
32 Unlawful Taking of Endangered Fish or
33 Wildlife 1 (RCW 77.15.120(3)(b))
34 Unlawful Trafficking in Fish, Shellfish,
35 or Wildlife 1 (RCW
36 77.15.260(3)(b))

1 Unlawful Use of a Nondesignated
2 Vessel (RCW 77.15.530(4))
3 Vehicular Assault, by the operation or
4 driving of a vehicle with disregard
5 for the safety of others (RCW
6 46.61.522)
7 Willful Failure to Return from Work
8 Release (RCW 72.65.070)
9 II Commercial Fishing Without a License
10 1 (RCW 77.15.500(3)(b))
11 Computer Trespass 1 (RCW 9A.90.040)
12 Counterfeiting (RCW 9.16.035(3))
13 Electronic Data Service Interference
14 (RCW 9A.90.060)
15 Electronic Data Tampering 1 (RCW
16 9A.90.080)
17 Electronic Data Theft (RCW 9A.90.100)
18 Engaging in Fish Dealing Activity
19 Unlicensed 1 (RCW 77.15.620(3))
20 Escape from Community Custody
21 (RCW 72.09.310)
22 Failure to Register as a Sex Offender
23 (second or subsequent offense)
24 (RCW 9A.44.130 prior to June 10,
25 2010, and RCW 9A.44.132)
26 Health Care False Claims (RCW
27 48.80.030)
28 Identity Theft 2 (RCW 9.35.020(3))
29 Improperly Obtaining Financial
30 Information (RCW 9.35.010)
31 Malicious Mischief 1 (RCW 9A.48.070)
32 Organized Retail Theft 2 (RCW
33 9A.56.350(3))
34 Possession of Stolen Property 1 (RCW
35 9A.56.150)

1 Possession of a Stolen Vehicle (RCW
2 9A.56.068)
3 Retail Theft with Special Circumstances
4 2 (RCW 9A.56.360(3))
5 Scrap Processing, Recycling, or
6 Supplying Without a License
7 (second or subsequent offense)
8 (RCW 19.290.100)
9 Theft 1 (RCW 9A.56.030)
10 Theft of a Motor Vehicle (RCW
11 9A.56.065)
12 Theft of Rental, Leased, Lease-
13 purchased, or Loaned Property
14 (valued at five thousand dollars or
15 more) (RCW 9A.56.096(5)(a))
16 Theft with the Intent to Resell 2 (RCW
17 9A.56.340(3))
18 Trafficking in Insurance Claims (RCW
19 48.30A.015)
20 Unlawful factoring of a credit card or
21 payment card transaction (RCW
22 9A.56.290(4)(a))
23 Unlawful Participation of Non-Indians
24 in Indian Fishery (RCW
25 77.15.570(2))
26 Unlawful Practice of Law (RCW
27 2.48.180)
28 Unlawful Purchase or Use of a License
29 (RCW 77.15.650(3)(b))
30 Unlawful Trafficking in Fish, Shellfish,
31 or Wildlife 2 (RCW
32 77.15.260(3)(a))
33 Unlicensed Practice of a Profession or
34 Business (RCW 18.130.190(7))
35 Voyeurism 1 (RCW 9A.44.115)

1 I Attempting to Elude a Pursuing Police
2 Vehicle (RCW 46.61.024)
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forgery (RCW 9A.60.020)
6 Fraudulent Creation or Revocation of a
7 Mental Health Advance Directive
8 (RCW 9A.60.060)
9 Malicious Mischief 2 (RCW 9A.48.080)
10 Mineral Trespass (RCW 78.44.330)
11 Possession of Stolen Property 2 (RCW
12 9A.56.160)
13 Reckless Burning 1 (RCW 9A.48.040)
14 Spotlighting Big Game 1 (RCW
15 77.15.450(3)(b))
16 Suspension of Department Privileges 1
17 (RCW 77.15.670(3)(b))
18 Taking Motor Vehicle Without
19 Permission 2 (RCW 9A.56.075)
20 Theft 2 (RCW 9A.56.040)
21 Theft from a Vulnerable Adult 2 (RCW
22 9A.56.400(2))
23 Theft of Rental, Leased, Lease-
24 purchased, or Loaned Property
25 (valued at seven hundred fifty
26 dollars or more but less than five
27 thousand dollars) (RCW
28 9A.56.096(5)(b))
29 Transaction of insurance business
30 beyond the scope of licensure
31 (RCW 48.17.063)
32 Unlawful Fish and Shellfish Catch
33 Accounting (RCW 77.15.630(3)(b))
34 Unlawful Issuance of Checks or Drafts
35 (RCW 9A.56.060)

1 Unlawful Possession of Fictitious
2 Identification (RCW 9A.56.320)
3 Unlawful Possession of Instruments of
4 Financial Fraud (RCW 9A.56.320)
5 Unlawful Possession of Payment
6 Instruments (RCW 9A.56.320)
7 Unlawful Possession of a Personal
8 Identification Device (RCW
9 9A.56.320)
10 Unlawful Production of Payment
11 Instruments (RCW 9A.56.320)
12 Unlawful Releasing, Planting,
13 Possessing, or Placing Deleterious
14 Exotic Wildlife (RCW
15 77.15.250(2)(b))
16 Unlawful Trafficking in Food Stamps
17 (RCW 9.91.142)
18 Unlawful Use of Food Stamps (RCW
19 9.91.144)
20 Unlawful Use of Net to Take Fish 1
21 (RCW 77.15.580(3)(b))
22 Unlawful Use of Prohibited Aquatic
23 Animal Species (RCW
24 77.15.253(3))
25 Vehicle Prowl 1 (RCW 9A.52.095)
26 Violating Commercial Fishing Area or
27 Time 1 (RCW 77.15.550(3)(b))

28 **Sec. 104.** RCW 9.94A.525 and 2017 c 272 s 3 are each amended to
29 read as follows:

30 The offender score is measured on the horizontal axis of the
31 sentencing grid. The offender score rules are as follows:

32 The offender score is the sum of points accrued under this
33 section rounded down to the nearest whole number.

34 (1) A prior conviction is a conviction which exists before the
35 date of sentencing for the offense for which the offender score is
36 being computed. Convictions entered or sentenced on the same date as

1 the conviction for which the offender score is being computed shall
2 be deemed "other current offenses" within the meaning of RCW
3 9.94A.589.

4 (2) (a) Class A and sex prior felony convictions shall always be
5 included in the offender score.

6 (b) Class B prior felony convictions other than sex offenses
7 shall not be included in the offender score, if since the last date
8 of release from confinement (including full-time residential
9 treatment) pursuant to a felony conviction, if any, or entry of
10 judgment and sentence, the offender had spent ten consecutive years
11 in the community without committing any crime that subsequently
12 results in a conviction.

13 (c) Except as provided in (e) of this subsection, class C prior
14 felony convictions other than sex offenses shall not be included in
15 the offender score if, since the last date of release from
16 confinement (including full-time residential treatment) pursuant to a
17 felony conviction, if any, or entry of judgment and sentence, the
18 offender had spent five consecutive years in the community without
19 committing any crime that subsequently results in a conviction.

20 (d) Except as provided in (e) of this subsection, serious traffic
21 convictions shall not be included in the offender score if, since the
22 last date of release from confinement (including full-time
23 residential treatment) pursuant to a conviction, if any, or entry of
24 judgment and sentence, the offender spent five years in the community
25 without committing any crime that subsequently results in a
26 conviction.

27 (e) If the present conviction is felony driving while under the
28 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
29 felony physical control of a vehicle while under the influence of
30 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
31 crimes for the offense as defined by RCW 46.61.5055(14) shall be
32 included in the offender score, and prior convictions for felony
33 driving while under the influence of intoxicating liquor or any drug
34 (RCW 46.61.502(6)) or felony physical control of a vehicle while
35 under the influence of intoxicating liquor or any drug (RCW
36 46.61.504(6)) shall always be included in the offender score. All
37 other convictions of the defendant shall be scored according to this
38 section.

39 (f) Prior convictions for a repetitive domestic violence offense,
40 as defined in RCW 9.94A.030, shall not be included in the offender

1 score if, since the last date of release from confinement or entry of
2 judgment and sentence, the offender had spent ten consecutive years
3 in the community without committing any crime that subsequently
4 results in a conviction.

5 (g) This subsection applies to both adult and juvenile prior
6 convictions.

7 (3) Out-of-state convictions for offenses shall be classified
8 according to the comparable offense definitions and sentences
9 provided by Washington law. Federal convictions for offenses shall be
10 classified according to the comparable offense definitions and
11 sentences provided by Washington law. If there is no clearly
12 comparable offense under Washington law or the offense is one that is
13 usually considered subject to exclusive federal jurisdiction, the
14 offense shall be scored as a class C felony equivalent if it was a
15 felony under the relevant federal statute.

16 (4) Score prior convictions for felony anticipatory offenses
17 (attempts, criminal solicitations, and criminal conspiracies) the
18 same as if they were convictions for completed offenses.

19 (5) (a) In the case of multiple prior convictions, for the purpose
20 of computing the offender score, count all convictions separately,
21 except:

22 (i) Prior offenses which were found, under RCW 9.94A.589(1) (a),
23 to encompass the same criminal conduct, shall be counted as one
24 offense, the offense that yields the highest offender score. The
25 current sentencing court shall determine with respect to other prior
26 adult offenses for which sentences were served concurrently or prior
27 juvenile offenses for which sentences were served consecutively,
28 whether those offenses shall be counted as one offense or as separate
29 offenses using the "same criminal conduct" analysis found in RCW
30 9.94A.589(1) (a), and if the court finds that they shall be counted as
31 one offense, then the offense that yields the highest offender score
32 shall be used. The current sentencing court may presume that such
33 other prior offenses were not the same criminal conduct from
34 sentences imposed on separate dates, or in separate counties or
35 jurisdictions, or in separate complaints, indictments, or
36 informations;

37 (ii) In the case of multiple prior convictions for offenses
38 committed before July 1, 1986, for the purpose of computing the
39 offender score, count all adult convictions served concurrently as
40 one offense, and count all juvenile convictions entered on the same

1 date as one offense. Use the conviction for the offense that yields
2 the highest offender score.

3 (b) As used in this subsection (5), "served concurrently" means
4 that: (i) The latter sentence was imposed with specific reference to
5 the former; (ii) the concurrent relationship of the sentences was
6 judicially imposed; and (iii) the concurrent timing of the sentences
7 was not the result of a probation or parole revocation on the former
8 offense.

9 (6) If the present conviction is one of the anticipatory offenses
10 of criminal attempt, solicitation, or conspiracy, count each prior
11 conviction as if the present conviction were for a completed offense.
12 When these convictions are used as criminal history, score them the
13 same as a completed crime.

14 (7) If the present conviction is for a nonviolent offense and not
15 covered by subsection (11), (12), or (13) of this section, count one
16 point for each adult prior felony conviction and one point for each
17 juvenile prior violent felony conviction and 1/2 point for each
18 juvenile prior nonviolent felony conviction.

19 (8) If the present conviction is for a violent offense and not
20 covered in subsection (9), (10), (11), (12), or (13) of this section,
21 count two points for each prior adult and juvenile violent felony
22 conviction, one point for each prior adult nonviolent felony
23 conviction, and 1/2 point for each prior juvenile nonviolent felony
24 conviction.

25 (9) If the present conviction is for a serious violent offense,
26 count three points for prior adult and juvenile convictions for
27 crimes in this category, two points for each prior adult and juvenile
28 violent conviction (not already counted), one point for each prior
29 adult nonviolent felony conviction, and 1/2 point for each prior
30 juvenile nonviolent felony conviction.

31 (10) If the present conviction is for Burglary 1, count prior
32 convictions as in subsection (8) of this section; however count two
33 points for each prior adult Burglary 2 or residential burglary
34 conviction, and one point for each prior juvenile Burglary 2 or
35 residential burglary conviction.

36 (11) If the present conviction is for a felony traffic offense
37 count two points for each adult or juvenile prior conviction for
38 Vehicular Homicide or Vehicular Assault; for each felony offense
39 count one point for each adult and 1/2 point for each juvenile prior
40 conviction; for each serious traffic offense, other than those used

1 for an enhancement pursuant to RCW 46.61.520(2), count one point for
2 each adult and 1/2 point for each juvenile prior conviction; count
3 one point for each adult and 1/2 point for each juvenile prior
4 conviction for operation of a vessel while under the influence of
5 intoxicating liquor or any drug.

6 (12) If the present conviction is for homicide by watercraft or
7 assault by watercraft count two points for each adult or juvenile
8 prior conviction for homicide by watercraft or assault by watercraft;
9 for each felony offense count one point for each adult and 1/2 point
10 for each juvenile prior conviction; count one point for each adult
11 and 1/2 point for each juvenile prior conviction for driving under
12 the influence of intoxicating liquor or any drug, actual physical
13 control of a motor vehicle while under the influence of intoxicating
14 liquor or any drug, or operation of a vessel while under the
15 influence of intoxicating liquor or any drug.

16 (13) If the present conviction is for manufacture of
17 methamphetamine count three points for each adult prior manufacture
18 of methamphetamine conviction and two points for each juvenile
19 manufacture of methamphetamine offense. If the present conviction is
20 for a drug offense and the offender has a criminal history that
21 includes a sex offense or serious violent offense, count three points
22 for each adult prior felony drug offense conviction and two points
23 for each juvenile drug offense. All other adult and juvenile felonies
24 are scored as in subsection (8) of this section if the current drug
25 offense is violent, or as in subsection (7) of this section if the
26 current drug offense is nonviolent.

27 (14) If the present conviction is for Escape from Community
28 Custody, RCW 72.09.310, count only prior escape convictions in the
29 offender score. Count adult prior escape convictions as one point and
30 juvenile prior escape convictions as 1/2 point.

31 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or
32 Escape 2, RCW 9A.76.120, count adult prior convictions as one point
33 and juvenile prior convictions as 1/2 point.

34 (16) If the present conviction is for Burglary 2 or residential
35 burglary, count priors as in subsection (7) of this section; however,
36 count two points for each adult and juvenile prior Burglary 1
37 conviction, two points for each adult prior Burglary 2 or residential
38 burglary conviction, and one point for each juvenile prior Burglary 2
39 or residential burglary conviction.

1 (17) If the present conviction is for a sex offense, count priors
2 as in subsections (7) through (11) and (13) through (16) of this
3 section; however count three points for each adult and juvenile prior
4 sex offense conviction.

5 (18) If the present conviction is for failure to register as a
6 sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in
7 subsections (7) through (11) and (13) through (16) of this section;
8 however count three points for each adult and juvenile prior sex
9 offense conviction, excluding prior convictions for failure to
10 register as a sex offender under RCW 9A.44.130 or 9A.44.132, which
11 shall count as one point.

12 (19) If the present conviction is for an offense committed while
13 the offender was under community custody, add one point. For purposes
14 of this subsection, community custody includes community placement or
15 postrelease supervision, as defined in chapter 9.94B RCW.

16 (20) If the present conviction is for Theft of a Motor Vehicle,
17 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without
18 Permission 1, or Taking a Motor Vehicle Without Permission 2, count
19 priors as in subsections (7) through (18) of this section; however
20 count one point for prior convictions of Vehicle Prowling 2, and
21 three points for each adult and juvenile prior Theft 1 (of a motor
22 vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property
23 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor
24 vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle,
25 Taking a Motor Vehicle Without Permission 1, or Taking a Motor
26 Vehicle Without Permission 2 conviction.

27 (21) If the present conviction is for a felony domestic violence
28 offense where domestic violence as defined in RCW 9.94A.030 was
29 pleaded and proven, count priors as in subsections (7) through (20)
30 of this section; however, count points as follows:

31 (a) Count two points for each adult prior conviction where
32 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
33 after August 1, 2011, for any of the following offenses: A felony
34 violation of a no-contact or protection order (section 56 of this act
35 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)),
36 felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),
37 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful
38 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2
39 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW

1 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or
2 Arson 2 (RCW 9A.48.030);

3 (b) Count two points for each adult prior conviction where
4 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
5 after July 23, 2017, for any of the following offenses: Assault of a
6 child in the first degree, RCW 9A.36.120; Assault of a child in the
7 second degree, RCW 9A.36.130; Assault of a child in the third degree,
8 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW
9 9A.42.020; or Criminal Mistreatment in the second degree, RCW
10 9A.42.030;

11 (c) Count one point for each second and subsequent juvenile
12 conviction where domestic violence as defined in RCW 9.94A.030 was
13 pleaded and proven after August 1, 2011, for the offenses listed in
14 (a) of this subsection; and

15 (d) Count one point for each adult prior conviction for a
16 repetitive domestic violence offense as defined in RCW 9.94A.030,
17 where domestic violence as defined in RCW 9.94A.030, was pleaded and
18 proven after August 1, 2011.

19 (22) The fact that a prior conviction was not included in an
20 offender's offender score or criminal history at a previous
21 sentencing shall have no bearing on whether it is included in the
22 criminal history or offender score for the current offense. Prior
23 convictions that were not counted in the offender score or included
24 in criminal history under repealed or previous versions of the
25 sentencing reform act shall be included in criminal history and shall
26 count in the offender score if the current version of the sentencing
27 reform act requires including or counting those convictions. Prior
28 convictions that were not included in criminal history or in the
29 offender score shall be included upon any resentencing to ensure
30 imposition of an accurate sentence.

31 **Sec. 105.** RCW 9.94A.637 and 2019 c 331 s 2 are each amended to
32 read as follows:

33 (1) When an offender has completed all requirements of the
34 sentence, including any and all legal financial obligations, and
35 while under the custody or supervision of the department, the
36 secretary or the secretary's designee shall notify the sentencing
37 court, which shall discharge the offender and provide the offender
38 with a certificate of discharge by issuing the certificate to the
39 offender in person or by mailing the certificate to the offender's

1 last known address. A certificate of discharge issued under this
2 subsection (1) is effective on the date the offender completed all
3 conditions of his or her sentence.

4 (2) (a) When an offender has reached the end of his or her
5 supervision with the department and has completed all the
6 requirements of the sentence except his or her legal financial
7 obligations, the secretary's designee shall provide the county clerk
8 with a notice that the offender has completed all nonfinancial
9 requirements of the sentence. The notice must list the specific
10 sentence requirements that have been completed, so that it is clear
11 to the sentencing court that the offender is entitled to discharge
12 upon completion of the legal financial obligations of the sentence.

13 (b) When the department has provided the county clerk with notice
14 under (a) of this subsection showing that an offender has completed
15 all the requirements of the sentence and the offender subsequently
16 satisfies all legal financial obligations under the sentence, the
17 county clerk shall promptly notify the sentencing court. Upon receipt
18 of the notice under this subsection (2) (b), the court shall discharge
19 the offender and provide the offender with a certificate of
20 discharge. A certificate of discharge issued under this subsection
21 (2) is effective on the date the offender completed all conditions of
22 his or her sentence.

23 (3) In the absence of a certificate of discharge issued under
24 subsection (1) or (2) of this section, the offender may file a motion
25 with the sentencing court for a certificate of discharge. The
26 sentencing court shall issue a certificate of discharge upon
27 verification of completion of all sentencing conditions, including
28 any and all legal financial obligations. A certificate of discharge
29 issued under this subsection (3) is effective on the date the
30 offender completed all conditions of his or her sentence.

31 (4) In the absence of a certificate of discharge issued under
32 subsection (1), (2), or (3) of this section, the offender may file a
33 motion with the sentencing court for a certificate of discharge and
34 shall provide verification of completion of all nonfinancial
35 conditions of his or her sentence, unless the court finds good cause
36 to waive this requirement. A certificate of discharge issued under
37 this subsection (4) is effective on the later of: (a) Five years
38 after completion of community custody, or if the offender was not
39 required to serve community custody, after the completion of full and

1 partial confinement; or (b) the date any and all legal financial
2 obligations were satisfied.

3 (5) The court shall issue a certificate of discharge by issuing
4 the certificate to the offender in person or by mailing the
5 certificate to the offender's last known address.

6 (6) (a) A no-contact order is not a requirement of the offender's
7 sentence. An offender who has completed all requirements of the
8 sentence, including any and all legal financial obligations, is
9 eligible for a certificate of discharge even if the offender has an
10 existing no-contact order that excludes or prohibits the offender
11 from having contact with a specified person or entity or coming
12 within a set distance of any specified location.

13 In the case of an eligible offender who has a no-contact order as
14 part of the judgment and sentence, the offender may petition the
15 sentencing court to issue a certificate of discharge and a separate
16 no-contact order, which must include paying the appropriate filing
17 fee for the separate no-contact order. This filing fee does not apply
18 to an offender seeking a certificate of discharge when the offender
19 has a no-contact order separate from the judgment and sentence.

20 The court shall reissue the no-contact order separately under a
21 new civil cause number for the remaining term and under the same
22 conditions as contained in the judgment and sentence.

23 (b) The clerk of the court shall send a copy of the new no-
24 contact order to the individuals or entities protected by the no-
25 contact order, along with an explanation of the reason for the
26 change, if there is an address available in the court file. If no
27 address is available, the clerk of the court shall forward a copy of
28 the order to the prosecutor, who shall send a copy of the no-contact
29 order with an explanation of the reason for the change to the last
30 known address of the protected individuals or entities.

31 (c) The clerk of the court shall forward a copy of the order to
32 the appropriate law enforcement agency specified in the order on or
33 before the next judicial day. The clerk shall also include a cover
34 sheet that indicates the case number of the judgment and sentence
35 that has been discharged. Upon receipt of the copy of the order and
36 cover sheet, the law enforcement agency shall enter the order into
37 any computer-based criminal intelligence information system available
38 in this state used by law enforcement agencies to list outstanding
39 warrants. The order shall remain in this system until it expires. The
40 new order, and case number of the discharged judgment and sentence,

1 shall be linked in the criminal intelligence information system for
2 purposes of enforcing the no-contact order.

3 (d) A separately issued no-contact order may be enforced under
4 chapter ((26.50)) 7.--- RCW (the new chapter created in section 81 of
5 this act).

6 (e) A separate no-contact order issued under this subsection (6)
7 is not a modification of the offender's sentence.

8 (7) Every signed certificate and order of discharge shall be
9 filed with the county clerk of the sentencing county. In addition,
10 the court shall send to the department a copy of every signed
11 certificate and order of discharge for offender sentences under the
12 authority of the department. The county clerk shall enter into a
13 database maintained by the administrator for the courts the names of
14 all felons who have been issued certificates of discharge, the date
15 of discharge, and the date of conviction and offense.

16 (8) An offender who is not convicted of a violent offense or a
17 sex offense and is sentenced to a term involving community
18 supervision may be considered for a discharge of sentence by the
19 sentencing court prior to the completion of community supervision,
20 provided that the offender has completed at least one-half of the
21 term of community supervision and has met all other sentence
22 requirements.

23 (9) The discharge shall have the effect of restoring all civil
24 rights not already restored by RCW 29A.08.520, and the certificate of
25 discharge shall so state. Nothing in this section prohibits the use
26 of an offender's prior record for purposes of determining sentences
27 for later offenses as provided in this chapter. Nothing in this
28 section affects or prevents use of the offender's prior conviction in
29 a later criminal prosecution either as an element of an offense or
30 for impeachment purposes. A certificate of discharge is not based on
31 a finding of rehabilitation.

32 (10) Unless otherwise ordered by the sentencing court, a
33 certificate of discharge shall not terminate the offender's
34 obligation to comply with an order that excludes or prohibits the
35 offender from having contact with a specified person or coming within
36 a set distance of any specified location that was contained in the
37 judgment and sentence. An offender who violates such an order after a
38 certificate of discharge has been issued shall be subject to
39 prosecution according to the chapter under which the order was
40 originally issued.

1 (11) Upon release from custody, the offender may apply to the
2 department for counseling and help in adjusting to the community.
3 This voluntary help may be provided for up to one year following the
4 release from custody.

5 **Sec. 106.** RCW 9.94A.660 and 2020 c 252 s 1 are each amended to
6 read as follows:

7 (1) An offender is eligible for the special drug offender
8 sentencing alternative if:

9 (a) The offender is convicted of a felony that is not a violent
10 offense and the violation does not involve a sentence enhancement
11 under RCW 9.94A.533 (3) or (4);

12 (b) The offender is convicted of a felony that is not a felony
13 driving while under the influence of intoxicating liquor or any drug
14 under RCW 46.61.502(6) or felony physical control of a vehicle while
15 under the influence of intoxicating liquor or any drug under RCW
16 46.61.504(6);

17 (c) The offender has no current or prior convictions for a sex
18 offense for which the offender is currently or may be required to
19 register pursuant to RCW 9A.44.130;

20 (d) The offender has no prior convictions in this state, and no
21 prior convictions for an equivalent out-of-state or federal offense,
22 for the following offenses during the following time frames:

23 (i) Robbery in the second degree that did not involve the use of
24 a firearm and was not reduced from robbery in the first degree within
25 seven years before conviction of the current offense; or

26 (ii) Any other violent offense within ten years before conviction
27 of the current offense;

28 (e) For a violation of the uniform controlled substances act
29 under chapter 69.50 RCW or a criminal solicitation to commit such a
30 violation under chapter 9A.28 RCW, the offense involved only a small
31 quantity of the particular controlled substance as determined by the
32 judge upon consideration of such factors as the weight, purity,
33 packaging, sale price, and street value of the controlled substance;

34 (f) The offender has not been found by the United States attorney
35 general to be subject to a deportation detainer or order and does not
36 become subject to a deportation order during the period of the
37 sentence; and

1 (g) The offender has not received a drug offender sentencing
2 alternative more than once in the prior ten years before the current
3 offense.

4 (2) A motion for a special drug offender sentencing alternative
5 may be made by the court, the offender, or the state.

6 (3) If the sentencing court determines that the offender is
7 eligible for an alternative sentence under this section and that the
8 alternative sentence is appropriate, the court shall waive imposition
9 of a sentence within the standard sentence range and impose a
10 sentence consisting of either a prison-based alternative under RCW
11 9.94A.662 or a residential substance use disorder treatment-based
12 alternative under RCW 9.94A.664. The residential substance use
13 disorder treatment-based alternative is only available if the
14 midpoint of the standard range is twenty-six months or less.

15 (4) (a) To assist the court in making its determination, the court
16 may order the department to complete either or both a risk assessment
17 report and a substance use disorder screening report as provided in
18 RCW 9.94A.500.

19 (b) To assist the court in making its determination in domestic
20 violence cases, the court shall order the department to complete a
21 presentence investigation and a chemical dependency screening report
22 as provided in RCW 9.94A.500, unless otherwise specifically waived by
23 the court.

24 (5) If the court is considering imposing a sentence under the
25 residential substance use disorder treatment-based alternative, the
26 court may order an examination of the offender by the department. The
27 examination must be performed by an agency certified by the
28 department of health to provide substance use disorder services. The
29 examination shall, at a minimum, address the following issues:

30 (a) Whether the offender suffers from a substance use disorder;

31 (b) Whether the substance use disorder is such that there is a
32 probability that criminal behavior will occur in the future;

33 (c) Whether effective treatment for the offender's substance use
34 disorder is available from a provider that has been licensed or
35 certified by the department of health, and where applicable, whether
36 effective domestic violence perpetrator treatment is available from a
37 state-certified domestic violence treatment provider pursuant to
38 (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this act); and

39 (d) Whether the offender and the community will benefit from the
40 use of the alternative.

1 (6) When a court imposes a sentence of community custody under
2 this section:

3 (a) The court may impose conditions as provided in RCW 9.94A.703
4 and may impose other affirmative conditions as the court considers
5 appropriate. In addition, an offender may be required to pay thirty
6 dollars per month while on community custody to offset the cost of
7 monitoring for alcohol or controlled substances, or in cases of
8 domestic violence for monitoring with global positioning system
9 technology for compliance with a no-contact order.

10 (b) The department may impose conditions and sanctions as
11 authorized in RCW 9.94A.704 and 9.94A.737.

12 (7)(a) The court may bring any offender sentenced under this
13 section back into court at any time on its own initiative to evaluate
14 the offender's progress in treatment or to determine if any
15 violations of the conditions of the sentence have occurred.

16 (b) If the offender is brought back to court, the court may
17 modify the conditions of the community custody or impose sanctions
18 under (c) of this subsection.

19 (c) The court may order the offender to serve a term of total
20 confinement within the standard range of the offender's current
21 offense at any time during the period of community custody if the
22 offender violates the conditions or requirements of the sentence or
23 if the offender is failing to make satisfactory progress in
24 treatment.

25 (d) An offender ordered to serve a term of total confinement
26 under (c) of this subsection shall receive credit for time previously
27 served in total or partial confinement and inpatient treatment under
28 this section, and shall receive fifty percent credit for time
29 previously served in community custody under this section.

30 (8) In serving a term of community custody imposed upon failure
31 to complete, or administrative termination from, the special drug
32 offender sentencing alternative program, the offender shall receive
33 no credit for time served in community custody prior to termination
34 of the offender's participation in the program.

35 (9) An offender sentenced under this section shall be subject to
36 all rules relating to earned release time with respect to any period
37 served in total confinement.

38 (10) The Washington state institute for public policy shall
39 submit a report to the governor and the appropriate committees of the
40 legislature by November 1, 2022, analyzing the effectiveness of the

1 drug offender sentencing alternative in reducing recidivism among
2 various offender populations. An additional report is due November 1,
3 2028, and every five years thereafter. The Washington state institute
4 for public policy may coordinate with the department and the caseload
5 forecast council in tracking data and preparing the report.

6 **Sec. 107.** RCW 9.94A.662 and 2020 c 252 s 2 are each amended to
7 read as follows:

8 (1) The court may only order a prison-based special drug offender
9 sentencing alternative if the high end of the standard sentence range
10 for the current offense is greater than one year.

11 (2) A sentence for a prison-based special drug offender
12 sentencing alternative shall include:

13 (a) A period of total confinement in a state facility for one-
14 half the midpoint of the standard sentence range or twelve months,
15 whichever is greater;

16 (b) One-half the midpoint of the standard sentence range as a
17 term of community custody, which must include appropriate substance
18 use disorder treatment in a program that has been approved by the
19 department of health, and for co-occurring drug and domestic violence
20 cases, must also include an appropriate domestic violence treatment
21 program by a state-certified domestic violence treatment provider
22 pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this
23 act);

24 (c) Crime-related prohibitions, including a condition not to use
25 illegal controlled substances;

26 (d) A requirement to submit to urinalysis or other testing to
27 monitor that status; and

28 (e) A term of community custody pursuant to RCW 9.94A.701 to be
29 imposed upon the failure to complete or administrative termination
30 from the special drug offender sentencing alternative program.

31 (3)(a) During incarceration in the state facility, offenders
32 sentenced under this section shall undergo a comprehensive substance
33 use disorder assessment and receive, within available resources,
34 treatment services appropriate for the offender. The substance use
35 disorder treatment services shall be licensed by the department of
36 health.

37 (b) When applicable for cases involving domestic violence,
38 domestic violence treatment must be provided by a state-certified
39 domestic violence treatment provider pursuant to (~~chapter 26.50~~)

1 RCW 26.50.150 (as recodified by this act) during the term of
2 community custody.

3 (4) If the department finds that conditions of community custody
4 have been willfully violated, the offender may be reclassified to
5 serve the remaining balance of the original sentence. An offender who
6 fails to complete the program or who is administratively terminated
7 from the program shall be reclassified to serve the unexpired term of
8 his or her sentence as ordered by the sentencing court.

9 (5) If an offender sentenced to the prison-based alternative
10 under this section is found by the United States attorney general to
11 be subject to a deportation order, a hearing shall be held by the
12 department unless waived by the offender, and, if the department
13 finds that the offender is subject to a valid deportation order, the
14 department may administratively terminate the offender from the
15 program and reclassify the offender to serve the remaining balance of
16 the original sentence.

17 **Sec. 108.** RCW 9.94A.703 and 2018 c 201 s 9004 are each amended
18 to read as follows:

19 When a court sentences a person to a term of community custody,
20 the court shall impose conditions of community custody as provided in
21 this section.

22 (1) **Mandatory conditions.** As part of any term of community
23 custody, the court shall:

24 (a) Require the offender to inform the department of court-
25 ordered treatment upon request by the department;

26 (b) Require the offender to comply with any conditions imposed by
27 the department under RCW 9.94A.704;

28 (c) If the offender was sentenced under RCW 9.94A.507 for an
29 offense listed in RCW 9.94A.507(1)(a), and the victim of the offense
30 was under eighteen years of age at the time of the offense, prohibit
31 the offender from residing in a community protection zone;

32 (d) If the offender was sentenced under RCW 9A.36.120, prohibit
33 the offender from serving in any paid or volunteer capacity where he
34 or she has control or supervision of minors under the age of
35 thirteen.

36 (2) **Waivable conditions.** Unless waived by the court, as part of
37 any term of community custody, the court shall order an offender to:

38 (a) Report to and be available for contact with the assigned
39 community corrections officer as directed;

1 (b) Work at department-approved education, employment, or
2 community restitution, or any combination thereof;

3 (c) Refrain from possessing or consuming controlled substances
4 except pursuant to lawfully issued prescriptions;

5 (d) Pay supervision fees as determined by the department; and

6 (e) Obtain prior approval of the department for the offender's
7 residence location and living arrangements.

8 (3) **Discretionary conditions.** As part of any term of community
9 custody, the court may order an offender to:

10 (a) Remain within, or outside of, a specified geographical
11 boundary;

12 (b) Refrain from direct or indirect contact with the victim of
13 the crime or a specified class of individuals;

14 (c) Participate in crime-related treatment or counseling
15 services;

16 (d) Participate in rehabilitative programs or otherwise perform
17 affirmative conduct reasonably related to the circumstances of the
18 offense, the offender's risk of reoffending, or the safety of the
19 community;

20 (e) Refrain from possessing or consuming alcohol; or

21 (f) Comply with any crime-related prohibitions.

22 (4) **Special conditions.**

23 (a) In sentencing an offender convicted of a crime of domestic
24 violence, as defined in RCW 10.99.020, if the offender has a minor
25 child, or if the victim of the offense for which the offender was
26 convicted has a minor child, the court may order the offender to
27 participate in a domestic violence perpetrator program approved under
28 RCW 26.50.150 (as recodified by this act).

29 (b) (i) In sentencing an offender convicted of an alcohol or drug-
30 related traffic offense, the court shall require the offender to
31 complete a diagnostic evaluation by a substance use disorder
32 treatment program approved by the department of social and health
33 services or a qualified probation department, defined under RCW
34 46.61.516, that has been approved by the department of social and
35 health services. If the offense was pursuant to chapter 46.61 RCW,
36 the report shall be forwarded to the department of licensing. If the
37 offender is found to have an alcohol or drug problem that requires
38 treatment, the offender shall complete treatment in an approved
39 substance use disorder treatment program as defined in chapter 71.24
40 RCW. If the offender is found not to have an alcohol or drug problem

1 that requires treatment, the offender shall complete a course in an
2 alcohol and drug information school licensed or certified by the
3 department of health under chapter 70.96A RCW. The offender shall pay
4 all costs for any evaluation, education, or treatment required by
5 this section, unless the offender is eligible for an existing program
6 offered or approved by the department of social and health services.

7 (ii) For purposes of this section, "alcohol or drug-related
8 traffic offense" means the following: Driving while under the
9 influence as defined by RCW 46.61.502, actual physical control while
10 under the influence as defined by RCW 46.61.504, vehicular homicide
11 as defined by RCW 46.61.520(1)(a), vehicular assault as defined by
12 RCW 46.61.522(1)(b), homicide by watercraft as defined by RCW
13 79A.60.050, or assault by watercraft as defined by RCW 79A.60.060.

14 (iii) This subsection (4)(b) does not require the department of
15 social and health services to add new treatment or assessment
16 facilities nor affect its use of existing programs and facilities
17 authorized by law.

18 **Sec. 109.** RCW 9.96.060 and 2020 c 29 s 18 are each amended to
19 read as follows:

20 (1) When vacating a conviction under this section, the court
21 effectuates the vacation by: (a)(i) Permitting the applicant to
22 withdraw the applicant's plea of guilty and to enter a plea of not
23 guilty; or (ii) if the applicant has been convicted after a plea of
24 not guilty, the court setting aside the verdict of guilty; and (b)
25 the court dismissing the information, indictment, complaint, or
26 citation against the applicant and vacating the judgment and
27 sentence.

28 (2) Every person convicted of a misdemeanor or gross misdemeanor
29 offense may apply to the sentencing court for a vacation of the
30 applicant's record of conviction for the offense. If the court finds
31 the applicant meets the requirements of this subsection, the court
32 may in its discretion vacate the record of conviction. Except as
33 provided in subsections (3), (4), and (5) of this section, an
34 applicant may not have the record of conviction for a misdemeanor or
35 gross misdemeanor offense vacated if any one of the following is
36 present:

37 (a) The applicant has not completed all of the terms of the
38 sentence for the offense;

1 (b) There are any criminal charges against the applicant pending
2 in any court of this state or another state, or in any federal or
3 tribal court, at the time of application;

4 (c) The offense was a violent offense as defined in RCW 9.94A.030
5 or an attempt to commit a violent offense;

6 (d) The offense was a violation of RCW 46.61.502 (driving while
7 under the influence), 46.61.504 (actual physical control while under
8 the influence), 9.91.020 (operating a railroad, etc. while
9 intoxicated), or the offense is considered a "prior offense" under
10 RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug
11 violation within ten years of the date of arrest for the prior
12 offense or less than ten years has elapsed since the date of the
13 arrest for the prior offense;

14 (e) The offense was any misdemeanor or gross misdemeanor
15 violation, including attempt, of chapter 9.68 RCW (obscenity and
16 pornography), chapter 9.68A RCW (sexual exploitation of children), or
17 chapter 9A.44 RCW (sex offenses), except for failure to register as a
18 sex offender under RCW 9A.44.132;

19 (f) The applicant was convicted of a misdemeanor or gross
20 misdemeanor offense as defined in RCW 10.99.020, or the court
21 determines after a review of the court file that the offense was
22 committed by one family or household member against another or by one
23 intimate partner against another, or the court, after considering the
24 damage to person or property that resulted in the conviction, any
25 prior convictions for crimes defined in RCW 10.99.020, or for
26 comparable offenses in another state or in federal court, and the
27 totality of the records under review by the court regarding the
28 conviction being considered for vacation, determines that the offense
29 involved domestic violence, and any one of the following factors
30 exist:

31 (i) The applicant has not provided written notification of the
32 vacation petition to the prosecuting attorney's office that
33 prosecuted the offense for which vacation is sought, or has not
34 provided that notification to the court;

35 (ii) The applicant has two or more domestic violence convictions
36 stemming from different incidents. For purposes of this subsection,
37 however, if the current application is for more than one conviction
38 that arose out of a single incident, none of those convictions counts
39 as a previous conviction;

1 (iii) The applicant has signed an affidavit under penalty of
2 perjury affirming that the applicant has not previously had a
3 conviction for a domestic violence offense, and a criminal history
4 check reveals that the applicant has had such a conviction; or

5 (iv) Less than five years have elapsed since the person completed
6 the terms of the original conditions of the sentence, including any
7 financial obligations and successful completion of any treatment
8 ordered as a condition of sentencing;

9 (g) For any offense other than those described in (f) of this
10 subsection, less than three years have passed since the person
11 completed the terms of the sentence, including any financial
12 obligations;

13 (h) The offender has been convicted of a new crime in this state,
14 another state, or federal or tribal court in the three years prior to
15 the vacation application; or

16 (i) The applicant is currently restrained by a domestic violence
17 protection order, a no-contact order, an antiharassment order, or a
18 civil restraining order which restrains one party from contacting the
19 other party or was previously restrained by such an order and was
20 found to have committed one or more violations of the order in the
21 five years prior to the vacation application.

22 (3) Subject to RCW 9.96.070, every person convicted of
23 prostitution under RCW 9A.88.030 who committed the offense as a
24 result of being a victim of trafficking, RCW 9A.40.100, promoting
25 prostitution in the first degree, RCW 9A.88.070, promoting commercial
26 sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons
27 under the trafficking victims protection act of 2000, 22 U.S.C. Sec.
28 7101 et seq. may apply to the sentencing court for vacation of the
29 applicant's record of conviction for the prostitution offense. An
30 applicant may not have the record of conviction for prostitution
31 vacated if any one of the following is present:

32 (a) There are any criminal charges against the applicant pending
33 in any court of this state or another state, or in any federal court,
34 for any crime other than prostitution; or

35 (b) The offender has been convicted of another crime, except
36 prostitution, in this state, another state, or federal court since
37 the date of conviction. The limitation in this subsection (3)(b) does
38 not apply to convictions where the offender proves by a preponderance
39 of the evidence that he or she committed the crime as a result of
40 being a victim of trafficking, RCW 9A.40.100, promoting prostitution

1 in the first degree, RCW 9A.88.070, promoting commercial sexual abuse
2 of a minor, RCW 9.68A.101, or trafficking in persons under the
3 trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et
4 seq., according to the requirements provided in RCW 9.96.070 for each
5 respective conviction.

6 (4) Every person convicted prior to January 1, 1975, of violating
7 any statute or rule regarding the regulation of fishing activities,
8 including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070,
9 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240
10 who claimed to be exercising a treaty Indian fishing right, may apply
11 to the sentencing court for vacation of the applicant's record of the
12 misdemeanor, gross misdemeanor, or felony conviction for the offense.
13 If the person is deceased, a member of the person's family or an
14 official representative of the tribe of which the person was a member
15 may apply to the court on behalf of the deceased person.
16 Notwithstanding the requirements of RCW 9.94A.640, the court shall
17 vacate the record of conviction if:

18 (a) The applicant is a member of a tribe that may exercise treaty
19 Indian fishing rights at the location where the offense occurred; and

20 (b) The state has been enjoined from taking enforcement action of
21 the statute or rule to the extent that it interferes with a treaty
22 Indian fishing right as determined under *United States v. Washington*,
23 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp.
24 899 (D. Oregon 1969), and any posttrial orders of those courts, or
25 any other state supreme court or federal court decision.

26 (5) Every person convicted of a misdemeanor marijuana offense,
27 who was twenty-one years of age or older at the time of the offense,
28 may apply to the sentencing court for a vacation of the applicant's
29 record of conviction for the offense. A misdemeanor marijuana offense
30 includes, but is not limited to: Any offense under RCW 69.50.4014,
31 from July 1, 2004, onward, and its predecessor statutes, including
32 RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW
33 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense
34 under an equivalent municipal ordinance. If an applicant qualifies
35 under this subsection, the court shall vacate the record of
36 conviction.

37 (6)(a) Except as provided in (c) of this subsection, once the
38 court vacates a record of conviction under this section, the person
39 shall be released from all penalties and disabilities resulting from
40 the offense and the fact that the person has been convicted of the

1 offense shall not be included in the person's criminal history for
2 purposes of determining a sentence in any subsequent conviction. For
3 all purposes, including responding to questions on employment or
4 housing applications, a person whose conviction has been vacated
5 under this section may state that he or she has never been convicted
6 of that crime. However, nothing in this section affects the
7 requirements for restoring a right to possess a firearm under RCW
8 9.41.040. Except as provided in (b) of this subsection, nothing in
9 this section affects or prevents the use of an offender's prior
10 conviction in a later criminal prosecution.

11 (b) When a court vacates a record of domestic violence as defined
12 in RCW 10.99.020 under this section, the state may not use the
13 vacated conviction in a later criminal prosecution unless the
14 conviction was for: (i) Violating the provisions of a restraining
15 order, no-contact order, or protection order restraining or enjoining
16 the person or restraining the person from going on to the grounds of
17 or entering a residence, workplace, school, or day care, or
18 prohibiting the person from knowingly coming within, or knowingly
19 remaining within, a specified distance of a location, a protected
20 party's person, or a protected party's vehicle (RCW 10.99.040,
21 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150,
22 ~~((26.50.060, 26.50.070, 26.50.130,))~~ or 26.52.070 ~~((~~or~~ 74.34.145))~~,
23 or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and
24 74.34.145); ~~((~~or~~))~~ (ii) stalking (RCW 9A.46.110); or (iii) a domestic
25 violence protection order or vulnerable adult protection order
26 entered under chapter 7.--- RCW (the new chapter created in section
27 81 of this act). A vacated conviction under this section is not
28 considered a conviction of such an offense for the purposes of
29 C.F.R. 478.11.

30 (c) A conviction vacated on or after July 28, 2019, qualifies as
31 a prior conviction for the purpose of charging a present recidivist
32 offense as defined in RCW 9.94A.030 occurring on or after July 28,
33 2019.

34 (7) The clerk of the court in which the vacation order is entered
35 shall immediately transmit the order vacating the conviction to the
36 Washington state patrol identification section and to the local
37 police agency, if any, which holds criminal history information for
38 the person who is the subject of the conviction. The Washington state
39 patrol and any such local police agency shall immediately update
40 their records to reflect the vacation of the conviction, and shall

1 transmit the order vacating the conviction to the federal bureau of
2 investigation. A conviction that has been vacated under this section
3 may not be disseminated or disclosed by the state patrol or local law
4 enforcement agency to any person, except other criminal justice
5 enforcement agencies.

6 **Sec. 110.** RCW 9A.36.041 and 2020 c 29 s 7 are each amended to
7 read as follows:

8 (1) A person is guilty of assault in the fourth degree if, under
9 circumstances not amounting to assault in the first, second, or third
10 degree, or custodial assault, he or she assaults another.

11 (2) Assault in the fourth degree is a gross misdemeanor, except
12 as provided in subsection (3) of this section.

13 (3)(a) Assault in the fourth degree occurring after July 23,
14 2017, and before March 18, 2020, where domestic violence is pleaded
15 and proven, is a class C felony if the person has two or more prior
16 adult convictions within ten years for any of the following offenses
17 occurring after July 23, 2017, where domestic violence was pleaded
18 and proven:

19 (i) Repetitive domestic violence offense as defined in RCW
20 9.94A.030;

21 (ii) Crime of harassment as defined by RCW 9A.46.060;

22 (iii) Assault in the third degree;

23 (iv) Assault in the second degree;

24 (v) Assault in the first degree; or

25 (vi) A municipal, tribal, federal, or out-of-state offense
26 comparable to any offense under (a)(i) through (v) of this
27 subsection.

28 For purposes of this subsection (3)(a), "family or household
29 members" for purposes of the definition of "domestic violence" means
30 spouses, domestic partners, former spouses, former domestic partners,
31 persons who have a child in common regardless of whether they have
32 been married or have lived together at any time, persons sixteen
33 years of age or older who are presently residing together or who have
34 resided together in the past and who have or have had a dating
35 relationship, and persons sixteen years of age or older with whom a
36 person sixteen years of age or older has or has had a dating
37 relationship. "Family or household member" also includes an "intimate
38 partner" as defined in RCW (~~26.50.010~~) 10.99.020.

1 (b) Assault in the fourth degree occurring on or after March 18,
2 2020, where domestic violence against an "intimate partner" as
3 defined in RCW ((~~26.50.010~~)) 10.99.020 is pleaded and proven, is a
4 class C felony if the person has two or more prior adult convictions
5 within ten years for any of the following offenses occurring after
6 July 23, 2017, where domestic violence against an "intimate partner"
7 as defined in RCW ((~~26.50.010~~)) 10.99.020 or domestic violence
8 against a "family or household member" as defined in (a) of this
9 subsection was pleaded and proven:

10 (i) Repetitive domestic violence offense as defined in RCW
11 9.94A.030;

12 (ii) Crime of harassment as defined by RCW 9A.46.060;

13 (iii) Assault in the third degree;

14 (iv) Assault in the second degree;

15 (v) Assault in the first degree; or

16 (vi) A municipal, tribal, federal, or out-of-state offense
17 comparable to any offense under (b)(i) through (v) of this
18 subsection.

19 **Sec. 111.** RCW 9A.40.104 and 2017 c 230 s 3 are each amended to
20 read as follows:

21 (1) Because of the likelihood of repeated harassment and
22 intimidation directed at those who have been victims of trafficking
23 as described in RCW 9A.40.100, before any defendant charged with or
24 arrested, for a crime involving trafficking, is released from
25 custody, or at any time the case remains unresolved, the court may
26 prohibit that person from having any contact with the victim whether
27 directly or through third parties.

28 At the initial preliminary appearance, the court shall determine
29 whether to extend any existing prohibition on the defendant's contact
30 with the victim. If there is no outstanding restraining or protective
31 order prohibiting that person from having contact with the victim,
32 the court may issue, by telephone, a no-contact order prohibiting the
33 person charged or arrested from having contact with the victim or
34 from knowingly coming within, or knowingly remaining within, a
35 specified distance of a location. The court may also consider the
36 provisions of RCW 9.41.800 or other conditions of pretrial release
37 according to the procedures established by court rule for preliminary
38 appearance or an arraignment.

1 (2) At the time of arraignment the court shall determine whether
2 a no-contact order shall be issued or extended. So long as the court
3 finds probable cause, the court may issue or extend a no-contact
4 order. The no-contact order shall terminate if the defendant is
5 acquitted or the charges are dismissed.

6 (3)(a) Willful violation of a court order issued under this
7 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

8 (b) The written order shall contain the court's directives and
9 shall bear the legend: Violation of this order is a criminal offense
10 under chapter (~~26.50~~) 7.--- RCW (the new chapter created in section
11 81 of this act) and the violator is subject to arrest; any assault,
12 drive-by shooting, or reckless endangerment that is a violation of
13 this order is a felony.

14 (4) Upon a motion with notice to all parties and after a hearing,
15 the court may terminate or modify the terms of an existing no-contact
16 order, including terms entered pursuant to RCW 9.41.800 related to
17 firearms or other dangerous weapons or to concealed pistol licenses.

18 (5)(a) A defendant's motion to terminate or modify a no-contact
19 order must include a declaration setting forth facts supporting the
20 requested order for termination or modification. The court shall deny
21 the motion unless it finds that adequate cause for hearing the motion
22 is established by the declarations. If the court finds that the
23 defendant established adequate cause, the court shall set a date for
24 hearing the defendant's motion.

25 (b) The court may terminate or modify the terms of a no-contact
26 order, including terms entered pursuant to RCW 9.41.800 related to
27 firearms or other dangerous weapons or to concealed pistol licenses,
28 if the defendant proves by a preponderance of the evidence that there
29 has been a material change in circumstances such that the defendant
30 is not likely to engage in or attempt to engage in physical or
31 nonphysical contact with the victim if the order is terminated or
32 modified. The victim bears no burden of proving that he or she has a
33 current reasonable fear of harm by the defendant.

34 (c) A defendant may file a motion to terminate or modify pursuant
35 to this section no more than once in every twelve-month period that
36 the order is in effect, starting from the date of the order and
37 continuing through any renewal.

38 (6) Whenever a no-contact order is issued, modified, or
39 terminated under this section, the clerk of the court shall forward a
40 copy of the order on or before the next judicial day to the

1 appropriate law enforcement agency specified in the order. Upon
2 receipt of the copy of the order the law enforcement agency shall
3 enter the order for one year or until the expiration date specified
4 on the order into any computer-based criminal intelligence
5 information system available in this state used by law enforcement
6 agencies to list outstanding warrants. Entry into the computer-based
7 criminal intelligence information system constitutes notice to all
8 law enforcement agencies of the existence of the order. The order is
9 fully enforceable in any jurisdiction in the state. Upon receipt of
10 notice that an order has been terminated, the law enforcement agency
11 shall remove the order from the computer-based criminal intelligence
12 information system.

13 **Sec. 112.** RCW 9A.46.040 and 2013 c 84 s 27 are each amended to
14 read as follows:

15 (1) Because of the likelihood of repeated harassment directed at
16 those who have been victims of harassment in the past, when any
17 defendant charged with a crime involving harassment is released from
18 custody before trial on bail or personal recognizance, the court
19 authorizing the release may issue an order pursuant to this chapter
20 and require that the defendant:

21 (a) Stay away from the home, school, business, or place of
22 employment of the victim or victims of the alleged offense or other
23 location, as shall be specifically named by the court in the order;

24 (b) Refrain from contacting, intimidating, threatening, or
25 otherwise interfering with the victim or victims of the alleged
26 offense and such other persons, including but not limited to members
27 of the family or household of the victim, as shall be specifically
28 named by the court in the order.

29 (2) Willful violation of a court order issued under this section
30 or an equivalent local ordinance is a gross misdemeanor. The written
31 order releasing the defendant shall contain the court's directives
32 and shall bear the legend: Violation of this order is a criminal
33 offense under this chapter (~~(9A.46—RCW)~~). A certified copy of the
34 order shall be provided to the victim by the clerk of the court.

35 (3) If the defendant is charged with the crime of stalking or any
36 other stalking-related offense under RCW 9A.46.060, and the court
37 issues an order protecting the victim, the court shall issue a
38 stalking no-contact order pursuant to (~~chapter 7.92~~) RCW 7.92.160
39 (as recodified by this act).

1 **Sec. 113.** RCW 9A.46.060 and 2019 c 271 s 8 are each amended to
2 read as follows:

3 As used in this chapter, "harassment" may include but is not
4 limited to any of the following crimes:

- 5 (1) Harassment (RCW 9A.46.020);
- 6 (2) Hate crime (RCW 9A.36.080);
- 7 (3) Telephone harassment (RCW 9.61.230);
- 8 (4) Assault in the first degree (RCW 9A.36.011);
- 9 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 10 (6) Assault in the second degree (RCW 9A.36.021);
- 11 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 12 (8) Assault in the fourth degree (RCW 9A.36.041);
- 13 (9) Reckless endangerment (RCW 9A.36.050);
- 14 (10) Extortion in the first degree (RCW 9A.56.120);
- 15 (11) Extortion in the second degree (RCW 9A.56.130);
- 16 (12) Coercion (RCW 9A.36.070);
- 17 (13) Burglary in the first degree (RCW 9A.52.020);
- 18 (14) Burglary in the second degree (RCW 9A.52.030);
- 19 (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 20 (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 21 (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 22 (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 23 (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 24 (20) Kidnapping in the first degree (RCW 9A.40.020);
- 25 (21) Kidnapping in the second degree (RCW 9A.40.030);
- 26 (22) Unlawful imprisonment (RCW 9A.40.040);
- 27 (23) Rape in the first degree (RCW 9A.44.040);
- 28 (24) Rape in the second degree (RCW 9A.44.050);
- 29 (25) Rape in the third degree (RCW 9A.44.060);
- 30 (26) Indecent liberties (RCW 9A.44.100);
- 31 (27) Rape of a child in the first degree (RCW 9A.44.073);
- 32 (28) Rape of a child in the second degree (RCW 9A.44.076);
- 33 (29) Rape of a child in the third degree (RCW 9A.44.079);
- 34 (30) Child molestation in the first degree (RCW 9A.44.083);
- 35 (31) Child molestation in the second degree (RCW 9A.44.086);
- 36 (32) Child molestation in the third degree (RCW 9A.44.089);
- 37 (33) Stalking (RCW 9A.46.110);
- 38 (34) Cyberstalking (RCW 9.61.260);
- 39 (35) Residential burglary (RCW 9A.52.025);

1 (36) Violation of a temporary, permanent, or final protective
2 order issued pursuant to chapter ~~((7.90))~~ 9A.44, 9A.46, ~~((10.14,))~~
3 10.99, or 26.09~~((, or 26.50))~~ RCW or any of the former chapters 7.90,
4 10.14, and 26.50 RCW, or violation of a domestic violence protection
5 order, sexual assault protection order, or antiharassment protection
6 order issued under chapter 7.--- RCW (the new chapter created in
7 section 81 of this act);

8 (37) Unlawful discharge of a laser in the first degree (RCW
9 9A.49.020); and

10 (38) Unlawful discharge of a laser in the second degree (RCW
11 9A.49.030).

12 **Sec. 114.** RCW 9A.46.085 and 2013 c 84 s 28 are each amended to
13 read as follows:

14 (1) A defendant arrested for stalking as defined by RCW 9A.46.110
15 shall be required to appear in person before a magistrate within one
16 judicial day after the arrest.

17 (2) At the time of appearance provided in subsection (1) of this
18 section the court shall determine the necessity of imposing a
19 stalking no-contact order under this chapter ~~((7.92-RCW))~~.

20 (3) Appearances required pursuant to this section are mandatory
21 and cannot be waived.

22 (4) The stalking no-contact order shall be issued and entered
23 with the appropriate law enforcement agency pursuant to the
24 procedures outlined in this chapter ~~((7.92-RCW))~~.

25 **Sec. 115.** RCW 9A.46.110 and 2013 c 84 s 29 are each amended to
26 read as follows:

27 (1) A person commits the crime of stalking if, without lawful
28 authority and under circumstances not amounting to a felony attempt
29 of another crime:

30 (a) He or she intentionally and repeatedly harasses or repeatedly
31 follows another person; and

32 (b) The person being harassed or followed is placed in fear that
33 the stalker intends to injure the person, another person, or property
34 of the person or of another person. The feeling of fear must be one
35 that a reasonable person in the same situation would experience under
36 all the circumstances; and

37 (c) The stalker either:

38 (i) Intends to frighten, intimidate, or harass the person; or

1 (ii) Knows or reasonably should know that the person is afraid,
2 intimidated, or harassed even if the stalker did not intend to place
3 the person in fear or intimidate or harass the person.

4 (2) (a) It is not a defense to the crime of stalking under
5 subsection (1) (c) (i) of this section that the stalker was not given
6 actual notice that the person did not want the stalker to contact or
7 follow the person; and

8 (b) It is not a defense to the crime of stalking under subsection
9 (1) (c) (ii) of this section that the stalker did not intend to
10 frighten, intimidate, or harass the person.

11 (3) It shall be a defense to the crime of stalking that the
12 defendant is a licensed private investigator acting within the
13 capacity of his or her license as provided by chapter 18.165 RCW.

14 (4) Attempts to contact or follow the person after being given
15 actual notice that the person does not want to be contacted or
16 followed constitutes prima facie evidence that the stalker intends to
17 intimidate or harass the person. "Contact" includes, in addition to
18 any other form of contact or communication, the sending of an
19 electronic communication to the person.

20 (5) (a) Except as provided in (b) of this subsection, a person who
21 stalks another person is guilty of a gross misdemeanor.

22 (b) A person who stalks another is guilty of a class B felony if
23 any of the following applies: (i) The stalker has previously been
24 convicted in this state or any other state of any crime of
25 harassment, as defined in RCW 9A.46.060, of the same victim or
26 members of the victim's family or household or any person
27 specifically named in a protective order; (ii) the stalking violates
28 any protective order protecting the person being stalked; (iii) the
29 stalker has previously been convicted of a gross misdemeanor or
30 felony stalking offense under this section for stalking another
31 person; (iv) the stalker was armed with a deadly weapon, as defined
32 in RCW 9.94A.825, while stalking the person; (v) (A) the stalker's
33 victim is or was a law enforcement officer; judge; juror; attorney;
34 victim advocate; legislator; community corrections' officer; an
35 employee, contract staff person, or volunteer of a correctional
36 agency; court employee, court clerk, or courthouse facilitator; or an
37 employee of the child protective, child welfare, or adult protective
38 services division within the department of social and health
39 services; and (B) the stalker stalked the victim to retaliate against
40 the victim for an act the victim performed during the course of

1 official duties or to influence the victim's performance of official
2 duties; or (vi) the stalker's victim is a current, former, or
3 prospective witness in an adjudicative proceeding, and the stalker
4 stalked the victim to retaliate against the victim as a result of the
5 victim's testimony or potential testimony.

6 (6) As used in this section:

7 (a) "Correctional agency" means a person working for the
8 department of natural resources in a correctional setting or any
9 state, county, or municipally operated agency with the authority to
10 direct the release of a person serving a sentence or term of
11 confinement and includes but is not limited to the department of
12 corrections, the indeterminate sentence review board, and the
13 department of social and health services.

14 (b) "Course of conduct" means a pattern of conduct composed of a
15 series of acts over a period of time, however short, evidencing a
16 continuity of purpose. "Course of conduct" includes, in addition to
17 any other form of communication, contact, or conduct, the sending of
18 an electronic communication, but does not include constitutionally
19 protected free speech. Constitutionally protected activity is not
20 included within the meaning of "course of conduct."

21 (c) "Follows" means deliberately maintaining visual or physical
22 proximity to a specific person over a period of time. A finding that
23 the alleged stalker repeatedly and deliberately appears at the
24 person's home, school, place of employment, business, or any other
25 location to maintain visual or physical proximity to the person is
26 sufficient to find that the alleged stalker follows the person. It is
27 not necessary to establish that the alleged stalker follows the
28 person while in transit from one location to another.

29 ~~((e))~~ (d) "Harasses" means ((unlawful harassment as defined in
30 RCW 10.14.020)) a knowing and willful course of conduct directed at a
31 specific person which seriously alarms, annoys, harasses, or is
32 detrimental to such person, and which serves no legitimate or lawful
33 purpose. The course of conduct shall be such as would cause a
34 reasonable person to suffer substantial emotional distress, and shall
35 actually cause substantial emotional distress to the petitioner, or
36 when the course of conduct would cause a reasonable parent to fear
37 for the well-being of his or her child.

38 ~~((d))~~ (e) "Protective order" means any temporary or permanent
39 court order prohibiting or limiting violence against, harassment of,

1 contact or communication with, or physical proximity to another
2 person.

3 ((~~e~~)) (f) "Repeatedly" means on two or more separate occasions.

4 **Sec. 116.** RCW 9A.88.170 and 2017 c 230 s 7 are each amended to
5 read as follows:

6 (1) Because of the likelihood of repeated harassment and
7 intimidation directed at those who have been victims of promoting
8 prostitution in the first degree under RCW 9A.88.070 or promoting
9 prostitution in the second degree under RCW 9A.88.080, before any
10 defendant charged with or arrested, for a crime involving promoting
11 prostitution is released from custody, or at any time the case
12 remains unresolved, the court may prohibit that person from having
13 any contact with the victim whether directly or through third
14 parties. If there is no outstanding restraining or protective order
15 prohibiting that person from having contact with the victim, the
16 court may issue, by telephone, a no-contact order prohibiting the
17 person charged or arrested from having contact with the victim or
18 from knowingly coming within, or knowingly remaining within, a
19 specified distance of a location. The court may also consider the
20 provisions of RCW 9.41.800 or other conditions of pretrial release
21 according to the procedures established by court rule for preliminary
22 appearance or an arraignment.

23 (2) At the time of arraignment, the court shall determine whether
24 a no-contact order shall be issued or extended. So long as the court
25 finds probable cause, the court may issue or extend a no-contact
26 order. The no-contact order shall terminate if the defendant is
27 acquitted or the charges are dismissed.

28 (3)(a) Willful violation of a court order issued under this
29 section is punishable under ((~~RCW 26.50.110~~)) section 56 of this act.

30 (b) The written order shall contain the court's directives and
31 shall bear the legend: Violation of this order is a criminal offense
32 under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section
33 81 of this act) and the violator is subject to arrest; any assault,
34 drive-by shooting, or reckless endangerment that is a violation of
35 this order is a felony.

36 (4) Upon a motion with notice to all parties and after a hearing,
37 the court may terminate or modify the terms of an existing no-contact
38 order, including terms entered pursuant to RCW 9.41.800 related to
39 firearms or other dangerous weapons or to concealed pistol licenses.

1 (5) (a) A defendant's motion to terminate or modify a no-contact
2 order must include a declaration setting forth facts supporting the
3 requested order for termination or modification. The court shall deny
4 the motion unless it finds that adequate cause for hearing the motion
5 is established by the declarations. If the court finds that the
6 defendant established adequate cause, the court shall set a date for
7 hearing the defendant's motion.

8 (b) The court may terminate or modify the terms of a no-contact
9 order, including terms entered pursuant to RCW 9.41.800 related to
10 firearms or other dangerous weapons or to concealed pistol licenses,
11 if the defendant proves by a preponderance of the evidence that there
12 has been a material change in circumstances such that the defendant
13 is not likely to engage in or attempt to engage in physical or
14 nonphysical contact with the victim if the order is terminated or
15 modified. The victim bears no burden of proving that he or she has a
16 current reasonable fear of harm by the defendant.

17 (c) A defendant may file a motion to terminate or modify pursuant
18 to this section no more than once in every twelve-month period that
19 the order is in effect, starting from the date of the order and
20 continuing through any renewal.

21 (6) Whenever a no-contact order is issued, modified, or
22 terminated under this section, the clerk of the court shall forward a
23 copy of the order on or before the next judicial day to the
24 appropriate law enforcement agency specified in the order. Upon
25 receipt of the copy of the order the law enforcement agency shall
26 enter the order for one year or until the expiration date specified
27 on the order into any computer-based criminal intelligence
28 information system available in this state used by law enforcement
29 agencies to list outstanding warrants. Entry into the computer-based
30 criminal intelligence information system constitutes notice to all
31 law enforcement agencies of the existence of the order. The order is
32 fully enforceable in any jurisdiction in the state. Upon receipt of
33 notice that an order has been terminated, the law enforcement agency
34 shall remove the order from the computer-based criminal intelligence
35 information system.

36 **Sec. 117.** RCW 9A.88.180 and 2017 c 230 s 8 are each amended to
37 read as follows:

38 (1) If a defendant is found guilty of the crime of promoting
39 prostitution in the first degree under RCW 9A.88.070 or promoting

1 prostitution in the second degree under RCW 9A.88.080, and a
2 condition of the sentence restricts the defendant's ability to have
3 contact with the victim or witnesses, the condition must be recorded
4 and a written certified copy of that order must be provided to the
5 victim or witnesses by the clerk of the court. Willful violation of a
6 court order issued under this section is punishable under ((RCW
7 ~~26.50.110~~)) section 56 of this act. The written order must contain
8 the court's directives and shall bear the legend: Violation of this
9 order is a criminal offense under chapter ((26.50)) 7.--- RCW (the
10 new chapter created in section 81 of this act) and the violator is
11 subject to arrest; any assault, drive-by shooting, or reckless
12 endangerment that is a violation of this order is a felony.

13 (2) Whenever a no-contact order is issued under this section, the
14 clerk of the court shall forward a copy of the order on or before the
15 next judicial day to the appropriate law enforcement agency specified
16 in the order. Upon receipt of the copy of the order, the law
17 enforcement agency shall enter the order for one year or until the
18 expiration date specified on the order into any computer-based
19 criminal intelligence information system available in this state used
20 by law enforcement agencies to list outstanding warrants. Entry into
21 the computer-based criminal intelligence information system
22 constitutes notice to all law enforcement agencies of the existence
23 of the order. The order is fully enforceable in any jurisdiction in
24 the state. Upon receipt of notice that an order has been terminated,
25 the law enforcement agency shall remove the order from the computer-
26 based criminal intelligence information system.

27 **Sec. 118.** RCW 10.01.240 and 2019 c 263 s 202 are each amended to
28 read as follows:

29 Whenever a prosecutor, or the attorney general or assistants
30 acting pursuant to RCW 10.01.190, institutes or conducts a criminal
31 proceeding involving domestic violence as defined in RCW 10.99.020,
32 the prosecutor, or attorney general or assistants, shall specify
33 whether the victim and defendant are intimate partners or family or
34 household members within the meaning of ((RCW 26.50.010)) section 2
35 of this act.

36 **Sec. 119.** RCW 10.05.020 and 2019 c 263 s 703 are each amended to
37 read as follows:

1 (1) Except as provided in subsection (2) of this section, the
2 petitioner shall allege under oath in the petition that the wrongful
3 conduct charged is the result of or caused by substance use disorders
4 or mental problems or domestic violence behavior problems for which
5 the person is in need of treatment and unless treated the probability
6 of future recurrence is great, along with a statement that the person
7 agrees to pay the cost of a diagnosis and treatment of the alleged
8 problem or problems if financially able to do so. The petition shall
9 also contain a case history and written assessment prepared by an
10 approved substance use disorder treatment program as designated in
11 chapter 71.24 RCW if the petition alleges a substance use disorder,
12 by an approved mental health center if the petition alleges a mental
13 problem, or by a state-certified domestic violence treatment provider
14 pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this
15 act) if the petition alleges a domestic violence behavior problem.

16 (2) In the case of a petitioner charged with a misdemeanor or
17 gross misdemeanor under chapter 9A.42 RCW, the petitioner shall
18 allege under oath in the petition that the petitioner is the natural
19 or adoptive parent of the alleged victim; that the wrongful conduct
20 charged is the result of parenting problems for which the petitioner
21 is in need of services; that the petitioner is in need of child
22 welfare services under chapter 74.13 RCW to improve his or her
23 parenting skills in order to better provide his or her child or
24 children with the basic necessities of life; that the petitioner
25 wants to correct his or her conduct to reduce the likelihood of harm
26 to his or her minor children; that in the absence of child welfare
27 services the petitioner may be unable to reduce the likelihood of
28 harm to his or her minor children; and that the petitioner has
29 cooperated with the department of social and health services to
30 develop a plan to receive appropriate child welfare services; along
31 with a statement that the person agrees to pay the cost of the
32 services if he or she is financially able to do so. The petition
33 shall also contain a case history and a written service plan from the
34 department of social and health services.

35 (3) Before entry of an order deferring prosecution, a petitioner
36 shall be advised of his or her rights as an accused and execute, as a
37 condition of receiving treatment, a statement that contains: (a) An
38 acknowledgment of his or her rights; (b) an acknowledgment and waiver
39 of the right to testify, the right to a speedy trial, the right to
40 call witnesses to testify, the right to present evidence in his or

1 her defense, and the right to a jury trial; (c) a stipulation to the
2 admissibility and sufficiency of the facts contained in the written
3 police report; and (d) an acknowledgment that the statement will be
4 entered and used to support a finding of guilty if the court finds
5 cause to revoke the order granting deferred prosecution. The
6 petitioner shall also be advised that he or she may, if he or she
7 proceeds to trial and is found guilty, be allowed to seek suspension
8 of some or all of the fines and incarceration that may be ordered
9 upon the condition that he or she seek treatment and, further, that
10 he or she may seek treatment from public and private agencies at any
11 time without regard to whether or not he or she is found guilty of
12 the offense charged. He or she shall also be advised that the court
13 will not accept a petition for deferred prosecution from a person
14 who: (i) Sincerely believes that he or she is innocent of the
15 charges; (ii) sincerely believes that he or she does not, in fact,
16 suffer from alcoholism, drug addiction, mental problems, or domestic
17 violence behavior problems; or (iii) in the case of a petitioner
18 charged under chapter 9A.42 RCW, sincerely believes that he or she
19 does not need child welfare services.

20 (4) Before entering an order deferring prosecution, the court
21 shall make specific findings that: (a) The petitioner has stipulated
22 to the admissibility and sufficiency of the facts as contained in the
23 written police report; (b) the petitioner has acknowledged the
24 admissibility of the stipulated facts in any criminal hearing on the
25 underlying offense or offenses held subsequent to revocation of the
26 order granting deferred prosecution; (c) the petitioner has
27 acknowledged and waived the right to testify, the right to a speedy
28 trial, the right to call witnesses to testify, the right to present
29 evidence in his or her defense, and the right to a jury trial; and
30 (d) the petitioner's statements were made knowingly and voluntarily.
31 Such findings shall be included in the order granting deferred
32 prosecution.

33 **Sec. 120.** RCW 10.05.030 and 2019 c 263 s 704 are each amended to
34 read as follows:

35 The arraigining judge upon consideration of the petition and with
36 the concurrence of the prosecuting attorney may continue the
37 arraignment and refer such person for a diagnostic investigation and
38 evaluation to:

1 (1) An approved substance use disorder treatment program as
2 designated in chapter 71.24 RCW if the petition alleges a substance
3 use disorder;

4 (2) An approved mental health center if the petition alleges a
5 mental problem;

6 (3) The department of social and health services if the petition
7 is brought under RCW 10.05.020(2); or

8 (4) An approved state-certified domestic violence treatment
9 provider pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified
10 by this act) if the petition alleges a domestic violence behavior
11 problem.

12 **Sec. 121.** RCW 10.22.010 and 2020 c 29 s 9 are each amended to
13 read as follows:

14 When a defendant is prosecuted in a criminal action for a
15 misdemeanor, other than a violation of RCW 9A.48.105, for which the
16 person injured by the act constituting the offense has a remedy by a
17 civil action, the offense may be compromised as provided in RCW
18 10.22.020, except when it was committed:

19 (1) By or upon an officer while in the execution of the duties of
20 his or her office;

21 (2) Riotously;

22 (3) With an intent to commit a felony; or

23 (4) By one family or household member against another or by one
24 intimate partner against another as defined in RCW (~~26.50.010~~)
25 10.99.020 and was a crime of domestic violence as defined in RCW
26 10.99.020.

27 **Sec. 122.** RCW 10.31.100 and 2020 c 29 s 10 are each amended to
28 read as follows:

29 A police officer having probable cause to believe that a person
30 has committed or is committing a felony shall have the authority to
31 arrest the person without a warrant. A police officer may arrest a
32 person without a warrant for committing a misdemeanor or gross
33 misdemeanor only when the offense is committed in the presence of an
34 officer, except as provided in subsections (1) through (11) of this
35 section.

36 (1) Any police officer having probable cause to believe that a
37 person has committed or is committing a misdemeanor or gross
38 misdemeanor, involving physical harm or threats of harm to any person

1 or property or the unlawful taking of property or involving the use
2 or possession of cannabis, or involving the acquisition, possession,
3 or consumption of alcohol by a person under the age of twenty-one
4 years under RCW 66.44.270, or involving criminal trespass under RCW
5 9A.52.070 or 9A.52.080, shall have the authority to arrest the
6 person.

7 (2) A police officer shall arrest and take into custody, pending
8 release on bail, personal recognizance, or court order, a person
9 without a warrant when the officer has probable cause to believe
10 that:

11 (a) ~~((An))~~ A domestic violence protection order, a sexual assault
12 protection order, a stalking protection order, or a vulnerable adult
13 protection order has been issued, of which the person has knowledge,
14 under chapter 7.--- RCW (the new chapter created in section 81 of
15 this act), or an order has been issued, of which the person has
16 knowledge, under RCW 26.44.063, or chapter ((7.92, 7.90,)) 9A.40,
17 9A.46, 9A.88, 10.99, 26.09, 26.10, 26.26A, 26.26B, ((26.50,)) or
18 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW,
19 restraining the person and the person has violated the terms of the
20 order restraining the person from acts or threats of violence, or
21 restraining the person from going onto the grounds of, or entering, a
22 residence, workplace, school, or day care, or prohibiting the person
23 from knowingly coming within, or knowingly remaining within, a
24 specified distance of a location, a protected party's person, or a
25 protected party's vehicle, or, in the case of an order issued under
26 RCW 26.44.063, imposing any other restrictions or conditions upon the
27 person;

28 (b) An extreme risk protection order has been issued against the
29 person under chapter 7.--- RCW (the new chapter created in section 81
30 of this act) or former RCW 7.94.040, the person has knowledge of the
31 order, and the person has violated the terms of the order prohibiting
32 the person from having in his or her custody or control, purchasing,
33 possessing, accessing, or receiving a firearm or concealed pistol
34 license;

35 (c) A foreign protection order, as defined in RCW 26.52.010, or a
36 Canadian domestic violence protection order, as defined in RCW
37 26.55.010, has been issued of which the person under restraint has
38 knowledge and the person under restraint has violated a provision of
39 the foreign protection order or the Canadian domestic violence
40 protection order prohibiting the person under restraint from

1 contacting or communicating with another person, or excluding the
2 person under restraint from a residence, workplace, school, or day
3 care, or prohibiting the person from knowingly coming within, or
4 knowingly remaining within, a specified distance of a location, a
5 protected party's person, or a protected party's vehicle, or a
6 violation of any provision for which the foreign protection order or
7 the Canadian domestic violence protection order specifically
8 indicates that a violation will be a crime; or

9 (d) The person is eighteen years or older and within the
10 preceding four hours has assaulted a family or household member or
11 intimate partner as defined in RCW (~~(26.50.010)~~) 10.99.020 and the
12 officer believes: (i) A felonious assault has occurred; (ii) an
13 assault has occurred which has resulted in bodily injury to the
14 victim, whether the injury is observable by the responding officer or
15 not; or (iii) that any physical action has occurred which was
16 intended to cause another person reasonably to fear imminent serious
17 bodily injury or death. Bodily injury means physical pain, illness,
18 or an impairment of physical condition. When the officer has probable
19 cause to believe that family or household members or intimate
20 partners have assaulted each other, the officer is not required to
21 arrest both persons. The officer shall arrest the person whom the
22 officer believes to be the primary physical aggressor. In making this
23 determination, the officer shall make every reasonable effort to
24 consider: (A) The intent to protect victims of domestic violence
25 under RCW 10.99.010; (B) the comparative extent of injuries inflicted
26 or serious threats creating fear of physical injury; and (C) the
27 history of domestic violence of each person involved, including
28 whether the conduct was part of an ongoing pattern of abuse.

29 (3) Any police officer having probable cause to believe that a
30 person has committed or is committing a violation of any of the
31 following traffic laws shall have the authority to arrest the person:

32 (a) RCW 46.52.010, relating to duty on striking an unattended car
33 or other property;

34 (b) RCW 46.52.020, relating to duty in case of injury to, or
35 death of, a person or damage to an attended vehicle;

36 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
37 racing of vehicles;

38 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
39 influence of intoxicating liquor or drugs;

1 (e) RCW 46.61.503 or 46.25.110, relating to persons having
2 alcohol or THC in their system;

3 (f) RCW 46.20.342, relating to driving a motor vehicle while
4 operator's license is suspended or revoked;

5 (g) RCW 46.61.5249, relating to operating a motor vehicle in a
6 negligent manner.

7 (4) A law enforcement officer investigating at the scene of a
8 motor vehicle accident may arrest the driver of a motor vehicle
9 involved in the accident if the officer has probable cause to believe
10 that the driver has committed, in connection with the accident, a
11 violation of any traffic law or regulation.

12 (5) (a) A law enforcement officer investigating at the scene of a
13 motor vessel accident may arrest the operator of a motor vessel
14 involved in the accident if the officer has probable cause to believe
15 that the operator has committed, in connection with the accident, a
16 criminal violation of chapter 79A.60 RCW.

17 (b) A law enforcement officer investigating at the scene of a
18 motor vessel accident may issue a citation for an infraction to the
19 operator of a motor vessel involved in the accident if the officer
20 has probable cause to believe that the operator has committed, in
21 connection with the accident, a violation of any boating safety law
22 of chapter 79A.60 RCW.

23 (6) Any police officer having probable cause to believe that a
24 person has committed or is committing a violation of RCW 79A.60.040
25 shall have the authority to arrest the person.

26 (7) An officer may act upon the request of a law enforcement
27 officer, in whose presence a traffic infraction was committed, to
28 stop, detain, arrest, or issue a notice of traffic infraction to the
29 driver who is believed to have committed the infraction. The request
30 by the witnessing officer shall give an officer the authority to take
31 appropriate action under the laws of the state of Washington.

32 (8) Any police officer having probable cause to believe that a
33 person has committed or is committing any act of indecent exposure,
34 as defined in RCW 9A.88.010, may arrest the person.

35 (9) A police officer may arrest and take into custody, pending
36 release on bail, personal recognizance, or court order, a person
37 without a warrant when the officer has probable cause to believe that
38 an antiharassment protection order has been issued of which the
39 person has knowledge under chapter 7.--- RCW (the new chapter created

1 in section 81 of this act) or former chapter 10.14 RCW and the person
2 has violated the terms of that order.

3 (10) Any police officer having probable cause to believe that a
4 person has, within twenty-four hours of the alleged violation,
5 committed a violation of RCW 9A.50.020 may arrest such person.

6 (11) A police officer having probable cause to believe that a
7 person illegally possesses or illegally has possessed a firearm or
8 other dangerous weapon on private or public elementary or secondary
9 school premises shall have the authority to arrest the person.

10 For purposes of this subsection, the term "firearm" has the
11 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has
12 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

13 (12) A law enforcement officer having probable cause to believe
14 that a person has committed a violation under RCW 77.15.160(5) may
15 issue a citation for an infraction to the person in connection with
16 the violation.

17 (13) A law enforcement officer having probable cause to believe
18 that a person has committed a criminal violation under RCW 77.15.809
19 or 77.15.811 may arrest the person in connection with the violation.

20 (14) Except as specifically provided in subsections (2), (3),
21 (4), and (7) of this section, nothing in this section extends or
22 otherwise affects the powers of arrest prescribed in Title 46 RCW.

23 (15) No police officer may be held criminally or civilly liable
24 for making an arrest pursuant to subsection (2) or (9) of this
25 section if the police officer acts in good faith and without malice.

26 (16)(a) Except as provided in (b) of this subsection, a police
27 officer shall arrest and keep in custody, until release by a judicial
28 officer on bail, personal recognizance, or court order, a person
29 without a warrant when the officer has probable cause to believe that
30 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
31 local ordinance and the police officer: (i) Has knowledge that the
32 person has a prior offense as defined in RCW 46.61.5055 within ten
33 years; or (ii) has knowledge, based on a review of the information
34 available to the officer at the time of arrest, that the person is
35 charged with or is awaiting arraignment for an offense that would
36 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
37 conviction.

38 (b) A police officer is not required to keep in custody a person
39 under (a) of this subsection if the person requires immediate medical
40 attention and is admitted to a hospital.

1 **Sec. 123.** RCW 10.66.010 and 2020 c 29 s 11 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter:

5 (1) "Applicant" means any person who owns, occupies, or has a
6 substantial interest in property, or who is a neighbor to property
7 which is adversely affected by drug trafficking, including:

8 (a) A "family or household member" or "intimate partner" as
9 defined (~~by RCW 26.50.010~~) in section 2 of this act, who has a
10 possessory interest in a residence as an owner or tenant, at least as
11 great as a known drug trafficker's interest;

12 (b) An owner or lessor;

13 (c) An owner, tenant, or resident who lives or works in a
14 designated PADT area; or

15 (d) A city or prosecuting attorney for any jurisdiction in this
16 state where drug trafficking is occurring.

17 (2) "Drug" or "drugs" means a controlled substance as defined in
18 chapter 69.50 RCW or an "imitation controlled substance" as defined
19 in RCW 69.52.020.

20 (3) "Known drug trafficker" means any person who has been
21 convicted of a drug offense in this state, another state, or federal
22 court who subsequently has been arrested for a drug offense in this
23 state. For purposes of this definition, "drug offense" means a felony
24 violation of chapter 69.50 or 69.52 RCW or equivalent law in another
25 jurisdiction that involves the manufacture, distribution, or
26 possession with intent to manufacture or distribute of a controlled
27 substance or imitation controlled substance.

28 (4) "Off-limits orders" means an order issued by a superior or
29 district court in the state of Washington that enjoins known drug
30 traffickers from entering or remaining in a designated PADT area.

31 (5) "Protected against drug trafficking area" or "PADT area"
32 means any specifically described area, public or private, contained
33 in an off-limits order. The perimeters of a PADT area shall be
34 defined using street names and numbers and shall include all real
35 property contained therein, where drug sales, possession of drugs,
36 pedestrian or vehicular traffic attendant to drug activity, or other
37 activity associated with drug offenses confirms a pattern associated
38 with drug trafficking. The area may include the full width of
39 streets, alleys and sidewalks on the perimeter, common areas,

1 planting strips, or parks and parking areas within the area described
2 using the streets as boundaries.

3 **Sec. 124.** RCW 10.95.020 and 2020 c 29 s 12 are each amended to
4 read as follows:

5 A person is guilty of aggravated first degree murder, a class A
6 felony, if he or she commits first degree murder as defined by RCW
7 9A.32.030(1)(a), as now or hereafter amended, and one or more of the
8 following aggravating circumstances exist:

9 (1) The victim was a law enforcement officer, corrections
10 officer, or firefighter who was performing his or her official duties
11 at the time of the act resulting in death and the victim was known or
12 reasonably should have been known by the person to be such at the
13 time of the killing;

14 (2) At the time of the act resulting in the death, the person was
15 serving a term of imprisonment, had escaped, or was on authorized or
16 unauthorized leave in or from a state facility or program for the
17 incarceration or treatment of persons adjudicated guilty of crimes;

18 (3) At the time of the act resulting in death, the person was in
19 custody in a county or county-city jail as a consequence of having
20 been adjudicated guilty of a felony;

21 (4) The person committed the murder pursuant to an agreement that
22 he or she would receive money or any other thing of value for
23 committing the murder;

24 (5) The person solicited another person to commit the murder and
25 had paid or had agreed to pay money or any other thing of value for
26 committing the murder;

27 (6) The person committed the murder to obtain or maintain his or
28 her membership or to advance his or her position in the hierarchy of
29 an organization, association, or identifiable group;

30 (7) The murder was committed during the course of or as a result
31 of a shooting where the discharge of the firearm, as defined in RCW
32 9.41.010, is either from a motor vehicle or from the immediate area
33 of a motor vehicle that was used to transport the shooter or the
34 firearm, or both, to the scene of the discharge;

35 (8) The victim was:

36 (a) A judge; juror or former juror; prospective, current, or
37 former witness in an adjudicative proceeding; prosecuting attorney;
38 deputy prosecuting attorney; defense attorney; a member of the

1 indeterminate sentence review board; or a probation or parole
2 officer; and

3 (b) The murder was related to the exercise of official duties
4 performed or to be performed by the victim;

5 (9) The person committed the murder to conceal the commission of
6 a crime or to protect or conceal the identity of any person
7 committing a crime, including, but specifically not limited to, any
8 attempt to avoid prosecution as a persistent offender as defined in
9 RCW 9.94A.030;

10 (10) There was more than one victim and the murders were part of
11 a common scheme or plan or the result of a single act of the person;

12 (11) The murder was committed in the course of, in furtherance
13 of, or in immediate flight from one of the following crimes:

14 (a) Robbery in the first or second degree;

15 (b) Rape in the first or second degree;

16 (c) Burglary in the first or second degree or residential
17 burglary;

18 (d) Kidnapping in the first degree; or

19 (e) Arson in the first degree;

20 (12) The victim was regularly employed or self-employed as a
21 newsreporter and the murder was committed to obstruct or hinder the
22 investigative, research, or reporting activities of the victim;

23 (13) At the time the person committed the murder, there existed a
24 court order, issued in this or any other state, which prohibited the
25 person from either contacting the victim, molesting the victim, or
26 disturbing the peace of the victim, and the person had knowledge of
27 the existence of that order;

28 (14) At the time the person committed the murder, the person and
29 the victim were "family or household members" or "intimate partners"
30 as defined in RCW (~~26.50.010~~) 10.99.020, and the person had
31 previously engaged in a pattern or practice of three or more of the
32 following crimes committed upon the victim within a five-year period,
33 regardless of whether a conviction resulted:

34 (a) Harassment as defined in RCW 9A.46.020; or

35 (b) Any criminal assault.

36 **Sec. 125.** RCW 10.99.020 and 2020 c 296 s 5 are each reenacted
37 and amended to read as follows:

38 Unless the context clearly requires otherwise, the definitions in
39 this section apply throughout this chapter.

1 (1) "Agency" means a general authority Washington law enforcement
2 agency as defined in RCW 10.93.020.

3 (2) "Association" means the Washington association of sheriffs
4 and police chiefs.

5 (3) "Dating relationship" has the same meaning as in ((RCW
6 ~~26.50.010~~) section 2 of this act.

7 (4) "Domestic violence" includes but is not limited to any of the
8 following crimes when committed either by (a) one family or household
9 member against another family or household member, or (b) one
10 intimate partner against another intimate partner:

11 (i) Assault in the first degree (RCW 9A.36.011);

12 (ii) Assault in the second degree (RCW 9A.36.021);

13 (iii) Assault in the third degree (RCW 9A.36.031);

14 (iv) Assault in the fourth degree (RCW 9A.36.041);

15 (v) Drive-by shooting (RCW 9A.36.045);

16 (vi) Reckless endangerment (RCW 9A.36.050);

17 (vii) Coercion (RCW 9A.36.070);

18 (viii) Burglary in the first degree (RCW 9A.52.020);

19 (ix) Burglary in the second degree (RCW 9A.52.030);

20 (x) Criminal trespass in the first degree (RCW 9A.52.070);

21 (xi) Criminal trespass in the second degree (RCW 9A.52.080);

22 (xii) Malicious mischief in the first degree (RCW 9A.48.070);

23 (xiii) Malicious mischief in the second degree (RCW 9A.48.080);

24 (xiv) Malicious mischief in the third degree (RCW 9A.48.090);

25 (xv) Kidnapping in the first degree (RCW 9A.40.020);

26 (xvi) Kidnapping in the second degree (RCW 9A.40.030);

27 (xvii) Unlawful imprisonment (RCW 9A.40.040);

28 (xviii) Violation of the provisions of a restraining order, no-
29 contact order, or protection order restraining or enjoining the
30 person or restraining the person from going onto the grounds of or
31 entering a residence, workplace, school, or day care, or prohibiting
32 the person from knowingly coming within, or knowingly remaining
33 within, a specified distance of a location, a protected party's
34 person, or a protected party's vehicle (chapter 7.--- RCW (the new
35 chapter created in section 81 of this act), or RCW 10.99.040,
36 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150,
37 ((~~26.50.060, 26.50.070, 26.50.130,~~) or 26.52.070(~~(, or 74.34.145)~~),
38 or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and
39 74.34.145);

40 (xix) Rape in the first degree (RCW 9A.44.040);

1 (xx) Rape in the second degree (RCW 9A.44.050);
2 (xxi) Residential burglary (RCW 9A.52.025);
3 (xxii) Stalking (RCW 9A.46.110); and
4 (xxiii) Interference with the reporting of domestic violence (RCW
5 9A.36.150).

6 (5) "Electronic monitoring" means the same as in RCW 9.94A.030.

7 (6) "Employee" means any person currently employed with an
8 agency.

9 (7) "Family or household members" means (~~the same as in RCW~~
10 ~~26.50.010~~): (a) Adult persons related by blood or marriage; (b)
11 adult persons who are presently residing together or who have resided
12 together in the past; and (c) persons who have a biological or legal
13 parent-child relationship, including stepparents and stepchildren and
14 grandparents and grandchildren.

15 (8) "Intimate partners" means (~~the same as in RCW 26.50.010~~):
16 (a) Spouses or domestic partners; (b) former spouses or former
17 domestic partners; (c) persons who have a child in common regardless
18 of whether they have been married or have lived together at any time;
19 (d) adult persons presently or previously residing together who have
20 or have had a dating relationship; (e) persons 16 years of age or
21 older who are presently residing together or who have resided
22 together in the past and who have or have had a dating relationship;
23 or (f) persons 16 years of age or older with whom a person 16 years
24 of age or older has or has had a dating relationship.

25 (9) "Sworn employee" means a general authority Washington peace
26 officer as defined in RCW 10.93.020, any person appointed under RCW
27 35.21.333, and any person appointed or elected to carry out the
28 duties of the sheriff under chapter 36.28 RCW.

29 (10) "Victim" means a family or household member or an intimate
30 partner who has been subjected to domestic violence.

31 **Sec. 126.** RCW 10.99.040 and 2019 c 367 s 4 are each amended to
32 read as follows:

33 (1) Because of the serious nature of domestic violence, the court
34 in domestic violence actions:

35 (a) Shall not dismiss any charge or delay disposition because of
36 concurrent dissolution or other civil proceedings;

37 (b) Shall not require proof that either party is seeking a
38 dissolution of marriage prior to instigation of criminal proceedings;

1 (c) Shall waive any requirement that the victim's location be
2 disclosed to any person, other than the attorney of a criminal
3 defendant, upon a showing that there is a possibility of further
4 violence: PROVIDED, That the court may order a criminal defense
5 attorney not to disclose to his or her client the victim's location;
6 and

7 (d) Shall identify by any reasonable means on docket sheets those
8 criminal actions arising from acts of domestic violence.

9 (2) (a) Because of the likelihood of repeated violence directed at
10 those who have been victims of domestic violence in the past, when
11 any person charged with or arrested for a crime involving domestic
12 violence is released from custody before arraignment or trial on bail
13 or personal recognizance, the court authorizing the release may
14 prohibit that person from having any contact with the victim. The
15 jurisdiction authorizing the release shall determine whether that
16 person should be prohibited from having any contact with the victim.
17 If there is no outstanding restraining or protective order
18 prohibiting that person from having contact with the victim, the
19 court authorizing release may issue, by telephone, a no-contact order
20 prohibiting the person charged or arrested from having contact with
21 the victim or from knowingly coming within, or knowingly remaining
22 within, a specified distance of a location.

23 (b) In issuing the order, the court shall consider the provisions
24 of RCW 9.41.800, and shall order the defendant to surrender, and
25 prohibit the person from possessing, all firearms, dangerous weapons,
26 and any concealed pistol license as required in RCW 9.41.800.

27 (c) The no-contact order shall also be issued in writing as soon
28 as possible, and shall state that it may be extended as provided in
29 subsection (3) of this section. By January 1, 2011, the
30 administrative office of the courts shall develop a pattern form for
31 all no-contact orders issued under this chapter. A no-contact order
32 issued under this chapter must substantially comply with the pattern
33 form developed by the administrative office of the courts.

34 (3) (a) At the time of arraignment the court shall determine
35 whether a no-contact order shall be issued or extended. So long as
36 the court finds probable cause, the court may issue or extend a no-
37 contact order even if the defendant fails to appear at arraignment.
38 The no-contact order shall terminate if the defendant is acquitted or
39 the charges are dismissed.

1 (b) In issuing the order, the court shall consider all
2 information documented in the incident report concerning the person's
3 possession of and access to firearms and whether law enforcement took
4 temporary custody of firearms at the time of the arrest. The court
5 may as a condition of release prohibit the defendant from possessing
6 or accessing firearms and order the defendant to immediately
7 surrender all firearms and any concealed pistol license to a law
8 enforcement agency upon release.

9 (c) If a no-contact order is issued or extended, the court may
10 also include in the conditions of release a requirement that the
11 defendant submit to electronic monitoring as defined in RCW
12 9.94A.030. If electronic monitoring is ordered, the court shall
13 specify who shall provide the monitoring services, and the terms
14 under which the monitoring shall be performed. Upon conviction, the
15 court may require as a condition of the sentence that the defendant
16 reimburse the providing agency for the costs of the electronic
17 monitoring.

18 (4) (a) Willful violation of a court order issued under subsection
19 (2), (3), or (7) of this section is punishable under ((RCW
20 ~~26.50.110~~) section 56 of this act.

21 (b) The written order releasing the person charged or arrested
22 shall contain the court's directives and shall bear the legend:
23 "Violation of this order is a criminal offense under chapter
24 ((~~26.50~~) 7.--- RCW (the new chapter created in section 81 of this
25 act) and will subject a violator to arrest; any assault, drive-by
26 shooting, or reckless endangerment that is a violation of this order
27 is a felony. You can be arrested even if any person protected by the
28 order invites or allows you to violate the order's prohibitions. You
29 have the sole responsibility to avoid or refrain from violating the
30 order's provisions. Only the court can change the order."

31 (c) A certified copy of the order shall be provided to the
32 victim.

33 (5) If a no-contact order has been issued prior to charging, that
34 order shall expire at arraignment or within seventy-two hours if
35 charges are not filed.

36 (6) Whenever a no-contact order is issued, modified, or
37 terminated under subsection (2) or (3) of this section, the clerk of
38 the court shall forward a copy of the order on or before the next
39 judicial day to the appropriate law enforcement agency specified in
40 the order. Upon receipt of the copy of the order the law enforcement

1 agency shall enter the order for one year or until the expiration
2 date specified on the order into any computer-based criminal
3 intelligence information system available in this state used by law
4 enforcement agencies to list outstanding warrants. Entry into the
5 computer-based criminal intelligence information system constitutes
6 notice to all law enforcement agencies of the existence of the order.
7 The order is fully enforceable in any jurisdiction in the state. Upon
8 receipt of notice that an order has been terminated under subsection
9 (3) of this section, the law enforcement agency shall remove the
10 order from the computer-based criminal intelligence information
11 system.

12 (7) All courts shall develop policies and procedures by January
13 1, 2011, to grant victims a process to modify or rescind a no-contact
14 order issued under this chapter. The administrative office of the
15 courts shall develop a model policy to assist the courts in
16 implementing the requirements of this subsection.

17 **Sec. 127.** RCW 10.99.050 and 2019 c 263 s 303 are each amended to
18 read as follows:

19 (1) When a defendant is found guilty of a crime and a condition
20 of the sentence restricts the defendant's ability to have contact
21 with the victim, such condition shall be recorded and a written
22 certified copy of that order shall be provided to the victim.

23 (2)(a) Willful violation of a court order issued under this
24 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

25 (b) The written order shall contain the court's directives and
26 shall bear the legend: Violation of this order is a criminal offense
27 under chapter (~~26.50~~) 7.--- RCW (the new chapter created in section
28 81 of this act) and will subject a violator to arrest; any assault,
29 drive-by shooting, or reckless endangerment that is a violation of
30 this order is a felony.

31 (c) An order issued pursuant to this section in conjunction with
32 a misdemeanor or gross misdemeanor sentence or juvenile disposition
33 remains in effect for a fixed period of time determined by the court,
34 which may not exceed five years from the date of sentencing or
35 disposition.

36 (d) An order issued pursuant to this section in conjunction with
37 a felony sentence or juvenile disposition remains in effect for a
38 fixed period of time determined by the court, which may not exceed
39 the adult maximum sentence established in RCW 9A.20.021.

1 (3) Whenever an order prohibiting contact is issued pursuant to
2 this section, the clerk of the court shall forward a copy of the
3 order on or before the next judicial day to the appropriate law
4 enforcement agency specified in the order. Upon receipt of the copy
5 of the order the law enforcement agency shall enter the order for one
6 year or until the expiration date specified on the order into any
7 computer-based criminal intelligence information system available in
8 this state used by law enforcement agencies to list outstanding
9 warrants. Entry into the computer-based criminal intelligence
10 information system constitutes notice to all law enforcement agencies
11 of the existence of the order. The order is fully enforceable in any
12 jurisdiction in the state.

13 (4) If an order prohibiting contact issued pursuant to this
14 section is modified or terminated, the clerk of the court shall
15 notify the law enforcement agency specified in the order on or before
16 the next judicial day. Upon receipt of notice that an order has been
17 terminated, the law enforcement agency shall remove the order from
18 any computer-based criminal intelligence system.

19 **Sec. 128.** RCW 10.99.090 and 2005 c 274 s 209 are each amended to
20 read as follows:

21 (1) By December 1, 2004, the association shall develop a written
22 model policy on domestic violence committed or allegedly committed by
23 sworn employees of agencies. In developing the policy, the
24 association shall convene a work group consisting of representatives
25 from the following entities and professions:

26 (a) Statewide organizations representing state and local
27 enforcement officers;

28 (b) A statewide organization providing training and education for
29 agencies having the primary responsibility of serving victims of
30 domestic violence with emergency shelter and other services; and

31 (c) Any other organization or profession the association
32 determines to be appropriate.

33 (2) Members of the work group shall serve without compensation.

34 (3) The model policy shall provide due process for employees and,
35 at a minimum, meet the following standards:

36 (a) Provide prehire screening procedures reasonably calculated to
37 disclose whether an applicant for a sworn employee position:

38 (i) Has committed or, based on credible sources, has been accused
39 of committing an act of domestic violence;

1 (ii) Is currently being investigated for an allegation of child
2 abuse or neglect or has previously been investigated for founded
3 allegations of child abuse or neglect; or

4 (iii) Is currently or has previously been subject to any order
5 under RCW 26.44.063, this chapter, former chapter 10.14 RCW or former
6 chapter 26.50 RCW, or to a domestic violence protection order or
7 antiharassment protection order under chapter 7.--- RCW (the new
8 chapter created in section 81 of this act), or any equivalent order
9 issued by another state or tribal court;

10 (b) Provide for the mandatory, immediate response to acts or
11 allegations of domestic violence committed or allegedly committed by
12 a sworn employee of an agency;

13 (c) Provide to a sworn employee, upon the request of the sworn
14 employee or when the sworn employee has been alleged to have
15 committed an act of domestic violence, information on programs under
16 RCW 26.50.150 (as recodified by this act);

17 (d) Provide for the mandatory, immediate reporting by employees
18 when an employee becomes aware of an allegation of domestic violence
19 committed or allegedly committed by a sworn employee of the agency
20 employing the sworn employee;

21 (e) Provide procedures to address reporting by an employee who is
22 the victim of domestic violence committed or allegedly committed by a
23 sworn employee of an agency;

24 (f) Provide for the mandatory, immediate self-reporting by a
25 sworn employee to his or her employing agency when an agency in any
26 jurisdiction has responded to a domestic violence call in which the
27 sworn employee committed or allegedly committed an act of domestic
28 violence;

29 (g) Provide for the mandatory, immediate self-reporting by a
30 sworn employee to his or her employing agency if the employee is
31 currently being investigated for an allegation of child abuse or
32 neglect or has previously been investigated for founded allegations
33 of child abuse or neglect, or is currently or has previously been
34 subject to any order under RCW 26.44.063, this chapter, former
35 chapter 10.14 RCW or former chapter 26.50 RCW, or to a domestic
36 violence protection order or antiharassment protection order under
37 chapter 7.--- RCW (the new chapter created in section 81 of this
38 act), or any equivalent order issued by another state or tribal
39 court;

1 (h) Provide for the performance of prompt separate and impartial
2 administrative and criminal investigations of acts or allegations of
3 domestic violence committed or allegedly committed by a sworn
4 employee of an agency;

5 (i) Provide for appropriate action to be taken during an
6 administrative or criminal investigation of acts or allegations of
7 domestic violence committed or allegedly committed by a sworn
8 employee of an agency. The policy shall provide procedures to
9 address, in a manner consistent with applicable law and the agency's
10 ability to maintain public safety within its jurisdiction, whether to
11 relieve the sworn employee of agency-issued weapons and other agency-
12 issued property and whether to suspend the sworn employee's power of
13 arrest or other police powers pending resolution of any
14 investigation;

15 (j) Provide for prompt and appropriate discipline or sanctions
16 when, after an agency investigation, it is determined that a sworn
17 employee has committed an act of domestic violence;

18 (k) Provide that, when there has been an allegation of domestic
19 violence committed or allegedly committed by a sworn employee, the
20 agency immediately make available to the alleged victim the following
21 information:

22 (i) The agency's written policy on domestic violence committed or
23 allegedly committed by sworn employees;

24 (ii) Information, including but not limited to contact
25 information, about public and private nonprofit domestic violence
26 advocates and services; and

27 (iii) Information regarding relevant confidentiality policies
28 related to the victim's information;

29 (l) Provide procedures for the timely response, consistent with
30 chapters 42.56 and 10.97 RCW, to an alleged victim's inquiries into
31 the status of the administrative investigation and the procedures the
32 agency will follow in an investigation of domestic violence committed
33 or allegedly committed by a sworn employee;

34 (m) Provide procedures requiring an agency to immediately notify
35 the employing agency of a sworn employee when the notifying agency
36 becomes aware of acts or allegations of domestic violence committed
37 or allegedly committed by the sworn employee within the jurisdiction
38 of the notifying agency; and

1 (n) Provide procedures for agencies to access and share domestic
2 violence training within their jurisdiction and with other
3 jurisdictions.

4 (4) By June 1, 2005, every agency shall adopt and implement a
5 written policy on domestic violence committed or allegedly committed
6 by sworn employees of the agency that meet the minimum standards
7 specified in this section. In lieu of developing its own policy, the
8 agency may adopt the model policy developed by the association under
9 this section. In developing its own policy, or before adopting the
10 model policy, the agency shall consult public and private nonprofit
11 domestic violence advocates and any other organizations and
12 professions the agency finds appropriate.

13 (5)(a) Except as provided in this section, not later than June
14 30, 2006, every sworn employee of an agency shall be trained by the
15 agency on the agency's policy required under this section.

16 (b) Sworn employees hired by an agency on or after March 1, 2006,
17 shall, within six months of beginning employment, be trained by the
18 agency on the agency's policy required under this section.

19 (6)(a) By June 1, 2005, every agency shall provide a copy of its
20 policy developed under this section to the association and shall
21 provide a statement notifying the association of whether the agency
22 has complied with the training required under this section. The copy
23 and statement shall be provided in electronic format unless the
24 agency is unable to do so. The agency shall provide the association
25 with any revisions to the policy upon adoption.

26 (b) The association shall maintain a copy of each agency's policy
27 and shall provide to the governor and legislature not later than
28 January 1, 2006, a list of those agencies that have not developed and
29 submitted policies and those agencies that have not stated their
30 compliance with the training required under this section.

31 (c) The association shall, upon request and within its resources,
32 provide technical assistance to agencies in developing their
33 policies.

34 **Sec. 129.** RCW 11.92.195 and 2017 c 268 s 1 are each amended to
35 read as follows:

36 (1) Except as otherwise provided in this section, an
37 incapacitated person retains the right to associate with persons of
38 the incapacitated person's choosing. This right includes, but is not
39 limited to, the right to freely communicate and interact with other

1 persons, whether through in-person visits, telephone calls,
2 electronic communication, personal mail, or other means. If the
3 incapacitated person is unable to express consent for communication,
4 visitation, or interaction with another person, or is otherwise
5 unable to make a decision regarding association with another person,
6 a guardian of the incapacitated person, whether full or limited,
7 must:

8 (a) Personally inform the incapacitated person of the decision
9 under consideration, using plain language, in a manner calculated to
10 maximize the understanding of the incapacitated person;

11 (b) Maximize the incapacitated person's participation in the
12 decision-making process to the greatest extent possible, consistent
13 with the incapacitated person's abilities; and

14 (c) Give substantial weight to the incapacitated person's
15 preferences, both expressed and historical.

16 (2) A guardian or limited guardian may not restrict an
17 incapacitated person's right to communicate, visit, interact, or
18 otherwise associate with persons of the incapacitated person's
19 choosing, unless:

20 (a) The restriction is specifically authorized by the
21 guardianship court in the court order establishing or modifying the
22 guardianship or limited guardianship under chapter 11.88 RCW;

23 (b) The restriction is pursuant to a protection order issued
24 under chapter ((74.34 RCW, chapter 26.50)) 7.--- RCW (the new chapter
25 created in section 81 of this act), or other law, that limits contact
26 between the incapacitated person and other persons; or

27 (c) (i) The guardian or limited guardian has good cause to believe
28 that there is an immediate need to restrict an incapacitated person's
29 right to communicate, visit, interact, or otherwise associate with
30 persons of the incapacitated person's choosing in order to protect
31 the incapacitated person from abuse, neglect, abandonment, or
32 financial exploitation, as those terms are defined in RCW 74.34.020,
33 or to protect the incapacitated person from activities that
34 unnecessarily impose significant distress on the incapacitated
35 person; and

36 (ii) Within fourteen calendar days of imposing the restriction
37 under (c) (i) of this subsection, the guardian or limited guardian
38 files a petition for a vulnerable adult protection order under
39 chapter ((74.34)) 7.--- RCW (the new chapter created in section 81 of

1 this act). The immediate need restriction may remain in place until
2 the court has heard and issued an order or decision on the petition.

3 (3) A vulnerable adult protection order under chapter (~~(74.34)~~)
4 7.--- RCW (the new chapter created in section 81 of this act) issued
5 to protect an incapacitated person as described in subsection
6 (2)(c)(ii) of this section:

7 (a) Must include written findings of fact and conclusions of law;

8 (b) May not be more restrictive than necessary to protect the
9 incapacitated person from abuse, neglect, abandonment, or financial
10 exploitation as those terms are defined in (~~(RCW 74.34.020)~~) section
11 2 of this act; and

12 (c) May not deny communication, visitation, interaction, or other
13 association between the incapacitated person and another person
14 unless the court finds that placing reasonable time, place, or manner
15 restrictions is unlikely to sufficiently protect the incapacitated
16 person from abuse, neglect, abandonment, or financial exploitation as
17 those terms are defined in (~~(RCW 74.34.020)~~) section 2 of this act.

18 (4) This section expires January 1, 2022.

19 **Sec. 130.** RCW 11.130.257 and 2020 c 312 s 112 are each amended
20 to read as follows:

21 (1) In a proceeding under this chapter either party may file a
22 motion for temporary support of children entitled to support. The
23 motion shall be accompanied by an affidavit setting forth the factual
24 basis for the motion and the amount requested.

25 (2) In a proceeding under this chapter either party may file a
26 motion for a temporary restraining order or preliminary injunction,
27 providing relief proper in the circumstances, and restraining or
28 enjoining another party from:

29 (a) Molesting or disturbing the peace of the other party or of
30 any child;

31 (b) Entering the family home or the home of the other party upon
32 a showing of the necessity therefor;

33 (c) Knowingly coming within, or knowingly remaining within, a
34 specified distance from a specified location; and

35 (d) Removing a child from the jurisdiction of the court.

36 (3) Either party may request a domestic violence protection order
37 (~~(under chapter 26.50 RCW)~~) or an antiharassment protection order
38 under chapter (~~(10.14)~~) 7.--- RCW (the new chapter created in section
39 81 of this act) on a temporary basis by filing an appropriate

1 separate civil cause of action. The petitioner shall inform the court
2 of the existence of the action under this title. The court shall set
3 all future protection hearings on the guardianship calendar to be
4 heard concurrent with the action under this title and the clerk shall
5 relate the cases in the case management system. The court may grant
6 any of the relief provided in (~~RCW 26.50.060~~) section 39 of this
7 act except relief pertaining to residential provisions for the
8 children which provisions shall be provided for under this chapter(~~7~~
9 ~~and any of the relief provided in RCW 10.14.080~~). Ex parte orders
10 issued under this subsection shall be effective for a fixed period
11 not to exceed fourteen days, or upon court order, not to exceed
12 twenty-four days if necessary to ensure that all temporary motions in
13 the case can be heard at the same time.

14 (4) In issuing the order, the court shall consider the provisions
15 of RCW 9.41.800, and shall order the respondent to surrender, and
16 prohibit the respondent from possessing, all firearms, dangerous
17 weapons, and any concealed pistol license as required in RCW
18 9.41.800. Such orders may only be made in the civil protection case
19 related to the action under this title.

20 (5) The court may issue a temporary restraining order without
21 requiring notice to the other party only if it finds on the basis of
22 the moving affidavit or other evidence that irreparable injury could
23 result if an order is not issued until the time for responding has
24 elapsed.

25 (6) The court may issue a temporary restraining order or
26 preliminary injunction and an order for temporary support in such
27 amounts and on such terms as are just and proper in the
28 circumstances.

29 (7) A temporary order, temporary restraining order, or
30 preliminary injunction:

31 (a) Does not prejudice the rights of a party or any child which
32 are to be adjudicated at subsequent hearings in the proceeding;

33 (b) May be revoked or modified;

34 (c) Terminates when the final order is entered or when the motion
35 is dismissed;

36 (d) May be entered in a proceeding for the modification of an
37 existing order.

38 (8) A support debt owed to the state for public assistance
39 expenditures which has been charged against a party pursuant to RCW
40 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise

1 extinguished by, the final decree or order, unless the office of
2 support enforcement has been given notice of the final proceeding and
3 an opportunity to present its claim for the support debt to the court
4 and has failed to file an affidavit as provided in this subsection.
5 Notice of the proceeding shall be served upon the office of support
6 enforcement personally, or by certified mail, and shall be given no
7 fewer than thirty days prior to the date of the final proceeding. An
8 original copy of the notice shall be filed with the court either
9 before service or within a reasonable time thereafter. The office of
10 support enforcement may present its claim, and thereby preserve the
11 support debt, by filing an affidavit setting forth the amount of the
12 debt with the court, and by mailing a copy of the affidavit to the
13 parties or their attorney prior to the date of the final proceeding.

14 **Sec. 131.** RCW 11.130.335 and 2020 c 312 s 206 are each amended
15 to read as follows:

16 (1) A guardian for an adult does not have the power to revoke or
17 amend a power of attorney for health care or power of attorney for
18 finances executed by the adult. If a power of attorney for health
19 care is in effect, unless there is a court order to the contrary, a
20 health care decision of an agent takes precedence over that of the
21 guardian and the guardian shall cooperate with the agent to the
22 extent feasible. If a power of attorney for finances is in effect,
23 unless there is a court order to the contrary, a decision by the
24 agent which the agent is authorized to make under the power of
25 attorney for finances takes precedence over that of the guardian and
26 the guardian shall cooperate with the agent to the extent feasible.
27 The court has authority to revoke or amend any power of attorney
28 executed by the adult.

29 (2) A guardian for an adult shall not initiate the commitment of
30 the adult to an evaluation and treatment facility except in
31 accordance with the provisions of chapter 10.77, 71.05, or 72.23 RCW.

32 (3) Unless authorized by the court in accordance with subsection
33 (4) of this section within the past thirty days, a guardian for an
34 adult may not consent to any of the following procedures for the
35 adult:

- 36 (a) Therapy or other procedure to induce convulsion;
37 (b) Surgery solely for the purpose of psychosurgery; or

1 (c) Other psychiatric or mental health procedures that restrict
2 physical freedom of movement or the rights set forth in RCW
3 71.05.217.

4 (4) The court may order a procedure listed in subsection (3) of
5 this section only after giving notice to the adult's attorney and
6 holding a hearing. If the adult does not have an attorney, the court
7 must appoint an attorney for the adult prior to entering an order
8 under this subsection.

9 (5) Persons under a guardianship, conservatorship, or other
10 protective arrangements—Right to associate with persons of their
11 choosing.

12 (a) Except as otherwise provided in this section, an adult
13 subject to a guardianship, conservatorship, or other protective
14 arrangement retains the right to associate with other persons of the
15 adult's choosing. This right includes, but is not limited to, the
16 right to freely communicate and interact with other persons, whether
17 through in-person visits, telephone calls, electronic communication,
18 personal mail, or other means. If the adult subject to a
19 guardianship, conservatorship, or other protective arrangement is
20 unable to express consent for communication, visitation, or
21 interaction with another person, or is otherwise unable to make a
22 decision regarding association with another person, the guardian,
23 conservator, or person acting under a protective arrangement, whether
24 full or limited, must:

25 (i) Personally inform the adult subject to a guardianship,
26 conservatorship, or other protective arrangement of the decision
27 under consideration, using plain language, in a manner calculated to
28 maximize the understanding of the adult;

29 (ii) Maximize the adult's participation in the decision-making
30 process to the greatest extent possible, consistent with the adult's
31 abilities; and

32 (iii) Give substantial weight to the adult's preferences, both
33 expressed and historical.

34 (b) A guardian or limited guardian, a conservator or limited
35 conservator, or a person acting under a protective arrangement may
36 not restrict an adult's right to communicate, visit, interact, or
37 otherwise associate with persons of the adult's choosing, unless:

38 (i) The restriction is specifically authorized by the court in
39 the court order establishing or modifying the guardianship or limited

1 guardianship, the conservatorship or limited conservatorship, or the
2 protective arrangement under this chapter;

3 (ii) The restriction is pursuant to a protection order issued
4 under chapter ((74.34 or 26.50)) 7.--- RCW (the new chapter created
5 in section 81 of this act), or other law, that limits contact between
6 the adult under a guardianship, conservatorship, or other protective
7 arrangement and other persons;

8 (iii)(A) The guardian or limited guardian, the conservator or
9 limited conservator, or the person acting under the protective
10 arrangement has good cause to believe that there is an immediate need
11 to restrict the adult's right to communicate, visit, interact, or
12 otherwise associate with persons of the adult's choosing in order to
13 protect the adult from abuse, neglect, abandonment, or financial
14 exploitation, as those terms are defined in RCW 74.34.020, or to
15 protect the adult from activities that unnecessarily impose
16 significant distress on the adult; and

17 (B) Within fourteen calendar days of imposing the restriction
18 under (b)(iii)(A) of this subsection, the guardian or limited
19 guardian, the conservator or limited conservator, or ((~~the~~)) the
20 person acting under the protective arrangement files a petition for a
21 vulnerable adult protection order under chapter ((74.34)) 7.--- RCW
22 (the new chapter created in section 81 of this act). The immediate
23 need restriction may remain in place until the court has heard and
24 issued an order or decision on the petition; or

25 (iv) The restriction is pursuant to participation in the
26 community protection program under chapter 71A.12 RCW.

27 (6) A vulnerable adult protection order under chapter ((74.34))
28 7.--- RCW (the new chapter created in section 81 of this act) issued
29 to protect the adult under a guardianship, conservatorship, or other
30 protective arrangement as described in subsection (5)(b)(iii)(B) of
31 this section:

32 (a) Must include written findings of fact and conclusions of law;

33 (b) May not be more restrictive than necessary to protect the
34 adult from abuse, neglect, abandonment, or financial exploitation as
35 those terms are defined in ((RCW 74.34.020)) section 2 of this act;
36 and

37 (c) May not deny communication, visitation, interaction, or other
38 association between the adult and another person unless the court
39 finds that placing reasonable time, place, or manner restrictions is
40 unlikely to sufficiently protect the adult from abuse, neglect,

1 abandonment, or financial exploitation as those terms are defined in
2 (~~RCW 74.34.020~~) section 2 of this act.

3 **Sec. 132.** RCW 12.04.140 and 1992 c 111 s 10 are each amended to
4 read as follows:

5 Except as provided under (~~RCW 26.50.020~~) section 14 of this
6 act, no action shall be commenced by any person under the age of
7 eighteen years, except by his guardian, or until a next friend for
8 such a person shall have been appointed. Whenever requested, the
9 justice shall appoint some suitable person, who shall consent thereto
10 in writing, to be named by such plaintiff, to act as his or her next
11 friend in such action, who shall be responsible for the costs
12 therein.

13 **Sec. 133.** RCW 12.04.150 and 1992 c 111 s 11 are each amended to
14 read as follows:

15 After service and return of process against a defendant under the
16 age of eighteen years, the action shall not be further prosecuted,
17 until a guardian for such defendant shall have been appointed, except
18 as provided under (~~RCW 26.50.020~~) section 14 of this act. Upon the
19 request of such defendant, the justice shall appoint some person who
20 shall consent thereto in writing, to be guardian of the defendant in
21 defense of the action; and if the defendant shall not appear on the
22 return day of the process, or if he or she neglect or refuse to
23 nominate such guardian, the justice may, at the request of the
24 plaintiff, appoint any discreet person as such guardian. The consent
25 of the guardian or next friend shall be filed with the justice; and
26 such guardian for the defendant shall not be liable for any costs in
27 the action.

28 **Sec. 134.** RCW 19.220.010 and 2006 c 138 s 24 are each amended to
29 read as follows:

30 (1) Each international matchmaking organization doing business in
31 Washington state shall disseminate to a recruit, upon request, state
32 background check information and personal history information
33 relating to any Washington state resident about whom any information
34 is provided to the recruit, in the recruit's native language. The
35 organization shall notify all recruits that background check and
36 personal history information is available upon request. The notice
37 that background check and personal history information is available

1 upon request shall be in the recruit's native language and shall be
2 displayed in a manner that separates it from other information, is
3 highly noticeable, and in lettering not less than one-quarter of an
4 inch high.

5 (2) If an international matchmaking organization receives a
6 request for information from a recruit pursuant to subsection (1) of
7 this section, the organization shall notify the Washington state
8 resident of the request. Upon receiving notification, the Washington
9 state resident shall obtain from the state patrol and provide to the
10 organization the complete transcript of any background check
11 information provided pursuant to RCW 43.43.760 based on a submission
12 of fingerprint impressions and provided pursuant to RCW 43.43.838 and
13 shall provide to the organization his or her personal history
14 information. The organization shall require the resident to affirm
15 that personal history information is complete and accurate. The
16 organization shall refrain from knowingly providing any further
17 services to the recruit or the Washington state resident in regards
18 to facilitating future interaction between the recruit and the
19 Washington state resident until the organization has obtained the
20 requested information and provided it to the recruit.

21 (3) This section does not apply to a traditional matchmaking
22 organization of a religious nature that otherwise operates in
23 compliance with the laws of the countries of the recruits of such
24 organization and the laws of the United States nor to any
25 organization that does not charge a fee to any party for the service
26 provided.

27 (4) As used in this section:

28 (a) "International matchmaking organization" means a corporation,
29 partnership, business, or other legal entity, whether or not
30 organized under the laws of the United States or any state, that does
31 business in the United States and for profit offers to Washington
32 state residents, including aliens lawfully admitted for permanent
33 residence and residing in Washington state, dating, matrimonial, or
34 social referral services involving citizens of a foreign country or
35 countries who are not residing in the United States, by: (i) An
36 exchange of names, telephone numbers, addresses, or statistics; (ii)
37 selection of photographs; or (iii) a social environment provided by
38 the organization in a country other than the United States.

39 (b) "Personal history information" means a declaration of the
40 person's current marital status, the number of previous marriages,

1 annulments, and dissolutions for the person, and whether any previous
2 marriages occurred as a result of receiving services from an
3 international matchmaking organization; founded allegations of child
4 abuse or neglect; and any existing orders under chapter ((7.90,
5 ~~10.14~~)) 7.--- (the new chapter created in section 81 of this act) or
6 10.99 RCW, or any of the former chapters 7.90, 10.14, and 26.50 RCW.
7 Personal history information shall include information from the state
8 of Washington and any information from other states or countries.

9 (c) "Recruit" means a noncitizen, nonresident person, recruited
10 by an international matchmaking organization for the purpose of
11 providing dating, matrimonial, or social referral services.

12 **Sec. 135.** RCW 26.09.003 and 2007 c 496 s 102 are each amended to
13 read as follows:

14 The legislature reaffirms the intent of the current law as
15 expressed in RCW 26.09.002. However, after review, the legislature
16 finds that there are certain components of the existing law which do
17 not support the original legislative intent. In order to better
18 implement the existing legislative intent the legislature finds that
19 incentives for parties to reduce family conflict and additional
20 alternative dispute resolution options can assist in reducing the
21 number of contested trials. Furthermore, the legislature finds that
22 the identification of domestic violence as defined in ((RCW
23 ~~26.50.010~~)) section 2 of this act and the treatment needs of the
24 parties to dissolutions are necessary to improve outcomes for
25 children. When judicial officers have the discretion to tailor
26 individualized resolutions, the legislative intent expressed in RCW
27 26.09.002 can more readily be achieved. Judicial officers should have
28 the discretion and flexibility to assess each case based on the
29 merits of the individual cases before them.

30 **Sec. 136.** RCW 26.09.015 and 2020 c 29 s 13 are each amended to
31 read as follows:

32 (1) In any proceeding under this chapter, the matter may be set
33 for mediation of the contested issues before, or concurrent with, the
34 setting of the matter for hearing. The purpose of the mediation
35 proceeding shall be to reduce acrimony which may exist between the
36 parties and to develop an agreement assuring the child's close and
37 continuing contact with both parents after the marriage or the

1 domestic partnership is dissolved. The mediator shall use his or her
2 best efforts to effect a settlement of the dispute.

3 (2) (a) Each superior court may make available a mediator. The
4 court shall use the most cost-effective mediation services that are
5 readily available unless there is good cause to access alternative
6 providers. The mediator may be a member of the professional staff of
7 a family court or mental health services agency, or may be any other
8 person or agency designated by the court. In order to provide
9 mediation services, the court is not required to institute a family
10 court.

11 (b) In any proceeding involving issues relating to residential
12 time or other matters governed by a parenting plan, the matter may be
13 set for mediation of the contested issues before, or concurrent with,
14 the setting of the matter for hearing. Counties may, and to the
15 extent state funding is provided therefor counties shall, provide
16 both predecree and postdecree mediation at reduced or waived fee to
17 the parties within one year of the filing of the dissolution
18 petition.

19 (3) (a) Mediation proceedings under this chapter shall be governed
20 in all respects by chapter 7.07 RCW, except as follows:

21 (i) Mediation communications in postdecree mediations mandated by
22 a parenting plan are admissible in subsequent proceedings for the
23 limited purpose of proving:

24 (A) Abuse, neglect, abandonment, exploitation, or unlawful
25 harassment, as defined in RCW 9A.46.020(1), of a child;

26 (B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1),
27 of a family or household member or intimate partner, each as defined
28 in RCW (~~(26.50.010)~~) 10.99.020; or

29 (C) That a parent used or frustrated the dispute resolution
30 process without good reason for purposes of RCW 26.09.184(4) (d).

31 (ii) If a postdecree mediation-arbitration proceeding is required
32 pursuant to a parenting plan and the same person acts as both
33 mediator and arbitrator, mediation communications in the mediation
34 phase of such a proceeding may be admitted during the arbitration
35 phase, and shall be admissible in the judicial review of such a
36 proceeding under RCW 26.09.184(4) (e) to the extent necessary for such
37 review to be effective.

38 (b) None of the exceptions under (a)(i) and (ii) of this
39 subsection shall subject a mediator to compulsory process to testify
40 except by court order for good cause shown, taking into consideration

1 the need for the mediator's testimony and the interest in the
2 mediator maintaining an appearance of impartiality. If a mediation
3 communication is not privileged under (a)(i) of this subsection or
4 that portion of (a)(ii) of this subsection pertaining to judicial
5 review, only the portion of the communication necessary for the
6 application of the exception may be admitted, and such admission of
7 evidence shall not render any other mediation communication
8 discoverable or admissible except as may be provided in chapter 7.07
9 RCW.

10 (4) The mediator shall assess the needs and interests of the
11 child or children involved in the controversy and may interview the
12 child or children if the mediator deems such interview appropriate or
13 necessary.

14 (5) Any agreement reached by the parties as a result of mediation
15 shall be reported to the court and to counsel for the parties by the
16 mediator on the day set for mediation or any time thereafter
17 designated by the court.

18 **Sec. 137.** RCW 26.09.050 and 2008 c 6 s 1008 are each amended to
19 read as follows:

20 (1) In entering a decree of dissolution of marriage or domestic
21 partnership, legal separation, or declaration of invalidity, the
22 court shall determine the marital or domestic partnership status of
23 the parties, make provision for a parenting plan for any minor child
24 of the marriage or domestic partnership, make provision for the
25 support of any child of the marriage or domestic partnership entitled
26 to support, consider or approve provision for the maintenance of
27 either spouse or either domestic partner, make provision for the
28 disposition of property and liabilities of the parties, make
29 provision for the allocation of the children as federal tax
30 exemptions, make provision for any necessary continuing restraining
31 orders including the provisions contained in RCW 9.41.800, make
32 provision for the issuance within this action of the restraint
33 provisions of a domestic violence protection order (~~under chapter~~
34 ~~26.50—RCW~~) or an antiharassment protection order under chapter
35 ~~((10.14))~~ 7.--- RCW (the new chapter created in section 81 of this
36 act), and make provision for the change of name of any party.

37 (2) Restraining orders issued under this section restraining or
38 enjoining the person from molesting or disturbing another party, or
39 from going onto the grounds of or entering the home, workplace, or

1 school of the other party or the day care or school of any child, or
2 prohibiting the person from knowingly coming within, or knowingly
3 remaining within, a specified distance of a location, a protected
4 party's person, or a protected party's vehicle, shall prominently
5 bear on the front page of the order the legend: VIOLATION OF THIS
6 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
7 CHAPTER ((26.50)) 7.--- RCW (the new chapter created in section 81 of
8 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

9 (3) The court shall order that any restraining order bearing a
10 criminal offense legend, any domestic violence protection order, or
11 any antiharassment protection order granted under this section, in
12 addition to the law enforcement information sheet or proof of service
13 of the order, be forwarded by the clerk of the court on or before the
14 next judicial day to the appropriate law enforcement agency specified
15 in the order. Upon receipt of the order, the law enforcement agency
16 shall enter the order into any computer-based criminal intelligence
17 information system available in this state used by law enforcement
18 agencies to list outstanding warrants. The order is fully enforceable
19 in any county in the state.

20 (4) If a restraining order issued pursuant to this section is
21 modified or terminated, the clerk of the court shall notify the law
22 enforcement agency specified in the order on or before the next
23 judicial day. Upon receipt of notice that an order has been
24 terminated, the law enforcement agency shall remove the order from
25 any computer-based criminal intelligence system.

26 **Sec. 138.** RCW 26.09.060 and 2019 c 245 s 17 are each amended to
27 read as follows:

28 (1) In a proceeding for:

29 (a) Dissolution of marriage or domestic partnership, legal
30 separation, or a declaration of invalidity; or

31 (b) Disposition of property or liabilities, maintenance, or
32 support following dissolution of the marriage or the domestic
33 partnership by a court which lacked personal jurisdiction over the
34 absent spouse or absent domestic partner; either party may move for
35 temporary maintenance or for temporary support of children entitled
36 to support. The motion shall be accompanied by an affidavit setting
37 forth the factual basis for the motion and the amounts requested.

38 (2) As a part of a motion for temporary maintenance or support or
39 by independent motion accompanied by affidavit, either party may

1 request the court to issue a temporary restraining order or
2 preliminary injunction, providing relief proper in the circumstances,
3 and restraining or enjoining any person from:

4 (a) Transferring, removing, encumbering, concealing, or in any
5 way disposing of any property except in the usual course of business
6 or for the necessities of life, and, if so restrained or enjoined,
7 requiring him or her to notify the moving party of any proposed
8 extraordinary expenditures made after the order is issued;

9 (b) Molesting or disturbing the peace of the other party or of
10 any child;

11 (c) Going onto the grounds of or entering the home, workplace, or
12 school of the other party or the day care or school of any child upon
13 a showing of the necessity therefor;

14 (d) Knowingly coming within, or knowingly remaining within, a
15 specified distance from a specified location, a protected party's
16 person, or a protected party's vehicle; and

17 (e) Removing a child from the jurisdiction of the court.

18 (3) Either party may request a domestic violence protection order
19 (~~(under chapter 26.50 RCW)~~) or an antiharassment protection order
20 under chapter (~~(10.14)~~) 7.--- RCW (the new chapter created in section
21 81 of this act) on a temporary basis. The court may grant any of the
22 relief provided in (~~(RCW 26.50.060)~~) section 39 of this act except
23 relief pertaining to residential provisions for the children which
24 provisions shall be provided for under this chapter(~~(, and any of the~~
25 ~~relief provided in RCW 10.14.080)~~). Ex parte orders issued under this
26 subsection shall be effective for a fixed period not to exceed
27 fourteen days, or upon court order, not to exceed twenty-four days if
28 necessary to ensure that all temporary motions in the case can be
29 heard at the same time.

30 (4) In issuing the order, the court shall consider the provisions
31 of RCW 9.41.800, and shall order the respondent to surrender, and
32 prohibit the respondent from possessing, all firearms, dangerous
33 weapons, and any concealed pistol license as required in RCW
34 9.41.800.

35 (5) The court may issue a temporary restraining order without
36 requiring notice to the other party only if it finds on the basis of
37 the moving affidavit or other evidence that irreparable injury could
38 result if an order is not issued until the time for responding has
39 elapsed.

1 (6) The court may issue a temporary restraining order or
2 preliminary injunction and an order for temporary maintenance or
3 support in such amounts and on such terms as are just and proper in
4 the circumstances. The court may in its discretion waive the filing
5 of the bond or the posting of security.

6 (7) Restraining orders issued under this section restraining the
7 person from molesting or disturbing another party, or from going onto
8 the grounds of or entering the home, workplace, or school of the
9 other party or the day care or school of any child, or prohibiting
10 the person from knowingly coming within, or knowingly remaining
11 within, a specified distance of a location, a protected party's
12 person, or a protected party's vehicle, shall prominently bear on the
13 front page of the order the legend: VIOLATION OF THIS ORDER WITH
14 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER
15 ~~((26.50))~~ 7.--- RCW (the new chapter created in section 81 of this
16 act) AND WILL SUBJECT A VIOLATOR TO ARREST.

17 (8) The court shall order that any temporary restraining order
18 bearing a criminal offense legend, any domestic violence protection
19 order, or any antiharassment protection order granted under this
20 section be forwarded by the clerk of the court on or before the next
21 judicial day to the appropriate law enforcement agency specified in
22 the order. Upon receipt of the order, the law enforcement agency
23 shall enter the order into any computer-based criminal intelligence
24 information system available in this state used by law enforcement
25 agencies to list outstanding warrants. Entry into the computer-based
26 criminal intelligence information system constitutes notice to all
27 law enforcement agencies of the existence of the order. The order is
28 fully enforceable in any county in the state.

29 (9) If a restraining order issued pursuant to this section is
30 modified or terminated, the clerk of the court shall notify the law
31 enforcement agency specified in the order on or before the next
32 judicial day. Upon receipt of notice that an order has been
33 terminated, the law enforcement agency shall remove the order from
34 any computer-based criminal intelligence system.

35 (10) A temporary order, temporary restraining order, or
36 preliminary injunction:

37 (a) Does not prejudice the rights of a party or any child which
38 are to be adjudicated at subsequent hearings in the proceeding;

39 (b) May be revoked or modified;

1 (c) Terminates when the final decree is entered, except as
2 provided under subsection (11) of this section, or when the petition
3 for dissolution, legal separation, or declaration of invalidity is
4 dismissed;

5 (d) May be entered in a proceeding for the modification of an
6 existing decree.

7 (11) Delinquent support payments accrued under an order for
8 temporary support remain collectible and are not extinguished when a
9 final decree is entered unless the decree contains specific language
10 to the contrary. A support debt under a temporary order owed to the
11 state for public assistance expenditures shall not be extinguished by
12 the final decree if:

13 (a) The obligor was given notice of the state's interest under
14 chapter 74.20A RCW; or

15 (b) The temporary order directs the obligor to make support
16 payments to the office of support enforcement or the Washington state
17 support registry.

18 **Sec. 139.** RCW 26.09.191 and 2020 c 311 s 8 are each amended to
19 read as follows:

20 (1) The permanent parenting plan shall not require mutual
21 decision-making or designation of a dispute resolution process other
22 than court action if it is found that a parent has engaged in any of
23 the following conduct: (a) Willful abandonment that continues for an
24 extended period of time or substantial refusal to perform parenting
25 functions; (b) physical, sexual, or a pattern of emotional abuse of a
26 child; or (c) a history of acts of domestic violence as defined in
27 (~~RCW 26.50.010(3)~~) section 2 of this act or an assault or sexual
28 assault that causes grievous bodily harm or the fear of such harm or
29 that results in a pregnancy.

30 (2)(a) The parent's residential time with the child shall be
31 limited if it is found that the parent has engaged in any of the
32 following conduct: (i) Willful abandonment that continues for an
33 extended period of time or substantial refusal to perform parenting
34 functions; (ii) physical, sexual, or a pattern of emotional abuse of
35 a child; (iii) a history of acts of domestic violence as defined in
36 (~~RCW 26.50.010(3)~~) section 2 of this act or an assault or sexual
37 assault that causes grievous bodily harm or the fear of such harm or
38 that results in a pregnancy; or (iv) the parent has been convicted as
39 an adult of a sex offense under:

1 (A) RCW 9A.44.076 if, because of the difference in age between
2 the offender and the victim, no rebuttable presumption exists under
3 (d) of this subsection;

4 (B) RCW 9A.44.079 if, because of the difference in age between
5 the offender and the victim, no rebuttable presumption exists under
6 (d) of this subsection;

7 (C) RCW 9A.44.086 if, because of the difference in age between
8 the offender and the victim, no rebuttable presumption exists under
9 (d) of this subsection;

10 (D) RCW 9A.44.089;

11 (E) RCW 9A.44.093;

12 (F) RCW 9A.44.096;

13 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
14 between the offender and the victim, no rebuttable presumption exists
15 under (d) of this subsection;

16 (H) Chapter 9.68A RCW;

17 (I) Any predecessor or antecedent statute for the offenses listed
18 in (a) (iv) (A) through (H) of this subsection;

19 (J) Any statute from any other jurisdiction that describes an
20 offense analogous to the offenses listed in (a) (iv) (A) through (H) of
21 this subsection.

22 This subsection (2) (a) shall not apply when (c) or (d) of this
23 subsection applies.

24 (b) The parent's residential time with the child shall be limited
25 if it is found that the parent resides with a person who has engaged
26 in any of the following conduct: (i) Physical, sexual, or a pattern
27 of emotional abuse of a child; (ii) a history of acts of domestic
28 violence as defined in (~~RCW 26.50.010(3)~~) section 2 of this act or
29 an assault or sexual assault that causes grievous bodily harm or the
30 fear of such harm or that results in a pregnancy; or (iii) the person
31 has been convicted as an adult or as a juvenile has been adjudicated
32 of a sex offense under:

33 (A) RCW 9A.44.076 if, because of the difference in age between
34 the offender and the victim, no rebuttable presumption exists under
35 (e) of this subsection;

36 (B) RCW 9A.44.079 if, because of the difference in age between
37 the offender and the victim, no rebuttable presumption exists under
38 (e) of this subsection;

1 (C) RCW 9A.44.086 if, because of the difference in age between
2 the offender and the victim, no rebuttable presumption exists under
3 (e) of this subsection;

4 (D) RCW 9A.44.089;

5 (E) RCW 9A.44.093;

6 (F) RCW 9A.44.096;

7 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
8 between the offender and the victim, no rebuttable presumption exists
9 under (e) of this subsection;

10 (H) Chapter 9.68A RCW;

11 (I) Any predecessor or antecedent statute for the offenses listed
12 in (b)(iii)(A) through (H) of this subsection;

13 (J) Any statute from any other jurisdiction that describes an
14 offense analogous to the offenses listed in (b)(iii)(A) through (H)
15 of this subsection.

16 This subsection (2)(b) shall not apply when (c) or (e) of this
17 subsection applies.

18 (c) If a parent has been found to be a sexual predator under
19 chapter 71.09 RCW or under an analogous statute of any other
20 jurisdiction, the court shall restrain the parent from contact with a
21 child that would otherwise be allowed under this chapter. If a parent
22 resides with an adult or a juvenile who has been found to be a sexual
23 predator under chapter 71.09 RCW or under an analogous statute of any
24 other jurisdiction, the court shall restrain the parent from contact
25 with the parent's child except contact that occurs outside that
26 person's presence.

27 (d) There is a rebuttable presumption that a parent who has been
28 convicted as an adult of a sex offense listed in (d)(i) through (ix)
29 of this subsection poses a present danger to a child. Unless the
30 parent rebuts this presumption, the court shall restrain the parent
31 from contact with a child that would otherwise be allowed under this
32 chapter:

33 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
34 was at least five years older than the other person;

35 (ii) RCW 9A.44.073;

36 (iii) RCW 9A.44.076, provided that the person convicted was at
37 least eight years older than the victim;

38 (iv) RCW 9A.44.079, provided that the person convicted was at
39 least eight years older than the victim;

40 (v) RCW 9A.44.083;

1 (vi) RCW 9A.44.086, provided that the person convicted was at
2 least eight years older than the victim;

3 (vii) RCW 9A.44.100;

4 (viii) Any predecessor or antecedent statute for the offenses
5 listed in (d)(i) through (vii) of this subsection;

6 (ix) Any statute from any other jurisdiction that describes an
7 offense analogous to the offenses listed in (d)(i) through (vii) of
8 this subsection.

9 (e) There is a rebuttable presumption that a parent who resides
10 with a person who, as an adult, has been convicted, or as a juvenile
11 has been adjudicated, of the sex offenses listed in (e)(i) through
12 (ix) of this subsection places a child at risk of abuse or harm when
13 that parent exercises residential time in the presence of the
14 convicted or adjudicated person. Unless the parent rebuts the
15 presumption, the court shall restrain the parent from contact with
16 the parent's child except for contact that occurs outside of the
17 convicted or adjudicated person's presence:

18 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
19 was at least five years older than the other person;

20 (ii) RCW 9A.44.073;

21 (iii) RCW 9A.44.076, provided that the person convicted was at
22 least eight years older than the victim;

23 (iv) RCW 9A.44.079, provided that the person convicted was at
24 least eight years older than the victim;

25 (v) RCW 9A.44.083;

26 (vi) RCW 9A.44.086, provided that the person convicted was at
27 least eight years older than the victim;

28 (vii) RCW 9A.44.100;

29 (viii) Any predecessor or antecedent statute for the offenses
30 listed in (e)(i) through (vii) of this subsection;

31 (ix) Any statute from any other jurisdiction that describes an
32 offense analogous to the offenses listed in (e)(i) through (vii) of
33 this subsection.

34 (f) The presumption established in (d) of this subsection may be
35 rebutted only after a written finding that the child was not
36 conceived and subsequently born as a result of a sexual assault
37 committed by the parent requesting residential time and that:

38 (i) If the child was not the victim of the sex offense committed
39 by the parent requesting residential time, (A) contact between the
40 child and the offending parent is appropriate and poses minimal risk

1 to the child, and (B) the offending parent has successfully engaged
2 in treatment for sex offenders or is engaged in and making progress
3 in such treatment, if any was ordered by a court, and the treatment
4 provider believes such contact is appropriate and poses minimal risk
5 to the child; or

6 (ii) If the child was the victim of the sex offense committed by
7 the parent requesting residential time, (A) contact between the child
8 and the offending parent is appropriate and poses minimal risk to the
9 child, (B) if the child is in or has been in therapy for victims of
10 sexual abuse, the child's counselor believes such contact between the
11 child and the offending parent is in the child's best interest, and
12 (C) the offending parent has successfully engaged in treatment for
13 sex offenders or is engaged in and making progress in such treatment,
14 if any was ordered by a court, and the treatment provider believes
15 such contact is appropriate and poses minimal risk to the child.

16 (g) The presumption established in (e) of this subsection may be
17 rebutted only after a written finding that the child was not
18 conceived and subsequently born as a result of a sexual assault
19 committed by the parent requesting residential time and that:

20 (i) If the child was not the victim of the sex offense committed
21 by the person who is residing with the parent requesting residential
22 time, (A) contact between the child and the parent residing with the
23 convicted or adjudicated person is appropriate and that parent is
24 able to protect the child in the presence of the convicted or
25 adjudicated person, and (B) the convicted or adjudicated person has
26 successfully engaged in treatment for sex offenders or is engaged in
27 and making progress in such treatment, if any was ordered by a court,
28 and the treatment provider believes such contact is appropriate and
29 poses minimal risk to the child; or

30 (ii) If the child was the victim of the sex offense committed by
31 the person who is residing with the parent requesting residential
32 time, (A) contact between the child and the parent in the presence of
33 the convicted or adjudicated person is appropriate and poses minimal
34 risk to the child, (B) if the child is in or has been in therapy for
35 victims of sexual abuse, the child's counselor believes such contact
36 between the child and the parent residing with the convicted or
37 adjudicated person in the presence of the convicted or adjudicated
38 person is in the child's best interest, and (C) the convicted or
39 adjudicated person has successfully engaged in treatment for sex
40 offenders or is engaged in and making progress in such treatment, if

1 any was ordered by a court, and the treatment provider believes
2 contact between the parent and child in the presence of the convicted
3 or adjudicated person is appropriate and poses minimal risk to the
4 child.

5 (h) If the court finds that the parent has met the burden of
6 rebutting the presumption under (f) of this subsection, the court may
7 allow a parent who has been convicted as an adult of a sex offense
8 listed in (d)(i) through (ix) of this subsection to have residential
9 time with the child supervised by a neutral and independent adult and
10 pursuant to an adequate plan for supervision of such residential
11 time. The court shall not approve of a supervisor for contact between
12 the child and the parent unless the court finds, based on the
13 evidence, that the supervisor is willing and capable of protecting
14 the child from harm. The court shall revoke court approval of the
15 supervisor upon finding, based on the evidence, that the supervisor
16 has failed to protect the child or is no longer willing or capable of
17 protecting the child.

18 (i) If the court finds that the parent has met the burden of
19 rebutting the presumption under (g) of this subsection, the court may
20 allow a parent residing with a person who has been adjudicated as a
21 juvenile of a sex offense listed in (e)(i) through (ix) of this
22 subsection to have residential time with the child in the presence of
23 the person adjudicated as a juvenile, supervised by a neutral and
24 independent adult and pursuant to an adequate plan for supervision of
25 such residential time. The court shall not approve of a supervisor
26 for contact between the child and the parent unless the court finds,
27 based on the evidence, that the supervisor is willing and capable of
28 protecting the child from harm. The court shall revoke court approval
29 of the supervisor upon finding, based on the evidence, that the
30 supervisor has failed to protect the child or is no longer willing or
31 capable of protecting the child.

32 (j) If the court finds that the parent has met the burden of
33 rebutting the presumption under (g) of this subsection, the court may
34 allow a parent residing with a person who, as an adult, has been
35 convicted of a sex offense listed in (e)(i) through (ix) of this
36 subsection to have residential time with the child in the presence of
37 the convicted person supervised by a neutral and independent adult
38 and pursuant to an adequate plan for supervision of such residential
39 time. The court shall not approve of a supervisor for contact between
40 the child and the parent unless the court finds, based on the

1 evidence, that the supervisor is willing and capable of protecting
2 the child from harm. The court shall revoke court approval of the
3 supervisor upon finding, based on the evidence, that the supervisor
4 has failed to protect the child or is no longer willing or capable of
5 protecting the child.

6 (k) A court shall not order unsupervised contact between the
7 offending parent and a child of the offending parent who was sexually
8 abused by that parent. A court may order unsupervised contact between
9 the offending parent and a child who was not sexually abused by the
10 parent after the presumption under (d) of this subsection has been
11 rebutted and supervised residential time has occurred for at least
12 two years with no further arrests or convictions of sex offenses
13 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter
14 9.68A RCW and (i) the sex offense of the offending parent was not
15 committed against a child of the offending parent, and (ii) the court
16 finds that unsupervised contact between the child and the offending
17 parent is appropriate and poses minimal risk to the child, after
18 consideration of the testimony of a state-certified therapist, mental
19 health counselor, or social worker with expertise in treating child
20 sexual abuse victims who has supervised at least one period of
21 residential time between the parent and the child, and after
22 consideration of evidence of the offending parent's compliance with
23 community supervision requirements, if any. If the offending parent
24 was not ordered by a court to participate in treatment for sex
25 offenders, then the parent shall obtain a psychosexual evaluation
26 conducted by a certified sex offender treatment provider or a
27 certified affiliate sex offender treatment provider indicating that
28 the offender has the lowest likelihood of risk to reoffend before the
29 court grants unsupervised contact between the parent and a child.

30 (l) A court may order unsupervised contact between the parent and
31 a child which may occur in the presence of a juvenile adjudicated of
32 a sex offense listed in (e)(i) through (ix) of this subsection who
33 resides with the parent after the presumption under (e) of this
34 subsection has been rebutted and supervised residential time has
35 occurred for at least two years during which time the adjudicated
36 juvenile has had no further arrests, adjudications, or convictions of
37 sex offenses involving children under chapter 9A.44 RCW, RCW
38 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that
39 unsupervised contact between the child and the parent that may occur
40 in the presence of the adjudicated juvenile is appropriate and poses

1 minimal risk to the child, after consideration of the testimony of a
2 state-certified therapist, mental health counselor, or social worker
3 with expertise in treatment of child sexual abuse victims who has
4 supervised at least one period of residential time between the parent
5 and the child in the presence of the adjudicated juvenile, and after
6 consideration of evidence of the adjudicated juvenile's compliance
7 with community supervision or parole requirements, if any. If the
8 adjudicated juvenile was not ordered by a court to participate in
9 treatment for sex offenders, then the adjudicated juvenile shall
10 obtain a psychosexual evaluation conducted by a certified sex
11 offender treatment provider or a certified affiliate sex offender
12 treatment provider indicating that the adjudicated juvenile has the
13 lowest likelihood of risk to reoffend before the court grants
14 unsupervised contact between the parent and a child which may occur
15 in the presence of the adjudicated juvenile who is residing with the
16 parent.

17 (m) (i) The limitations imposed by the court under (a) or (b) of
18 this subsection shall be reasonably calculated to protect the child
19 from the physical, sexual, or emotional abuse or harm that could
20 result if the child has contact with the parent requesting
21 residential time. The limitations shall also be reasonably calculated
22 to provide for the safety of the parent who may be at risk of
23 physical, sexual, or emotional abuse or harm that could result if the
24 parent has contact with the parent requesting residential time. The
25 limitations the court may impose include, but are not limited to:
26 Supervised contact between the child and the parent or completion of
27 relevant counseling or treatment. If the court expressly finds based
28 on the evidence that limitations on the residential time with the
29 child will not adequately protect the child from the harm or abuse
30 that could result if the child has contact with the parent requesting
31 residential time, the court shall restrain the parent requesting
32 residential time from all contact with the child.

33 (ii) The court shall not enter an order under (a) of this
34 subsection allowing a parent to have contact with a child if the
35 parent has been found by clear and convincing evidence in a civil
36 action or by a preponderance of the evidence in a dependency action
37 to have sexually abused the child, except upon recommendation by an
38 evaluator or therapist for the child that the child is ready for
39 contact with the parent and will not be harmed by the contact. The
40 court shall not enter an order allowing a parent to have contact with

1 the child in the offender's presence if the parent resides with a
2 person who has been found by clear and convincing evidence in a civil
3 action or by a preponderance of the evidence in a dependency action
4 to have sexually abused a child, unless the court finds that the
5 parent accepts that the person engaged in the harmful conduct and the
6 parent is willing to and capable of protecting the child from harm
7 from the person.

8 (iii) The court shall not enter an order under (a) of this
9 subsection allowing a parent to have contact with a child if the
10 parent has been found by clear and convincing evidence pursuant to
11 RCW 26.26A.465 to have committed sexual assault, as defined in RCW
12 26.26A.465, against the child's parent, and that the child was born
13 within three hundred twenty days of the sexual assault.

14 (iv) If the court limits residential time under (a) or (b) of
15 this subsection to require supervised contact between the child and
16 the parent, the court shall not approve of a supervisor for contact
17 between a child and a parent who has engaged in physical, sexual, or
18 a pattern of emotional abuse of the child unless the court finds
19 based upon the evidence that the supervisor accepts that the harmful
20 conduct occurred and is willing to and capable of protecting the
21 child from harm. The court shall revoke court approval of the
22 supervisor upon finding, based on the evidence, that the supervisor
23 has failed to protect the child or is no longer willing to or capable
24 of protecting the child.

25 (n) If the court expressly finds based on the evidence that
26 contact between the parent and the child will not cause physical,
27 sexual, or emotional abuse or harm to the child and that the
28 probability that the parent's or other person's harmful or abusive
29 conduct will recur is so remote that it would not be in the child's
30 best interests to apply the limitations of (a), (b), and (m)(i) and
31 (iv) of this subsection, or if the court expressly finds that the
32 parent's conduct did not have an impact on the child, then the court
33 need not apply the limitations of (a), (b), and (m)(i) and (iv) of
34 this subsection. The weight given to the existence of a protection
35 order issued under chapter 7.--- RCW (the new chapter created in
36 section 81 of this act) or former chapter 26.50 RCW as to domestic
37 violence is within the discretion of the court. This subsection shall
38 not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and
39 (m)(ii) of this subsection apply.

1 (3) A parent's involvement or conduct may have an adverse effect
2 on the child's best interests, and the court may preclude or limit
3 any provisions of the parenting plan, if any of the following factors
4 exist:

5 (a) A parent's neglect or substantial nonperformance of parenting
6 functions;

7 (b) A long-term emotional or physical impairment which interferes
8 with the parent's performance of parenting functions as defined in
9 RCW 26.09.004;

10 (c) A long-term impairment resulting from drug, alcohol, or other
11 substance abuse that interferes with the performance of parenting
12 functions;

13 (d) The absence or substantial impairment of emotional ties
14 between the parent and the child;

15 (e) The abusive use of conflict by the parent which creates the
16 danger of serious damage to the child's psychological development.
17 Abusive use of conflict includes, but is not limited to, abusive
18 litigation as defined in RCW 26.51.020. If the court finds a parent
19 has engaged in abusive litigation, the court may impose any
20 restrictions or remedies set forth in chapter 26.51 RCW in addition
21 to including a finding in the parenting plan. Litigation that is
22 aggressive or improper but that does not meet the definition of
23 abusive litigation shall not constitute a basis for a finding under
24 this section. A report made in good faith to law enforcement, a
25 medical professional, or child protective services of sexual,
26 physical, or mental abuse of a child shall not constitute a basis for
27 a finding of abusive use of conflict;

28 (f) A parent has withheld from the other parent access to the
29 child for a protracted period without good cause; or

30 (g) Such other factors or conduct as the court expressly finds
31 adverse to the best interests of the child.

32 (4) In cases involving allegations of limiting factors under
33 subsection (2)(a)(ii) and (iii) of this section, both parties shall
34 be screened to determine the appropriateness of a comprehensive
35 assessment regarding the impact of the limiting factor on the child
36 and the parties.

37 (5) In entering a permanent parenting plan, the court shall not
38 draw any presumptions from the provisions of the temporary parenting
39 plan.

1 (6) In determining whether any of the conduct described in this
2 section has occurred, the court shall apply the civil rules of
3 evidence, proof, and procedure.

4 (7) For the purposes of this section:

5 (a) "A parent's child" means that parent's natural child, adopted
6 child, or stepchild; and

7 (b) "Social worker" means a person with a master's or further
8 advanced degree from a social work educational program accredited and
9 approved as provided in RCW 18.320.010.

10 **Sec. 140.** RCW 26.09.300 and 2000 c 119 s 21 are each amended to
11 read as follows:

12 (1) Whenever a restraining order is issued under this chapter,
13 and the person to be restrained knows of the order, a violation of
14 the provisions restricting the person from acts or threats of
15 violence or of a provision restraining the person from going onto the
16 grounds of or entering the residence, workplace, school, or day care
17 of another, or prohibiting the person from knowingly coming within,
18 or knowingly remaining within, a specified distance of a location, a
19 protected party's person, or a protected party's vehicle, is
20 punishable under (~~RCW 26.50.110~~) section 56 of this act.

21 (2) A person is deemed to have notice of a restraining order if:

22 (a) The person to be restrained or the person's attorney signed
23 the order;

24 (b) The order recites that the person to be restrained or the
25 person's attorney appeared in person before the court;

26 (c) The order was served upon the person to be restrained; or

27 (d) The peace officer gives the person oral or written evidence
28 of the order by reading from it or handing to the person a certified
29 copy of the original order, certified to be an accurate copy of the
30 original by a notary public or by the clerk of the court.

31 (3) A peace officer shall verify the existence of a restraining
32 order by:

33 (a) Obtaining information confirming the existence and terms of
34 the order from a law enforcement agency; or

35 (b) Obtaining a certified copy of the order, certified to be an
36 accurate copy of the original by a notary public or by the clerk of
37 the court.

38 (4) A peace officer shall arrest and take into custody, pending
39 release on bail, personal recognizance, or court order, a person

1 without a warrant when the officer has probable cause to believe
2 that:

3 (a) A restraining order has been issued under this chapter;

4 (b) The respondent or person to be restrained knows of the order;
5 and

6 (c) The person to be arrested has violated the terms of the order
7 restraining the person from acts or threats of violence or
8 restraining the person from going onto the grounds of or entering the
9 residence, workplace, school, or day care of another, or prohibiting
10 the person from knowingly coming within, or knowingly remaining
11 within, a specified distance of a location.

12 (5) It is a defense to prosecution under subsection (1) of this
13 section that the court order was issued contrary to law or court
14 rule.

15 (6) No peace officer may be held criminally or civilly liable for
16 making an arrest under subsection (4) of this section if the officer
17 acts in good faith and without malice.

18 **Sec. 141.** RCW 26.12.260 and 2008 c 6 s 1047 are each amended to
19 read as follows:

20 (1) After July 1, 2009, but no later than November 1, 2009, a
21 county may, and to the extent state funding is provided to meet the
22 minimum requirements of the program a county shall, create a program
23 to provide services to all parties involved in proceedings under
24 chapter 26.09 RCW. Minimum components of this program shall include:

25 (a) An individual to serve as an initial point of contact for parties
26 filing petitions for dissolutions or legal separations under chapter
27 26.09 RCW; (b) informing parties about courthouse facilitation
28 programs and orientations; (c) informing parties of alternatives to
29 filing a dissolution petition, such as marriage or domestic
30 partnership counseling; (d) informing parties of alternatives to
31 litigation including counseling, legal separation, and mediation
32 services if appropriate; (e) informing parties of supportive family
33 services available in the community; (f) screening for referral for
34 services in the areas of domestic violence as defined in ((RCW
35 ~~26.50.010~~) section 2 of this act, child abuse, substance abuse, and
36 mental health; and (g) assistance to the court in superior court
37 cases filed under chapter 26.09 RCW.

38 (2) This program shall not provide legal advice. No attorney-
39 client relationship or privilege is created, by implication or by

1 inference, between persons providing basic information under this
2 section and the participants in the program.

3 (3) The legislative authority of any county may impose user fees
4 or may impose a surcharge of up to twenty dollars on only those
5 superior court cases filed under this title, or both, to pay for the
6 expenses of this program. Fees collected under this section shall be
7 collected and deposited in the same manner as other county funds are
8 collected and deposited, and shall be maintained in a separate
9 account to be used as provided in this section. The program shall
10 provide services to indigent persons at no expense.

11 (4) Persons who implement the program shall be appointed in the
12 same manner as investigators, stenographers, and clerks as described
13 in RCW 26.12.050.

14 (5) If the county has a program under this section, any petition
15 under RCW 26.09.020 must allege that the moving party met and
16 conferred with the program prior to the filing of the petition.

17 (6) If the county has a program under this section, parties shall
18 meet and confer with the program prior to participation in mediation
19 under RCW 26.09.016.

20 **Sec. 142.** RCW 26.12.802 and 2019 c 46 s 5023 are each amended to
21 read as follows:

22 The administrative office of the courts shall conduct a unified
23 family court pilot program.

24 (1) Pilot program sites shall be selected through a request for
25 proposal process, and shall be established in no more than three
26 superior court judicial districts.

27 (2) To be eligible for consideration as a pilot project site,
28 judicial districts must have a statutorily authorized judicial
29 complement of at least five judges.

30 (3) The administrative office of the courts shall develop
31 criteria for the unified family court pilot program. The pilot
32 program shall include:

33 (a) All case types under Title 13 RCW, chapters 26.09, ~~((26.10,))~~
34 26.12, 26.18, 26.19, 26.20, 26.26A, 26.26B, ~~((26.50,))~~ 26.27, and
35 28A.225 RCW, and domestic violence protection order cases under
36 chapter 7.--- RCW (the new chapter created in section 81 of this
37 act);

1 (b) Unified family court judicial officers, who volunteer for the
2 program, and meet training requirements established by local court
3 rule;

4 (c) Case management practices that provide a flexible response to
5 the diverse court-related needs of families involved in multiple
6 areas of the justice system. Case management practices should result
7 in a reduction in process redundancies and an efficient use of time
8 and resources, and create a system enabling multiple case type
9 resolution by one judicial officer or judicial team;

10 (d) A court facilitator to provide assistance to parties with
11 matters before the unified family court; and

12 (e) An emphasis on providing nonadversarial methods of dispute
13 resolution such as a settlement conference, evaluative mediation by
14 attorney mediators, and facilitative mediation by nonattorney
15 mediators.

16 (4) The administrative office of the courts shall publish and
17 disseminate a state-approved listing of definitions of nonadversarial
18 methods of dispute resolution so that court officials, practitioners,
19 and users can choose the most appropriate process for the matter at
20 hand.

21 (5) The administrative office of the courts shall provide to the
22 judicial districts selected for the pilot program the computer
23 resources needed by each judicial district to implement the unified
24 family court pilot program.

25 (6) The administrative office of the courts shall conduct a study
26 of the pilot program measuring improvements in the judicial system's
27 response to family involvement in the judicial system. The
28 administrator for the courts shall report preliminary findings and
29 final results of the study to the governor, the chief justice of the
30 supreme court, and the legislature on a biennial basis. The initial
31 report is due by July 1, 2000, and the final report is due by
32 December 1, 2004.

33 **Sec. 143.** RCW 26.26A.470 and 2019 c 46 s 1002 are each amended
34 to read as follows:

35 (1) In a proceeding under RCW 26.26A.400 through 26.26A.515, the
36 court may issue a temporary order for child support if the order is
37 consistent with law of this state other than this chapter and the
38 individual ordered to pay support is:

39 (a) A presumed parent of the child;

1 (b) Petitioning to be adjudicated a parent;

2 (c) Identified as a genetic parent through genetic testing under
3 RCW 26.26A.325;

4 (d) An alleged genetic parent who has declined to submit to
5 genetic testing;

6 (e) Shown by clear and convincing evidence to be a parent of the
7 child; or

8 (f) A parent under this chapter.

9 (2) A temporary order may include a provision for parenting time
10 and visitation under law of this state other than this chapter.

11 (3) Any party may request the court to issue a temporary
12 restraining order or preliminary injunction, providing relief proper
13 in the circumstances, and restraining or enjoining any party from:

14 (a) Molesting or disturbing the peace of another party;

15 (b) Going onto the grounds of or entering the home, workplace, or
16 school of another party or the day care or school of any child;

17 (c) Knowingly coming within, or knowingly remaining within, a
18 specified distance from a specified location, a protected party's
19 person, or a protected party's vehicle; and

20 (d) Removing a child from the jurisdiction of the court.

21 (4) Either party may request a domestic violence protection order
22 (~~(under chapter 26.50 RCW)~~) or an antiharassment protection order
23 under chapter (~~(10.14)~~) 7.--- RCW (the new chapter created in section
24 81 of this act) on a temporary basis. The court may grant any of the
25 relief provided in (~~(RCW 26.50.060)~~) section 39 of this act except
26 relief pertaining to residential provisions for the children which
27 provisions shall be provided for under this chapter(~~(, and any of the~~
28 ~~relief provided in RCW 10.14.080)~~). Ex parte orders issued under this
29 subsection shall be effective for a fixed period not to exceed
30 fourteen days, or upon court order, not to exceed twenty-four days if
31 necessary to ensure that all temporary motions in the case can be
32 heard at the same time.

33 (5) Restraining orders issued under this section restraining or
34 enjoining the person from molesting or disturbing another party, or
35 from going onto the grounds of or entering the home, workplace, or
36 school of the other party or the day care or school of any child, or
37 prohibiting the person from knowingly coming within, or knowingly
38 remaining within, a specified distance of a location, a protected
39 party's person, or a protected party's vehicle, shall prominently
40 bear on the front page of the order the legend: VIOLATION OF THIS

1 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
2 CHAPTER ((26.50)) 7.--- RCW (the new chapter created in section 81 of
3 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

4 (6) The court shall order that any temporary restraining order
5 bearing a criminal offense legend, any domestic violence protection
6 order, or any antiharassment protection order granted under this
7 section be forwarded by the clerk of the court on or before the next
8 judicial day to the appropriate law enforcement agency specified in
9 the order. Upon receipt of the order, the law enforcement agency
10 shall enter the order into any computer-based criminal intelligence
11 information system available in this state used by law enforcement
12 agencies to list outstanding warrants. The order is fully enforceable
13 in any county in the state.

14 (7) If a restraining order issued pursuant to this section is
15 modified or terminated, the clerk of the court shall notify the law
16 enforcement agency specified in the order on or before the next
17 judicial day. Upon receipt of notice that an order has been
18 terminated, the law enforcement agency shall remove the order from
19 any computer-based criminal intelligence information system.

20 (8) The court may issue a temporary restraining order without
21 requiring notice to the other party only if it finds on the basis of
22 the moving affidavit or other evidence that irreparable injury could
23 result if an order is not issued until the time for responding has
24 elapsed.

25 (9) The court may issue a temporary restraining order or
26 preliminary injunction and an order for temporary support in such
27 amounts and on such terms as are just and proper in the
28 circumstances. In issuing the order, the court shall consider the
29 provisions of RCW 9.41.800.

30 (10) A temporary order, temporary restraining order, or
31 preliminary injunction:

32 (a) Does not prejudice the rights of a party or any child which
33 are to be adjudicated at subsequent hearings in the proceeding;

34 (b) May be revoked or modified;

35 (c) Terminates when the final order is entered or when the
36 petition is dismissed; and

37 (d) May be entered in a proceeding for the modification of an
38 existing order.

39 (11) A support debt owed to the state for public assistance
40 expenditures which has been charged against a party pursuant to RCW

1 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
2 extinguished by, the final decree or order, unless the office of
3 support enforcement has been given notice of the final proceeding and
4 an opportunity to present its claim for the support debt to the court
5 and has failed to file an affidavit as provided in this subsection.
6 Notice of the proceeding shall be served upon the office of support
7 enforcement personally, or by certified mail, and shall be given no
8 fewer than thirty days prior to the date of the final proceeding. An
9 original copy of the notice shall be filed with the court either
10 before service or within a reasonable time thereafter. The office of
11 support enforcement may present its claim, and thereby preserve the
12 support debt, by filing an affidavit setting forth the amount of the
13 debt with the court, and by mailing a copy of the affidavit to the
14 parties or their attorney prior to the date of the final proceeding.

15 (12) Any party may request the court to issue any order
16 referenced by RCW 9.41.800.

17 **Sec. 144.** RCW 26.26B.020 and 2019 c 46 s 5028 are each amended
18 to read as follows:

19 (1) The judgment and order of the court determining the existence
20 or nonexistence of the parent and child relationship shall be
21 determinative for all purposes.

22 (2) If the judgment and order of the court is at variance with
23 the child's birth certificate, the court shall order that an amended
24 birth certificate be issued.

25 (3) The judgment and order shall contain other appropriate
26 provisions directed to the appropriate parties to the proceeding,
27 concerning the duty of current and future support, the extent of any
28 liability for past support furnished to the child if that issue is
29 before the court, the furnishing of bond or other security for the
30 payment of the judgment, or any other matter in the best interest of
31 the child. The judgment and order may direct one parent to pay the
32 reasonable expenses of the mother's pregnancy and childbirth. The
33 judgment and order may include a continuing restraining order or
34 injunction. In issuing the order, the court shall consider the
35 provisions of RCW 9.41.800.

36 (4) The judgment and order shall contain a provision that each
37 party must file with the court and the Washington state child support
38 registry and update as necessary the information required in the
39 confidential information form required by RCW 26.23.050.

1 (5) Support judgment and orders shall be for periodic payments
2 which may vary in amount. The court may limit the parent's liability
3 for the past support to the child to the proportion of the expenses
4 already incurred as the court deems just. The court shall not limit
5 or affect in any manner the right of nonparties including the state
6 of Washington to seek reimbursement for support and other services
7 previously furnished to the child.

8 (6) After considering all relevant factors, the court shall order
9 either or both parents to pay an amount determined pursuant to the
10 schedule and standards contained in chapter 26.19 RCW.

11 (7) On the same basis as provided in chapter 26.09 RCW, the court
12 shall make residential provisions with regard to minor children of
13 the parties, except that a parenting plan shall not be required
14 unless requested by a party. If a parenting plan or residential
15 schedule was not entered at the time the order establishing parentage
16 was entered, a parent may move the court for entry of a parenting
17 plan or residential schedule:

18 (a) By filing a motion and proposed parenting plan or residential
19 schedule and providing notice to the other parent and other persons
20 who have residential time with the child pursuant to a court order:
21 PROVIDED, That at the time of filing the motion less than twenty-four
22 months have passed since entry of the order establishing parentage
23 and that the proposed parenting plan or residential schedule does not
24 change the designation of the parent with whom the child spends the
25 majority of time; or

26 (b) By filing a petition for modification under RCW 26.09.260 or
27 petition to establish a parenting plan, residential schedule, or
28 residential provisions.

29 (8) In any dispute between the persons claiming parentage of a
30 child and a person or persons who have (a) commenced adoption
31 proceedings or who have been granted an order of adoption, and (b)
32 pursuant to a court order, or placement by the department of social
33 and health services or by a licensed agency, have had actual custody
34 of the child for a period of one year or more before court action is
35 commenced by the persons claiming parentage, the court shall consider
36 the best welfare and interests of the child, including the child's
37 need for situation stability, in determining the matter of custody,
38 and the parent or person who is more fit shall have the superior
39 right to custody.

1 (9) In entering an order under this chapter or chapter 26.26A
2 RCW, the court may issue any necessary continuing restraining orders,
3 including the restraint provisions of domestic violence protection
4 orders (~~under chapter 26.50 RCW~~) or antiharassment protection
5 orders under chapter (~~10.14~~) 7.--- RCW (the new chapter created in
6 section 81 of this act).

7 (10) Restraining orders issued under this section restraining or
8 enjoining the person from molesting or disturbing another party, from
9 going onto the grounds of or entering the home, workplace, or school
10 of the other party or the day care or school of any child, or
11 prohibiting the person from knowingly coming within, or knowingly
12 remaining within, a specified distance of a location, a protected
13 party's person, or a protected party's vehicle, shall prominently
14 bear on the front page of the order the legend: VIOLATION OF THIS
15 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
16 CHAPTER (~~26.50~~) 7.--- RCW (the new chapter created in section 81 of
17 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

18 (11) The court shall order that any restraining order bearing a
19 criminal offense legend, any domestic violence protection order, or
20 any antiharassment protection order granted under this section be
21 forwarded by the clerk of the court on or before the next judicial
22 day to the appropriate law enforcement agency specified in the order.
23 Upon receipt of the order, the law enforcement agency shall forthwith
24 enter the order into any computer-based criminal intelligence
25 information system available in this state used by law enforcement
26 agencies to list outstanding warrants. The order is fully enforceable
27 in any county in the state.

28 (12) If a restraining order issued pursuant to this section is
29 modified or terminated, the clerk of the court shall notify the law
30 enforcement agency specified in the order on or before the next
31 judicial day. Upon receipt of notice that an order has been
32 terminated, the law enforcement agency shall remove the order from
33 any computer-based criminal intelligence system.

34 **Sec. 145.** RCW 26.26B.050 and 2019 c 46 s 5030 are each amended
35 to read as follows:

36 (1) Whenever a restraining order is issued under this chapter or
37 chapter 26.26A RCW, and the person to be restrained knows of the
38 order, a violation of the provisions restricting the person from acts
39 or threats of violence or of a provision restraining the person from

1 going onto the grounds of or entering the residence, workplace,
2 school, or day care of another, or prohibiting the person from
3 knowingly coming within, or knowingly remaining within, a specified
4 distance of a location, a protected party's person, or a protected
5 party's vehicle, is punishable under ((RCW 26.50.110)) section 56 of
6 this act.

7 (2) A person is deemed to have notice of a restraining order if:

8 (a) The person to be restrained or the person's attorney signed
9 the order;

10 (b) The order recites that the person to be restrained or the
11 person's attorney appeared in person before the court;

12 (c) The order was served upon the person to be restrained; or

13 (d) The peace officer gives the person oral or written evidence
14 of the order by reading from it or handing to the person a certified
15 copy of the original order, certified to be an accurate copy of the
16 original by a notary public or by the clerk of the court.

17 (3) A peace officer shall verify the existence of a restraining
18 order by:

19 (a) Obtaining information confirming the existence and terms of
20 the order from a law enforcement agency; or

21 (b) Obtaining a certified copy of the order, certified to be an
22 accurate copy of the original by a notary public or by the clerk of
23 the court.

24 (4) A peace officer shall arrest and take into custody, pending
25 release on bail, personal recognizance, or court order, a person
26 without a warrant when the officer has probable cause to believe
27 that:

28 (a) A restraining order has been issued under this chapter or
29 chapter 26.26A RCW;

30 (b) The respondent or person to be restrained knows of the order;
31 and

32 (c) The person to be arrested has violated the terms of the order
33 restraining the person from acts or threats of violence or
34 restraining the person from going onto the grounds of or entering the
35 residence, workplace, school, or day care of another, or prohibiting
36 the person from knowingly coming within, or knowingly remaining
37 within, a specified distance of a location, a protected party's
38 person, or a protected party's vehicle.

1 (5) It is a defense to prosecution under subsection (1) of this
2 section that the court order was issued contrary to law or court
3 rule.

4 (6) No peace officer may be held criminally or civilly liable for
5 making an arrest under subsection (4) of this section if the officer
6 acts in good faith and without malice.

7 **Sec. 146.** RCW 26.28.015 and 1992 c 111 s 12 are each amended to
8 read as follows:

9 Notwithstanding any other provision of law, and except as
10 provided under (~~RCW 26.50.020~~) section 14 of this act, all persons
11 shall be deemed and taken to be of full age for the specific purposes
12 hereafter enumerated at the age of eighteen years:

13 (1) To enter into any marriage contract without parental consent
14 if otherwise qualified by law;

15 (2) To execute a will for the disposition of both real and
16 personal property if otherwise qualified by law;

17 (3) To vote in any election if authorized by the Constitution and
18 otherwise qualified by law;

19 (4) To enter into any legal contractual obligation and to be
20 legally bound thereby to the full extent as any other adult person;

21 (5) To make decisions in regard to their own body and the body of
22 their lawful issue whether natural born to or adopted by such person
23 to the full extent allowed to any other adult person including but
24 not limited to consent to surgical operations;

25 (6) To sue and be sued on any action to the full extent as any
26 other adult person in any of the courts of this state, without the
27 necessity for a guardian ad litem.

28 **Sec. 147.** RCW 26.44.020 and 2019 c 172 s 5 are each amended to
29 read as follows:

30 The definitions in this section apply throughout this chapter
31 unless the context clearly requires otherwise.

32 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
33 or injury of a child by any person under circumstances which cause
34 harm to the child's health, welfare, or safety, excluding conduct
35 permitted under RCW 9A.16.100; or the negligent treatment or
36 maltreatment of a child by a person responsible for or providing care
37 to the child. An abused child is a child who has been subjected to
38 child abuse or neglect as defined in this section.

1 (2) "Child" or "children" means any person under the age of
2 eighteen years of age.

3 (3) "Child forensic interview" means a developmentally sensitive
4 and legally sound method of gathering factual information regarding
5 allegations of child abuse, child neglect, or exposure to violence.
6 This interview is conducted by a competently trained, neutral
7 professional utilizing techniques informed by research and best
8 practice as part of a larger investigative process.

9 (4) "Child protective services" means those services provided by
10 the department designed to protect children from child abuse and
11 neglect and safeguard such children from future abuse and neglect,
12 and conduct investigations of child abuse and neglect reports.
13 Investigations may be conducted regardless of the location of the
14 alleged abuse or neglect. Child protective services includes referral
15 to services to ameliorate conditions that endanger the welfare of
16 children, the coordination of necessary programs and services
17 relevant to the prevention, intervention, and treatment of child
18 abuse and neglect, and services to children to ensure that each child
19 has a permanent home. In determining whether protective services
20 should be provided, the department shall not decline to provide such
21 services solely because of the child's unwillingness or developmental
22 inability to describe the nature and severity of the abuse or
23 neglect.

24 (5) "Child protective services section" means the child
25 protective services section of the department.

26 (6) "Child who is a candidate for foster care" means a child who
27 the department identifies as being at imminent risk of entering
28 foster care but who can remain safely in the child's home or in a
29 kinship placement as long as services or programs that are necessary
30 to prevent entry of the child into foster care are provided, and
31 includes but is not limited to a child whose adoption or guardianship
32 arrangement is at risk of a disruption or dissolution that would
33 result in a foster care placement. The term includes a child for whom
34 there is reasonable cause to believe that any of the following
35 circumstances exist:

36 (a) The child has been abandoned by the parent as defined in RCW
37 13.34.030 and the child's health, safety, and welfare is seriously
38 endangered as a result;

1 (b) The child has been abused or neglected as defined in this
2 chapter ((~~26.44-RCW~~)) and the child's health, safety, and welfare is
3 seriously endangered as a result;

4 (c) There is no parent capable of meeting the child's needs such
5 that the child is in circumstances that constitute a serious danger
6 to the child's development;

7 (d) The child is otherwise at imminent risk of harm.

8 (7) "Children's advocacy center" means a child-focused facility
9 in good standing with the state chapter for children's advocacy
10 centers and that coordinates a multidisciplinary process for the
11 investigation, prosecution, and treatment of sexual and other types
12 of child abuse. Children's advocacy centers provide a location for
13 forensic interviews and coordinate access to services such as, but
14 not limited to, medical evaluations, advocacy, therapy, and case
15 review by multidisciplinary teams within the context of county
16 protocols as defined in RCW 26.44.180 and 26.44.185.

17 (8) "Clergy" means any regularly licensed or ordained minister,
18 priest, or rabbi of any church or religious denomination, whether
19 acting in an individual capacity or as an employee or agent of any
20 public or private organization or institution.

21 (9) "Court" means the superior court of the state of Washington,
22 juvenile department.

23 (10) "Department" means the department of children, youth, and
24 families.

25 (11) "Family assessment" means a comprehensive assessment of
26 child safety, risk of subsequent child abuse or neglect, and family
27 strengths and needs that is applied to a child abuse or neglect
28 report. Family assessment does not include a determination as to
29 whether child abuse or neglect occurred, but does determine the need
30 for services to address the safety of the child and the risk of
31 subsequent maltreatment.

32 (12) "Family assessment response" means a way of responding to
33 certain reports of child abuse or neglect made under this chapter
34 using a differential response approach to child protective services.
35 The family assessment response shall focus on the safety of the
36 child, the integrity and preservation of the family, and shall assess
37 the status of the child and the family in terms of risk of abuse and
38 neglect including the parent's or guardian's or other caretaker's
39 capacity and willingness to protect the child and, if necessary, plan
40 and arrange the provision of services to reduce the risk and

1 otherwise support the family. No one is named as a perpetrator, and
2 no investigative finding is entered in the record as a result of a
3 family assessment.

4 (13) "Founded" means the determination following an investigation
5 by the department that, based on available information, it is more
6 likely than not that child abuse or neglect did occur.

7 (14) "Inconclusive" means the determination following an
8 investigation by the department of social and health services, prior
9 to October 1, 2008, that based on available information a decision
10 cannot be made that more likely than not, child abuse or neglect did
11 or did not occur.

12 (15) "Institution" means a private or public hospital or any
13 other facility providing medical diagnosis, treatment, or care.

14 (16) "Law enforcement agency" means the police department, the
15 prosecuting attorney, the state patrol, the director of public
16 safety, or the office of the sheriff.

17 (17) "Malice" or "maliciously" means an intent, wish, or design
18 to intimidate, annoy, or injure another person. Such malice may be
19 inferred from an act done in willful disregard of the rights of
20 another, or an act wrongfully done without just cause or excuse, or
21 an act or omission of duty betraying a willful disregard of social
22 duty.

23 (18) "Negligent treatment or maltreatment" means an act or a
24 failure to act, or the cumulative effects of a pattern of conduct,
25 behavior, or inaction, that evidences a serious disregard of
26 consequences of such magnitude as to constitute a clear and present
27 danger to a child's health, welfare, or safety, including but not
28 limited to conduct prohibited under RCW 9A.42.100. When considering
29 whether a clear and present danger exists, evidence of a parent's
30 substance abuse as a contributing factor to negligent treatment or
31 maltreatment shall be given great weight. The fact that siblings
32 share a bedroom is not, in and of itself, negligent treatment or
33 maltreatment. Poverty, homelessness, or exposure to domestic violence
34 as defined in (~~RCW 26.50.010~~) section 2 of this act that is
35 perpetrated against someone other than the child does not constitute
36 negligent treatment or maltreatment in and of itself.

37 (19) "Pharmacist" means any registered pharmacist under chapter
38 18.64 RCW, whether acting in an individual capacity or as an employee
39 or agent of any public or private organization or institution.

1 (20) "Practitioner of the healing arts" or "practitioner" means a
2 person licensed by this state to practice podiatric medicine and
3 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
4 medicine and surgery, or medicine and surgery or to provide other
5 health services. The term "practitioner" includes a duly accredited
6 Christian Science practitioner. A person who is being furnished
7 Christian Science treatment by a duly accredited Christian Science
8 practitioner will not be considered, for that reason alone, a
9 neglected person for the purposes of this chapter.

10 (21) "Prevention and family services and programs" means specific
11 mental health prevention and treatment services, substance abuse
12 prevention and treatment services, and in-home parent skill-based
13 programs that qualify for federal funding under the federal family
14 first prevention services act, P.L. 115-123. For purposes of this
15 chapter, prevention and family services and programs are not remedial
16 services or family reunification services as described in RCW
17 13.34.025(2).

18 (22) "Professional school personnel" include, but are not limited
19 to, teachers, counselors, administrators, child care facility
20 personnel, and school nurses.

21 (23) "Psychologist" means any person licensed to practice
22 psychology under chapter 18.83 RCW, whether acting in an individual
23 capacity or as an employee or agent of any public or private
24 organization or institution.

25 (24) "Screened-out report" means a report of alleged child abuse
26 or neglect that the department has determined does not rise to the
27 level of a credible report of abuse or neglect and is not referred
28 for investigation.

29 (25) "Sexual exploitation" includes: (a) Allowing, permitting, or
30 encouraging a child to engage in prostitution by any person; or (b)
31 allowing, permitting, encouraging, or engaging in the obscene or
32 pornographic photographing, filming, or depicting of a child by any
33 person.

34 (26) "Sexually aggressive youth" means a child who is defined in
35 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

36 (27) "Social service counselor" means anyone engaged in a
37 professional capacity during the regular course of employment in
38 encouraging or promoting the health, welfare, support, or education
39 of children, or providing social services to adults or families,
40 including mental health, drug and alcohol treatment, and domestic

1 violence programs, whether in an individual capacity, or as an
2 employee or agent of any public or private organization or
3 institution.

4 (28) "Unfounded" means the determination following an
5 investigation by the department that available information indicates
6 that, more likely than not, child abuse or neglect did not occur, or
7 that there is insufficient evidence for the department to determine
8 whether the alleged child abuse did or did not occur.

9 **Sec. 148.** RCW 26.51.020 and 2020 c 311 s 2 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Abusive litigation" means litigation where the following
14 apply:

15 (a)(i) The opposing parties have a current or former intimate
16 partner relationship;

17 (ii) The party who is filing, initiating, advancing, or
18 continuing the litigation has been found by a court to have committed
19 domestic violence against the other party pursuant to: (A) An order
20 entered under (~~this~~) chapter 7.--- RCW (the new chapter created in
21 section 81 of this act) or former chapter 26.50 RCW; (B) a parenting
22 plan with restrictions based on RCW 26.09.191(2)(a)(iii); or (C) a
23 restraining order entered under chapter 26.09, (~~26.26, or~~) 26.26A,
24 or 26.26B RCW, provided that the issuing court made a specific
25 finding that the restraining order was necessary due to domestic
26 violence; and

27 (iii) The litigation is being initiated, advanced, or continued
28 primarily for the purpose of harassing, intimidating, or maintaining
29 contact with the other party; and

30 (b) At least one of the following factors apply:

31 (i) Claims, allegations, and other legal contentions made in the
32 litigation are not warranted by existing law or by a reasonable
33 argument for the extension, modification, or reversal of existing
34 law, or the establishment of new law;

35 (ii) Allegations and other factual contentions made in the
36 litigation are without the existence of evidentiary support; or

37 (iii) An issue or issues that are the basis of the litigation
38 have previously been filed in one or more other courts or
39 jurisdictions and the actions have been litigated and disposed of

1 unfavorably to the party filing, initiating, advancing, or continuing
2 the litigation.

3 (2) "Intimate partner" is defined in (~~(RCW 26.50.010)~~) section 2
4 of this act.

5 (3) "Litigation" means any kind of legal action or proceeding
6 including, but not limited to: (~~((i)-(a))~~) (a) Filing a summons,
7 complaint, demand, or petition; (~~((ii)-(b))~~) (b) serving a summons,
8 complaint, demand, or petition, regardless of whether it has been
9 filed; (~~((iii)-(c))~~) (c) filing a motion, notice of court date,
10 note for motion docket, or order to appear; (~~((iv)-(d))~~) (d)
11 serving a motion, notice of court date, note for motion docket, or
12 order to appear, regardless of whether it has been filed or
13 scheduled; (~~((v)-(e))~~) (e) filing a subpoena, subpoena duces tecum,
14 request for interrogatories, request for production, notice of
15 deposition, or other discovery request; or (~~((vi)-(f))~~) (f) serving
16 a subpoena, subpoena duces tecum, request for interrogatories,
17 request for production, notice of deposition, or other discovery
18 request.

19 (4) "Perpetrator of abusive litigation" means a person who files,
20 initiates, advances, or continues litigation in violation of an order
21 restricting abusive litigation.

22 **Sec. 149.** RCW 26.52.010 and 1999 c 184 s 3 are each amended to
23 read as follows:

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

26 (1) "Domestic or family violence" includes, but is not limited
27 to, conduct when committed by one family member against another that
28 is classified in the jurisdiction where the conduct occurred as a
29 domestic violence crime or a crime committed in another jurisdiction
30 that under the laws of this state would be classified as domestic
31 violence under RCW 10.99.020.

32 (2) "Family (~~or household~~) members" means (~~(spouses, former~~
33 ~~spouses, persons who have a child in common regardless of whether~~
34 ~~they have been married or have lived together at any time, adult~~
35 ~~persons related by blood or marriage, adult persons who are presently~~
36 ~~residing together or who have resided together in the past, persons~~
37 ~~sixteen years of age or older who are presently residing together or~~
38 ~~who have resided together in the past and who have or have had a~~
39 ~~dating relationship, persons sixteen years of age or older with whom~~

1 ~~a person sixteen years of age or older has or has had a dating~~
2 ~~relationship, and persons who have a biological or legal parent-child~~
3 ~~relationship, including stepparents and stepchildren and grandparents~~
4 ~~and grandchildren)) intimate partners and family or household members~~
5 ~~as those terms are defined in section 2 of this act.~~

6 (3) "Foreign protection order" means an injunction or other order
7 related to domestic or family violence, harassment, sexual abuse, or
8 stalking, for the purpose of preventing violent or threatening acts
9 or harassment against, or contact or communication with or physical
10 proximity to another person issued by a court of another state,
11 territory, or possession of the United States, the Commonwealth of
12 Puerto Rico, or the District of Columbia, or any United States
13 military tribunal, or a tribal court, in a civil or criminal action.

14 (4) "Harassment" includes, but is not limited to, conduct that is
15 classified in the jurisdiction where the conduct occurred as
16 harassment or a crime committed in another jurisdiction that under
17 the laws of this state would be classified as harassment under RCW
18 9A.46.040.

19 (5) "Judicial day" does not include Saturdays, Sundays, or legal
20 holidays in Washington state.

21 (6) "Person entitled to protection" means a person, regardless of
22 whether the person was the moving party in the foreign jurisdiction,
23 who is benefited by the foreign protection order.

24 (7) "Person under restraint" means a person, regardless of
25 whether the person was the responding party in the foreign
26 jurisdiction, whose ability to contact or communicate with another
27 person, or to be physically close to another person, is restricted by
28 the foreign protection order.

29 (8) "Sexual abuse" includes, but is not limited to, conduct that
30 is classified in the jurisdiction where the conduct occurred as a sex
31 offense or a crime committed in another jurisdiction that under the
32 laws of this state would be classified as a sex offense under RCW
33 9.94A.030.

34 (9) "Stalking" includes, but is not limited to, conduct that is
35 classified in the jurisdiction where the conduct occurred as stalking
36 or a crime committed in another jurisdiction that under the laws of
37 this state would be classified as stalking under RCW 9A.46.110.

38 (10) "Washington court" includes the superior, district, and
39 municipal courts of the state of Washington.

1 **Sec. 150.** RCW 26.52.070 and 2000 c 119 s 26 are each amended to
2 read as follows:

3 (1) Whenever a foreign protection order is granted to a person
4 entitled to protection and the person under restraint knows of the
5 foreign protection order, a violation of a provision prohibiting the
6 person under restraint from contacting or communicating with another
7 person, or of a provision excluding the person under restraint from a
8 residence, workplace, school, or day care, or of a provision
9 prohibiting a person from knowingly coming within, or knowingly
10 remaining within, a specified distance of a location, a protected
11 party's person, or a protected party's vehicle, or a violation of any
12 provision for which the foreign protection order specifically
13 indicates that a violation will be a crime, is punishable under ((RCW
14 ~~26.50.110~~) section 56 of this act.

15 (2) A peace officer shall arrest without a warrant and take into
16 custody a person when the peace officer has probable cause to believe
17 that a foreign protection order has been issued of which the person
18 under restraint has knowledge and the person under restraint has
19 violated a provision of the foreign protection order that prohibits
20 the person under restraint from contacting or communicating with
21 another person, or a provision that excludes the person under
22 restraint from a residence, workplace, school, or day care, or of a
23 provision prohibiting a person from knowingly coming within, or
24 knowingly remaining within, a specified distance of a location, a
25 protected party's person, or a protected party's vehicle, or a
26 violation of any provision for which the foreign protection order
27 specifically indicates that a violation will be a crime. Presence of
28 the order in the law enforcement computer-based criminal intelligence
29 information system is not the only means of establishing knowledge of
30 the order.

31 **Sec. 151.** RCW 36.18.020 and 2018 c 269 s 17 are each amended to
32 read as follows:

33 (1) Revenue collected under this section is subject to division
34 with the state under RCW 36.18.025 and with the county or regional
35 law library fund under RCW 27.24.070, except as provided in
36 subsection (5) of this section.

37 (2) Clerks of superior courts shall collect the following fees
38 for their official services:

1 (a) In addition to any other fee required by law, the party
2 filing the first or initial document in any civil action, including,
3 but not limited to an action for restitution, adoption, or change of
4 name, and any party filing a counterclaim, cross-claim, or third-
5 party claim in any such civil action, shall pay, at the time the
6 document is filed, a fee of two hundred dollars except, in an
7 unlawful detainer action under chapter 59.18 or 59.20 RCW for which
8 the plaintiff shall pay a case initiating filing fee of forty-five
9 dollars, or in proceedings filed under RCW 28A.225.030 alleging a
10 violation of the compulsory attendance laws where the petitioner
11 shall not pay a filing fee. The forty-five dollar filing fee under
12 this subsection for an unlawful detainer action shall not include an
13 order to show cause or any other order or judgment except a default
14 order or default judgment in an unlawful detainer action.

15 (b) Any party, except a defendant in a criminal case, filing the
16 first or initial document on an appeal from a court of limited
17 jurisdiction or any party on any civil appeal, shall pay, when the
18 document is filed, a fee of two hundred dollars.

19 (c) For filing of a petition for judicial review as required
20 under RCW 34.05.514 a filing fee of two hundred dollars.

21 ~~((For filing of a petition for unlawful harassment under RCW
22 10.14.040 a filing fee of fifty-three dollars.~~

23 ~~(e))~~ For filing the notice of debt due for the compensation of a
24 crime victim under RCW 7.68.120(2) (a) a fee of two hundred dollars.

25 ~~((f))~~ (e) In probate proceedings, the party instituting such
26 proceedings, shall pay at the time of filing the first document
27 therein, a fee of two hundred dollars.

28 ~~((g))~~ (f) For filing any petition to contest a will admitted to
29 probate or a petition to admit a will which has been rejected, or a
30 petition objecting to a written agreement or memorandum as provided
31 in RCW 11.96A.220, there shall be paid a fee of two hundred dollars.

32 ~~((h))~~ (g) Upon conviction or plea of guilty, upon failure to
33 prosecute an appeal from a court of limited jurisdiction as provided
34 by law, or upon affirmance of a conviction by a court of limited
35 jurisdiction, an adult defendant in a criminal case shall be liable
36 for a fee of two hundred dollars, except this fee shall not be
37 imposed on a defendant who is indigent as defined in RCW
38 10.101.010(3) (a) through (c).

39 ~~((i))~~ (h) With the exception of demands for jury hereafter made
40 and garnishments hereafter issued, civil actions and probate

1 proceedings filed prior to midnight, July 1, 1972, shall be completed
2 and governed by the fee schedule in effect as of January 1, 1972.
3 However, no fee shall be assessed if an order of dismissal on the
4 clerk's record be filed as provided by rule of the supreme court.

5 (3) No fee shall be collected when a petition for relinquishment
6 of parental rights is filed pursuant to RCW 26.33.080 or for forms
7 and instructional brochures provided under (~~RCW 26.50.030~~) section
8 16 of this act.

9 (4) No fee shall be collected when an abstract of judgment is
10 filed by the county clerk of another county for the purposes of
11 collection of legal financial obligations.

12 (5)(a) Until July 1, 2021, in addition to the fees required to be
13 collected under this section, clerks of the superior courts must
14 collect surcharges as provided in this subsection (5) of which
15 seventy-five percent must be remitted to the state treasurer for
16 deposit in the judicial stabilization trust account and twenty-five
17 percent must be retained by the county.

18 (b) On filing fees required to be collected under subsection
19 (2)(b) of this section, a surcharge of thirty dollars must be
20 collected.

21 (c) On all filing fees required to be collected under this
22 section, except for fees required under subsection (2)(b) (~~(r—(d),r)~~)
23 and (~~(h)~~) (g) of this section, a surcharge of forty dollars must be
24 collected.

25 **Sec. 152.** RCW 36.28A.410 and 2019 c 263 s 915 and 2019 c 46 s
26 5041 are each reenacted and amended to read as follows:

27 (1)(a) Subject to the availability of amounts appropriated for
28 this specific purpose, the Washington association of sheriffs and
29 police chiefs shall create and operate a statewide automated
30 protected person notification system to automatically notify a
31 registered person via the registered person's choice of telephone or
32 email when a respondent subject to a court order specified in (b) of
33 this subsection has attempted to purchase or acquire a firearm and
34 been denied based on a background check or completed and submitted
35 firearm purchase or transfer application that indicates the
36 respondent is ineligible to possess a firearm under state or federal
37 law. The system must permit a person to register for notification, or
38 a registered person to update the person's registration information,
39 for the statewide automated protected person notification system by

1 calling a toll-free telephone number or by accessing a public
2 website.

3 (b) The notification requirements of this section apply to any
4 court order issued under chapter 7.--- RCW (the new chapter created
5 in section 81 of this act) or former chapter 7.92 RCW ((and)), RCW
6 ((7.90.090,)) 9A.46.080, ((10.14.080,)) 10.99.040, 10.99.045,
7 26.09.050, 26.09.060, 26.10.040, ((26.10.115,)) 26.26A.470, or
8 26.26B.020((, 26.50.060, or 26.50.070)), any of the former RCW
9 7.90.090, 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign
10 protection order filed with a Washington court pursuant to chapter
11 26.52 RCW, and any Canadian domestic violence protection order filed
12 with a Washington court pursuant to chapter 26.55 RCW, where the
13 order prohibits the respondent from possessing firearms or where by
14 operation of law the respondent is ineligible to possess firearms
15 during the term of the order. The notification requirements of this
16 section apply even if the respondent has notified the Washington
17 state patrol that he or she has appealed a background check denial
18 under RCW 43.43.823.

19 (2) An appointed or elected official, public employee, or public
20 agency as defined in RCW 4.24.470, or combination of units of
21 government and its employees, as provided in RCW 36.28A.010, are
22 immune from civil liability for damages for any release of
23 information or the failure to release information related to the
24 statewide automated protected person notification system in this
25 section, so long as the release or failure to release was without
26 gross negligence. The immunity provided under this subsection applies
27 to the release of relevant and necessary information to other public
28 officials, public employees, or public agencies, and to the general
29 public.

30 (3) Information and records prepared, owned, used, or retained by
31 the Washington association of sheriffs and police chiefs pursuant to
32 chapter 261, Laws of 2017, including information a person submits to
33 register and participate in the statewide automated protected person
34 notification system, are exempt from public inspection and copying
35 under chapter 42.56 RCW.

36 **Sec. 153.** RCW 41.04.655 and 2020 c 29 s 14 and 2020 c 6 s 1 are
37 each reenacted and amended to read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout RCW 41.04.650 through 41.04.670,
3 28A.400.380, and section 7, chapter 93, Laws of 1989.

4 (1) "Domestic violence" means any of the following acts committed
5 by one family or household member against another or by one intimate
6 partner against another, as those terms are defined in RCW
7 (~~26.50.010~~) 10.99.020:

8 (a) Physical harm, bodily injury, assault, or the infliction of
9 fear of imminent physical harm, bodily injury, or assault;

10 (b) Sexual assault; or

11 (c) Stalking as defined in RCW 9A.46.110.

12 (2) "Employee" means any employee of the state, including
13 employees of school districts and educational service districts, who
14 are entitled to accrue sick leave or annual leave and for whom
15 accurate leave records are maintained.

16 (3) "Parental leave" means leave to bond and care for a newborn
17 child after birth or to bond and care for a child after placement for
18 adoption or foster care.

19 (4) "Pregnancy disability" means a pregnancy-related medical
20 condition or miscarriage.

21 (5) "Program" means the leave sharing program established in RCW
22 41.04.660.

23 (6) "Service in the uniformed services" means the performance of
24 duty on a voluntary or involuntary basis in a uniformed service under
25 competent authority and includes active duty, active duty for
26 training, initial active duty for training, inactive duty training,
27 full-time national guard duty including state-ordered active duty,
28 and a period for which a person is absent from a position of
29 employment for the purpose of an examination to determine the fitness
30 of the person to perform any such duty.

31 (7) "Sexual assault" has the same meaning as set forth in RCW
32 70.125.030.

33 (8) "Stalking" has the same meaning as set forth in RCW
34 9A.46.110.

35 (9) "State agency" or "agency" means departments, offices,
36 agencies, or institutions of state government, the legislature,
37 institutions of higher education, school districts, and educational
38 service districts.

39 (10) "Uniformed services" means the armed forces, the army
40 national guard, and the air national guard of any state, territory,

1 commonwealth, possession, or district when engaged in active duty for
2 training, inactive duty training, full-time national guard duty, or
3 state active duty, the commissioned corps of the public health
4 service, the coast guard, and any other category of persons
5 designated by the president of the United States in time of war or
6 national emergency.

7 (11) "Victim" means a person against whom domestic violence,
8 sexual assault, or stalking has been committed as defined in this
9 section.

10 **Sec. 154.** RCW 43.43.754 and 2020 c 26 s 7 are each amended to
11 read as follows:

12 (1) A biological sample must be collected for purposes of DNA
13 identification analysis from:

14 (a) Every adult or juvenile individual convicted of a felony, or
15 any of the following crimes (or equivalent juvenile offenses):

16 (i) Assault in the fourth degree where domestic violence as
17 defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041,
18 9.94A.030);

19 (ii) Assault in the fourth degree with sexual motivation (RCW
20 9A.36.041, 9.94A.835);

21 (iii) Communication with a minor for immoral purposes (RCW
22 9.68A.090);

23 (iv) Custodial sexual misconduct in the second degree (RCW
24 9A.44.170);

25 (v) Failure to register (chapter 9A.44 RCW);

26 (vi) Harassment (RCW 9A.46.020);

27 (vii) Patronizing a prostitute (RCW 9A.88.110);

28 (viii) Sexual misconduct with a minor in the second degree (RCW
29 9A.44.096);

30 (ix) Stalking (RCW 9A.46.110);

31 (x) Indecent exposure (RCW 9A.88.010);

32 (xi) Violation of a sexual assault protection order granted under
33 chapter 7.--- RCW (the new chapter created in section 81 of this act)
34 or former chapter 7.90 RCW; and

35 (b) Every adult or juvenile individual who is required to
36 register under RCW 9A.44.130.

37 (2)(a) A municipal jurisdiction may also submit any biological
38 sample to the laboratory services bureau of the Washington state
39 patrol for purposes of DNA identification analysis when:

1 (i) The sample was collected from a defendant upon conviction for
2 a municipal offense where the underlying ordinance does not adopt the
3 relevant state statute by reference but the offense is otherwise
4 equivalent to an offense in subsection (1)(a) of this section;

5 (ii) The equivalent offense in subsection (1)(a) of this section
6 was an offense for which collection of a biological sample was
7 required under this section at the time of the conviction; and

8 (iii) The sample was collected on or after June 12, 2008, and
9 before January 1, 2020.

10 (b) When submitting a biological sample under this subsection,
11 the municipal jurisdiction must include a signed affidavit from the
12 municipal prosecuting authority of the jurisdiction in which the
13 conviction occurred specifying the state crime to which the municipal
14 offense is equivalent.

15 (3) Law enforcement may submit to the forensic laboratory
16 services bureau of the Washington state patrol, for purposes of DNA
17 identification analysis, any lawfully obtained biological sample
18 within its control from a deceased offender who was previously
19 convicted of an offense under subsection (1)(a) of this section,
20 regardless of the date of conviction.

21 (4) If the Washington state patrol crime laboratory already has a
22 DNA sample from an individual for a qualifying offense, a subsequent
23 submission is not required to be submitted.

24 (5) Biological samples shall be collected in the following
25 manner:

26 (a) For persons convicted of any offense listed in subsection
27 (1)(a) of this section or adjudicated guilty of an equivalent
28 juvenile offense, who do not serve a term of confinement in a
29 department of corrections facility or a department of children,
30 youth, and families facility, and are serving a term of confinement
31 in a city or county jail facility, the city or county jail facility
32 shall be responsible for obtaining the biological samples.

33 (b) The local police department or sheriff's office shall be
34 responsible for obtaining the biological samples for:

35 (i) Persons convicted of any offense listed in subsection (1)(a)
36 of this section or adjudicated guilty of an equivalent juvenile
37 offense, who do not serve a term of confinement in a department of
38 corrections facility, department of children, youth, and families
39 facility, or a city or county jail facility; and

40 (ii) Persons who are required to register under RCW 9A.44.130.

1 (c) For persons convicted of any offense listed in subsection
2 (1)(a) of this section or adjudicated guilty of an equivalent
3 juvenile offense, who are serving or who are to serve a term of
4 confinement in a department of corrections facility or a department
5 of children, youth, and families facility, the facility holding the
6 person shall be responsible for obtaining the biological samples as
7 part of the intake process. If the facility did not collect the
8 biological sample during the intake process, then the facility shall
9 collect the biological sample as soon as is practicable. For those
10 persons incarcerated before June 12, 2008, who have not yet had a
11 biological sample collected, priority shall be given to those persons
12 who will be released the soonest.

13 (d) For persons convicted of any offense listed in subsection
14 (1)(a) of this section or adjudicated guilty of an equivalent
15 juvenile offense, who will not serve a term of confinement, the court
16 shall: Order the person to report to the local police department or
17 sheriff's office as provided under subsection (5)(b)(i) of this
18 section within a reasonable period of time established by the court
19 in order to provide a biological sample; or if the local police
20 department or sheriff's office has a protocol for collecting the
21 biological sample in the courtroom, order the person to immediately
22 provide the biological sample to the local police department or
23 sheriff's office before leaving the presence of the court. The court
24 must further inform the person that refusal to provide a biological
25 sample is a gross misdemeanor under this section.

26 (6) Any biological sample taken pursuant to RCW 43.43.752 through
27 43.43.758 may be retained by the forensic laboratory services bureau,
28 and shall be used solely for the purpose of providing DNA or other
29 tests for identification analysis and prosecution of a criminal
30 offense or for the identification of human remains or missing
31 persons. Nothing in this section prohibits the submission of results
32 derived from the biological samples to the federal bureau of
33 investigation combined DNA index system.

34 (7) The forensic laboratory services bureau of the Washington
35 state patrol is responsible for testing performed on all biological
36 samples that are collected under this section, to the extent allowed
37 by funding available for this purpose. Known duplicate samples may be
38 excluded from testing unless testing is deemed necessary or advisable
39 by the director.

40 (8) This section applies to:

- 1 (a) All adults and juveniles to whom this section applied prior
2 to June 12, 2008;
- 3 (b) All adults and juveniles to whom this section did not apply
4 prior to June 12, 2008, who:
- 5 (i) Are convicted on or after June 12, 2008, of an offense listed
6 in subsection (1)(a) of this section on the date of conviction; or
7 (ii) Were convicted prior to June 12, 2008, of an offense listed
8 in subsection (1)(a) of this section and are still incarcerated on or
9 after June 12, 2008;
- 10 (c) All adults and juveniles who are required to register under
11 RCW 9A.44.130 on or after June 12, 2008, whether convicted before,
12 on, or after June 12, 2008; and
- 13 (d) All samples submitted under subsections (2) and (3) of this
14 section.
- 15 (9) This section creates no rights in a third person. No cause of
16 action may be brought based upon the noncollection or nonanalysis or
17 the delayed collection or analysis of a biological sample authorized
18 to be taken under RCW 43.43.752 through 43.43.758.
- 19 (10) The detention, arrest, or conviction of a person based upon
20 a database match or database information is not invalidated if it is
21 determined that the sample was obtained or placed in the database by
22 mistake, or if the conviction or juvenile adjudication that resulted
23 in the collection of the biological sample was subsequently vacated
24 or otherwise altered in any future proceeding including but not
25 limited to posttrial or postfact-finding motions, appeals, or
26 collateral attacks. No cause of action may be brought against the
27 state based upon the analysis of a biological sample authorized to be
28 taken pursuant to a municipal ordinance if the conviction or
29 adjudication that resulted in the collection of the biological sample
30 was subsequently vacated or otherwise altered in any future
31 proceeding including, but not limited to, posttrial or postfact-
32 finding motions, appeals, or collateral attacks.
- 33 (11) A person commits the crime of refusal to provide DNA if the
34 person willfully refuses to comply with a legal request for a DNA
35 sample as required under this section. The refusal to provide DNA is
36 a gross misdemeanor.

37 **Sec. 155.** RCW 43.43.842 and 2019 c 446 s 44 and 2019 c 444 s 22
38 are each reenacted and amended to read as follows:

1 (1) (a) The secretary of social and health services and the
2 secretary of health shall adopt additional requirements for the
3 licensure or relicensure of agencies, facilities, and licensed
4 individuals who provide care and treatment to vulnerable adults,
5 including nursing pools registered under chapter 18.52C RCW. These
6 additional requirements shall ensure that any person associated with
7 a licensed agency or facility having unsupervised access with a
8 vulnerable adult shall not be the respondent in an active
9 (~~protective~~) vulnerable adult protection order under chapter 7.---
10 RCW ((74.34.130)) (the new chapter created in section 81 of this
11 act), nor have been: (i) Convicted of a crime against children or
12 other persons as defined in RCW 43.43.830, except as provided in this
13 section; (ii) convicted of crimes relating to financial exploitation
14 as defined in RCW 43.43.830, except as provided in this section; or
15 (iii) found in any disciplinary board final decision to have abused a
16 vulnerable adult (~~under~~) as defined in RCW 43.43.830.

17 (b) A person associated with a licensed agency or facility who
18 has unsupervised access with a vulnerable adult shall make the
19 disclosures specified in RCW 43.43.834(2). The person shall make the
20 disclosures in writing, sign, and swear to the contents under penalty
21 of perjury. The person shall, in the disclosures, specify all crimes
22 against children or other persons, all crimes relating to financial
23 exploitation, and all crimes relating to drugs as defined in RCW
24 43.43.830, committed by the person.

25 (2) The rules adopted under this section shall permit the
26 licensee to consider the criminal history of an applicant for
27 employment in a licensed facility when the applicant has one or more
28 convictions for a past offense and:

29 (a) The offense was simple assault, assault in the fourth degree,
30 or the same offense as it may be renamed, and three or more years
31 have passed between the most recent conviction and the date of
32 application for employment;

33 (b) The offense was prostitution, or the same offense as it may
34 be renamed, and three or more years have passed between the most
35 recent conviction and the date of application for employment;

36 (c) The offense was theft in the third degree, or the same
37 offense as it may be renamed, and three or more years have passed
38 between the most recent conviction and the date of application for
39 employment;

1 (d) The offense was theft in the second degree, or the same
2 offense as it may be renamed, and five or more years have passed
3 between the most recent conviction and the date of application for
4 employment;

5 (e) The offense was forgery, or the same offense as it may be
6 renamed, and five or more years have passed between the most recent
7 conviction and the date of application for employment;

8 (f) The department of social and health services reviewed the
9 employee's otherwise disqualifying criminal history through the
10 department of social and health services' background assessment
11 review team process conducted in 2002, and determined that such
12 employee could remain in a position covered by this section; or

13 (g) The otherwise disqualifying conviction or disposition has
14 been the subject of a pardon, annulment, or other equivalent
15 procedure.

16 The offenses set forth in (a) through (g) of this subsection do
17 not automatically disqualify an applicant from employment by a
18 licensee. Nothing in this section may be construed to require the
19 employment of any person against a licensee's judgment.

20 (3) The rules adopted pursuant to subsection (2) of this section
21 may not allow a licensee to automatically deny an applicant with a
22 conviction for an offense set forth in subsection (2) of this section
23 for a position as a substance use disorder professional or substance
24 use disorder professional trainee certified under chapter 18.205 RCW
25 if:

26 (a) At least one year has passed between the applicant's most
27 recent conviction for an offense set forth in subsection (2) of this
28 section and the date of application for employment;

29 (b) The offense was committed as a result of the applicant's
30 substance use or untreated mental health symptoms; and

31 (c) The applicant is at least one year in recovery from a
32 substance use disorder, whether through abstinence or stability on
33 medication-assisted therapy, or in recovery from a mental health
34 disorder.

35 (4) The rules adopted pursuant to subsection (2) of this section
36 may not allow a licensee to automatically deny an applicant with a
37 conviction for an offense set forth in subsection (2) of this section
38 for a position as an agency affiliated counselor registered under
39 chapter 18.19 RCW practicing as a peer counselor in an agency or
40 facility if:

1 (a) At least one year has passed between the applicant's most
2 recent conviction for an offense set forth in subsection (2) of this
3 section and the date of application for employment;

4 (b) The offense was committed as a result of the person's
5 substance use or untreated mental health symptoms; and

6 (c) The applicant is at least one year in recovery from a
7 substance use disorder, whether through abstinence or stability on
8 medication-assisted therapy, or in recovery from mental health
9 challenges.

10 (5) In consultation with law enforcement personnel, the secretary
11 of social and health services and the secretary of health shall
12 investigate, or cause to be investigated, the conviction record and
13 the protection proceeding record information under this chapter of
14 the staff of each agency or facility under their respective
15 jurisdictions seeking licensure or relicensure. An individual
16 responding to a criminal background inquiry request from his or her
17 employer or potential employer shall disclose the information about
18 his or her criminal history under penalty of perjury. The secretaries
19 shall use the information solely for the purpose of determining
20 eligibility for licensure or relicensure. Criminal justice agencies
21 shall provide the secretaries such information as they may have and
22 that the secretaries may require for such purpose.

23 **Sec. 156.** RCW 48.18.550 and 2020 c 29 s 15 are each amended to
24 read as follows:

25 (1) No insurer shall deny or refuse to accept an application for
26 insurance, refuse to insure, refuse to renew, cancel, restrict, or
27 otherwise terminate a policy of insurance, or charge a different rate
28 for the same coverage on the basis that the applicant or insured
29 person is, has been, or may be a victim of domestic abuse.

30 (2) Nothing in this section shall prevent an insurer from taking
31 any of the actions set forth in subsection (1) of this section on the
32 basis of loss history or medical condition or for any other reason
33 not otherwise prohibited by this section, any other law, regulation,
34 or rule.

35 (3) Any form filed or filed after June 11, 1998, subject to RCW
36 48.18.120(1) or subject to a rule adopted under RCW 48.18.120(1) may
37 exclude coverage for losses caused by intentional or fraudulent acts
38 of any insured. Such an exclusion, however, shall not apply to deny
39 an insured's otherwise-covered property loss if the property loss is

1 caused by an act of domestic abuse by another insured under the
2 policy, the insured claiming property loss files a police report and
3 cooperates with any law enforcement investigation relating to the act
4 of domestic abuse, and the insured claiming property loss did not
5 cooperate in, or contribute to, the creation of the property loss.
6 Payment by the insurer to an insured may be limited to the person's
7 insurable interest in the property less payments made to a mortgagee
8 or other party with a legal secured interest in the property. An
9 insurer making payment to an insured under this section has all
10 rights of subrogation to recover against the perpetrator of the act
11 that caused the loss.

12 (4) Nothing in this section prohibits an insurer from
13 investigating a claim and complying with chapter 48.30A RCW.

14 (5) For the purposes of this section, the following definitions
15 apply:

16 (a) "Domestic abuse" means: (i) Physical harm, bodily injury,
17 assault, or the infliction of fear of imminent physical harm, bodily
18 injury, or assault between family or household members or intimate
19 partners; (ii) sexual assault of one family or household member by
20 another or of one intimate partner by another; (iii) stalking as
21 defined in RCW 9A.46.110 of one family or household member by another
22 or of one intimate partner by another; or (iv) intentionally,
23 knowingly, or recklessly causing damage to property so as to
24 intimidate or attempt to control the behavior of another family or
25 household member or of another intimate partner.

26 (b) "Family or household member" has the same meaning as in RCW
27 (~~26.50.010~~) 10.99.020.

28 (c) "Intimate partner" has the same meaning as in RCW
29 (~~26.50.010~~) 10.99.020.

30 **Sec. 157.** RCW 49.76.020 and 2017 3rd sp.s. c 5 s 90 are each
31 amended to read as follows:

32 The definitions in this section apply throughout this chapter
33 unless the context clearly requires otherwise.

34 (1) "Child," "spouse," "parent," "parent-in-law," "grandparent,"
35 and "sick leave and other paid time off" have the same meanings as in
36 RCW 49.12.265.

37 (2) "Dating relationship" has the same meaning as in (~~RCW~~
38 ~~26.50.010~~) section 2 of this act.

1 (3) "Department," "director," "employer," and "employee" have the
2 same meanings as in RCW 49.12.005.

3 (4) "Domestic violence" has the same meaning as in ((RCW
4 ~~26.50.010~~) section 2 of this act).

5 (5) "Family member" means any individual whose relationship to
6 the employee can be classified as a child, spouse, parent, parent-in-
7 law, grandparent, or person with whom the employee has a dating
8 relationship.

9 (6) "Intermittent leave" is leave taken in separate blocks of
10 time due to a single qualifying reason.

11 (7) "Reduced leave schedule" means a leave schedule that reduces
12 the usual number of hours per workweek, or hours per workday, of an
13 employee.

14 (8) "Sexual assault" has the same meaning as in RCW 70.125.030.

15 (9) "Stalking" has the same meaning as in RCW 9A.46.110.

16 **Sec. 158.** RCW 50.20.050 and 2009 c 493 s 3 and 2009 c 247 s 1
17 are each reenacted and amended to read as follows:

18 (1) With respect to claims that have an effective date on or
19 after January 4, 2004, and for separations that occur before
20 September 6, 2009:

21 (a) An individual shall be disqualified from benefits beginning
22 with the first day of the calendar week in which he or she has left
23 work voluntarily without good cause and thereafter for seven calendar
24 weeks and until he or she has obtained bona fide work in employment
25 covered by this title and earned wages in that employment equal to
26 seven times his or her weekly benefit amount.

27 The disqualification shall continue if the work obtained is a
28 mere sham to qualify for benefits and is not bona fide work. In
29 determining whether work is of a bona fide nature, the commissioner
30 shall consider factors including but not limited to the following:

31 (i) The duration of the work;

32 (ii) The extent of direction and control by the employer over the
33 work; and

34 (iii) The level of skill required for the work in light of the
35 individual's training and experience.

36 (b) An individual is not disqualified from benefits under (a) of
37 this subsection when:

38 (i) He or she has left work to accept a bona fide offer of bona
39 fide work as described in (a) of this subsection;

1 (ii) The separation was necessary because of the illness or
2 disability of the claimant or the death, illness, or disability of a
3 member of the claimant's immediate family if:

4 (A) The claimant pursued all reasonable alternatives to preserve
5 his or her employment status by requesting a leave of absence, by
6 having promptly notified the employer of the reason for the absence,
7 and by having promptly requested reemployment when again able to
8 assume employment. These alternatives need not be pursued, however,
9 when they would have been a futile act, including those instances
10 when the futility of the act was a result of a recognized labor/
11 management dispatch system; and

12 (B) The claimant terminated his or her employment status, and is
13 not entitled to be reinstated to the same position or a comparable or
14 similar position;

15 (iii)(A) With respect to claims that have an effective date
16 before July 2, 2006, he or she: (I) Left work to relocate for the
17 spouse's employment that, due to a mandatory military transfer: (1)
18 Is outside the existing labor market area; and (2) is in Washington
19 or another state that, pursuant to statute, does not consider such an
20 individual to have left work voluntarily without good cause; and (II)
21 remained employed as long as was reasonable prior to the move;

22 (B) With respect to claims that have an effective date on or
23 after July 2, 2006, he or she: (I) Left work to relocate for the
24 spouse's employment that, due to a mandatory military transfer, is
25 outside the existing labor market area; and (II) remained employed as
26 long as was reasonable prior to the move;

27 (iv) The separation was necessary to protect the claimant or the
28 claimant's immediate family members from domestic violence, as
29 defined in (~~RCW 26.50.010~~) section 2 of this act, or stalking, as
30 defined in RCW 9A.46.110;

31 (v) The individual's usual compensation was reduced by twenty-
32 five percent or more;

33 (vi) The individual's usual hours were reduced by twenty-five
34 percent or more;

35 (vii) The individual's worksite changed, such change caused a
36 material increase in distance or difficulty of travel, and, after the
37 change, the commute was greater than is customary for workers in the
38 individual's job classification and labor market;

39 (viii) The individual's worksite safety deteriorated, the
40 individual reported such safety deterioration to the employer, and

1 the employer failed to correct the hazards within a reasonable period
2 of time;

3 (ix) The individual left work because of illegal activities in
4 the individual's worksite, the individual reported such activities to
5 the employer, and the employer failed to end such activities within a
6 reasonable period of time;

7 (x) The individual's usual work was changed to work that violates
8 the individual's religious convictions or sincere moral beliefs; or

9 (xi) The individual left work to enter an apprenticeship program
10 approved by the Washington state apprenticeship training council.
11 Benefits are payable beginning Sunday of the week prior to the week
12 in which the individual begins active participation in the
13 apprenticeship program.

14 (2) With respect to separations that occur on or after September
15 6, 2009:

16 (a) An individual shall be disqualified from benefits beginning
17 with the first day of the calendar week in which he or she has left
18 work voluntarily without good cause and thereafter for seven calendar
19 weeks and until he or she has obtained bona fide work in employment
20 covered by this title and earned wages in that employment equal to
21 seven times his or her weekly benefit amount. Good cause reasons to
22 leave work are limited to reasons listed in (b) of this subsection.

23 The disqualification shall continue if the work obtained is a
24 mere sham to qualify for benefits and is not bona fide work. In
25 determining whether work is of a bona fide nature, the commissioner
26 shall consider factors including but not limited to the following:

27 (i) The duration of the work;

28 (ii) The extent of direction and control by the employer over the
29 work; and

30 (iii) The level of skill required for the work in light of the
31 individual's training and experience.

32 (b) An individual has good cause and is not disqualified from
33 benefits under (a) of this subsection only under the following
34 circumstances:

35 (i) He or she has left work to accept a bona fide offer of bona
36 fide work as described in (a) of this subsection;

37 (ii) The separation was necessary because of the illness or
38 disability of the claimant or the death, illness, or disability of a
39 member of the claimant's immediate family if:

1 (A) The claimant pursued all reasonable alternatives to preserve
2 his or her employment status by requesting a leave of absence, by
3 having promptly notified the employer of the reason for the absence,
4 and by having promptly requested reemployment when again able to
5 assume employment. These alternatives need not be pursued, however,
6 when they would have been a futile act, including those instances
7 when the futility of the act was a result of a recognized labor/
8 management dispatch system; and

9 (B) The claimant terminated his or her employment status, and is
10 not entitled to be reinstated to the same position or a comparable or
11 similar position;

12 (iii) The claimant: (A) Left work to relocate for the employment
13 of a spouse or domestic partner that is outside the existing labor
14 market area; and (B) remained employed as long as was reasonable
15 prior to the move;

16 (iv) The separation was necessary to protect the claimant or the
17 claimant's immediate family members from domestic violence, as
18 defined in (~~RCW 26.50.010~~) section 2 of this act, or stalking, as
19 defined in RCW 9A.46.110;

20 (v) The individual's usual compensation was reduced by twenty-
21 five percent or more;

22 (vi) The individual's usual hours were reduced by twenty-five
23 percent or more;

24 (vii) The individual's worksite changed, such change caused a
25 material increase in distance or difficulty of travel, and, after the
26 change, the commute was greater than is customary for workers in the
27 individual's job classification and labor market;

28 (viii) The individual's worksite safety deteriorated, the
29 individual reported such safety deterioration to the employer, and
30 the employer failed to correct the hazards within a reasonable period
31 of time;

32 (ix) The individual left work because of illegal activities in
33 the individual's worksite, the individual reported such activities to
34 the employer, and the employer failed to end such activities within a
35 reasonable period of time;

36 (x) The individual's usual work was changed to work that violates
37 the individual's religious convictions or sincere moral beliefs; or

38 (xi) The individual left work to enter an apprenticeship program
39 approved by the Washington state apprenticeship training council.
40 Benefits are payable beginning Sunday of the week prior to the week

1 in which the individual begins active participation in the
2 apprenticeship program.

3 (3) Notwithstanding subsection ~~((+2))~~ (1) of this section, for
4 separations occurring on or after July 26, 2009, an individual who
5 was simultaneously employed in full-time employment and part-time
6 employment and is otherwise eligible for benefits from the loss of
7 the full-time employment shall not be disqualified from benefits
8 because the individual:

9 (a) Voluntarily quit the part-time employment before the loss of
10 the full-time employment; and

11 (b) Did not have prior knowledge that he or she would be
12 separated from full-time employment.

13 **Sec. 159.** RCW 59.18.570 and 2009 c 395 s 1 are each reenacted
14 and amended to read as follows:

15 The definitions in this section apply throughout this section and
16 RCW 59.18.575 through 59.18.585 unless the context clearly requires
17 otherwise.

18 (1) "Credit reporting agency" has the same meaning as set forth
19 in RCW 19.182.010(5).

20 (2) "Domestic violence" has the same meaning as set forth in
21 ~~((RCW 26.50.010))~~ section 2 of this act.

22 (3) "Household member" means a child or adult residing with the
23 tenant other than the perpetrator of domestic violence, stalking, or
24 sexual assault.

25 (4) "Landlord" has the same meaning as in RCW 59.18.030 and
26 includes the landlord's employees.

27 (5) "Qualified third party" means any of the following people
28 acting in their official capacity:

29 (a) Law enforcement officers;

30 (b) Persons subject to the provisions of chapter 18.120 RCW;

31 (c) Employees of a court of the state;

32 (d) Licensed mental health professionals or other licensed
33 counselors;

34 (e) Employees of crime victim/witness programs as defined in RCW
35 7.69.020 who are trained advocates for the program; and

36 (f) Members of the clergy as defined in RCW 26.44.020.

37 (6) "Sexual assault" has the same meaning as set forth in RCW
38 70.125.030.

1 (7) "Stalking" has the same meaning as set forth in RCW
2 9A.46.110.

3 (8) "Tenant screening service provider" means any nongovernmental
4 agency that provides, for a fee, background information on
5 prospective tenants to landlords.

6 (9) "Unlawful harassment" has the same meaning as in ((RCW
7 ~~10.14.020~~)) section 2 of this act and also includes any request for
8 sexual favors to a tenant or household member in return for a change
9 in or performance of any or all terms of a lease or rental agreement.

10 **Sec. 160.** RCW 59.18.575 and 2019 c 46 s 5042 are each amended to
11 read as follows:

12 (1)(a) If a tenant notifies the landlord in writing that he or
13 she or a household member was a victim of an act that constitutes a
14 crime of domestic violence, sexual assault, unlawful harassment, or
15 stalking, and either (a)(i) or (ii) of this subsection applies, then
16 subsection (2) of this section applies:

17 (i) The tenant or the household member has a domestic violence
18 protection order, sexual assault protection order, stalking
19 protection order, or antiharassment protection order under chapter
20 7.--- RCW (the new chapter created in section 81 of this act), or a
21 valid order for protection under one or more of the following:
22 Chapter ((7.90, 26.50,)) 26.26A((7)) or 26.26B RCW, or any of the
23 former chapters 7.90 and 26.50 RCW, or RCW 9A.46.040, 9A.46.050,
24 ((10.14.080,)) 10.99.040 (2) or (3), or 26.09.050, or former RCW
25 10.14.080; or

26 (ii) The tenant or the household member has reported the domestic
27 violence, sexual assault, unlawful harassment, or stalking to a
28 qualified third party acting in his or her official capacity and the
29 qualified third party has provided the tenant or the household member
30 a written record of the report signed by the qualified third party.

31 (b) When a copy of a valid order for protection or a written
32 record of a report signed by a qualified third party, as required
33 under (a) of this subsection, is made available to the landlord, the
34 tenant may terminate the rental agreement and quit the premises
35 without further obligation under the rental agreement or under this
36 chapter. However, the request to terminate the rental agreement must
37 occur within ninety days of the reported act, event, or circumstance
38 that gave rise to the protective order or report to a qualified third
39 party. A record of the report to a qualified third party that is

1 provided to the tenant or household member shall consist of a
2 document signed and dated by the qualified third party stating: (i)
3 That the tenant or the household member notified him or her that he
4 or she was a victim of an act or acts that constitute a crime of
5 domestic violence, sexual assault, unlawful harassment, or stalking;
6 (ii) the time and date the act or acts occurred; (iii) the location
7 where the act or acts occurred; (iv) a brief description of the act
8 or acts of domestic violence, sexual assault, unlawful harassment, or
9 stalking; and (v) that the tenant or household member informed him or
10 her of the name of the alleged perpetrator of the act or acts. The
11 record of the report provided to the tenant or household member shall
12 not include the name of the alleged perpetrator of the act or acts of
13 domestic violence, sexual assault, unlawful harassment, or stalking.
14 The qualified third party shall keep a copy of the record of the
15 report and shall note on the retained copy the name of the alleged
16 perpetrator of the act or acts of domestic violence, sexual assault,
17 unlawful harassment, or stalking. The record of the report to a
18 qualified third party may be accomplished by completion of a form
19 provided by the qualified third party, in substantially the following
20 form:

21
22 [Name of organization, agency, clinic, professional service
23 provider]

24 I and/or my (household member) am/is a victim
25 of

26 ... domestic violence as defined by ((RCW
27 26.50.010)) section 2 of this act.

28 ... sexual assault as defined by RCW
29 70.125.030.

30 ... stalking as defined by RCW 9A.46.110.

31 ... unlawful harassment as defined by RCW
32 59.18.570.

33 Briefly describe the incident of domestic violence,
34 sexual assault, unlawful harassment, or stalking:
35

1 The incident(s) that I rely on in support of this
2 declaration occurred on the following date(s) and time(s)
3 and at the following location(s):

4 The incident(s) that I rely on in support of this
5 declaration were committed by the following person(s): . . .
6

7 I state under penalty of perjury under the laws of the
8 state of Washington that the foregoing is true and correct.

9 Dated at (city) . . , Washington, this . . . day
10 of , (year)

11

12 Signature of Tenant or
13 Household Member

14 I verify that I have provided to the person whose
15 signature appears above the statutes cited in RCW
16 59.18.575 and that the individual was a victim of an act that
17 constitutes a crime of domestic violence, sexual assault,
18 unlawful harassment, or stalking, and that the individual
19 informed me of the name of the alleged perpetrator of the
20 act.

21 Dated this . . . day of , (year)

22

23 Signature of authorized
24 officer/employee of
25 (Organization, agency, clinic,
26 professional service provider)

27 (2) A tenant who terminates a rental agreement under this section
28 is discharged from the payment of rent for any period following the
29 last day of the month of the quitting date. The tenant shall remain
30 liable for the rent for the month in which he or she terminated the
31 rental agreement unless the termination is in accordance with RCW
32 59.18.200(1). Notwithstanding lease provisions that allow for
33 forfeiture of a deposit for early termination, a tenant who
34 terminates under this section is entitled to the return of the full
35 deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who
36 are parties to the rental agreement, except household members who are
37 the victims of sexual assault, stalking, unlawful harassment, or

1 domestic violence, are not released from their obligations under the
2 rental agreement or other obligations under this chapter.

3 (3) (a) Notwithstanding any other provision under this section, if
4 a tenant or a household member is a victim of sexual assault,
5 stalking, or unlawful harassment by a landlord, the tenant may
6 terminate the rental agreement and quit the premises without further
7 obligation under the rental agreement or under this chapter prior to
8 making a copy of a valid order for protection or a written record of
9 a report signed by a qualified third party available to the landlord,
10 provided that:

11 (i) The tenant must deliver a copy of a valid order for
12 protection or written record of a report signed by a qualified third
13 party to the landlord by mail, fax, or personal delivery by a third
14 party within seven days of quitting the tenant's dwelling unit; and

15 (ii) A written record of a report signed by the qualified third
16 party must be substantially in the form specified under subsection
17 (1)(b) of this section. The record of the report provided to the
18 landlord must not include the name of the alleged perpetrator of the
19 act. On written request by the landlord, the qualified third party
20 shall, within seven days, provide the name of the alleged perpetrator
21 of the act to the landlord only if the alleged perpetrator was a
22 person meeting the definition of the term "landlord" under RCW
23 59.18.570.

24 (b) A tenant who terminates his or her rental agreement under
25 this subsection is discharged from the payment of rent for any period
26 following the latter of: (i) The date the tenant vacates the unit; or
27 (ii) the date the record of the report of the qualified third party
28 and the written notice that the tenant has vacated are delivered to
29 the landlord by mail, fax, or personal delivery by a third party. The
30 tenant is entitled to a pro rata refund of any prepaid rent and must
31 receive a full and specific statement of the basis for retaining any
32 of the deposit together with any refund due in accordance with RCW
33 59.18.280.

34 (4) If a tenant or a household member is a victim of sexual
35 assault, stalking, or unlawful harassment by a landlord, the tenant
36 may change or add locks to the tenant's dwelling unit at the tenant's
37 expense. If a tenant exercises his or her rights to change or add
38 locks, the following rules apply:

39 (a) Within seven days of changing or adding locks, the tenant
40 must deliver to the landlord by mail, fax, or personal delivery by a

1 third party: (i) Written notice that the tenant has changed or added
2 locks; and (ii) a copy of a valid order for protection or a written
3 record of a report signed by a qualified third party. A written
4 record of a report signed by a qualified third party must be
5 substantially in the form specified under subsection (1)(b) of this
6 section. The record of the report provided to the landlord must not
7 include the name of the alleged perpetrator of the act. On written
8 request by the landlord, the qualified third party shall, within
9 seven days, provide the name of the alleged perpetrator to the
10 landlord only if the alleged perpetrator was a person meeting the
11 definition of the term "landlord" under RCW 59.18.570.

12 (b) After the tenant provides notice to the landlord that the
13 tenant has changed or added locks, the tenant's rental agreement
14 shall terminate on the ninetieth day after providing such notice,
15 unless:

16 (i) Within sixty days of providing notice that the tenant has
17 changed or added locks, the tenant notifies the landlord in writing
18 that the tenant does not wish to terminate his or her rental
19 agreement. If the perpetrator has been identified by the qualified
20 third party and is no longer an employee or agent of the landlord or
21 owner and does not reside at the property, the tenant shall provide
22 the owner or owner's designated agent with a copy of the key to the
23 new locks at the same time as providing notice that the tenant does
24 not wish to terminate his or her rental agreement. A tenant who has a
25 valid protection, antiharassment, or other protective order against
26 the owner of the premises or against an employee or agent of the
27 landlord or owner is not required to provide a key to the new locks
28 until the protective order expires or the tenant vacates; or

29 (ii) The tenant exercises his or her rights to terminate the
30 rental agreement under subsection (3) of this section within sixty
31 days of providing notice that the tenant has changed or added locks.

32 (c) After a landlord receives notice that a tenant has changed or
33 added locks to his or her dwelling unit under (a) of this subsection,
34 the landlord may not enter the tenant's dwelling unit except as
35 follows:

36 (i) In the case of an emergency, the landlord may enter the unit
37 if accompanied by a law enforcement or fire official acting in his or
38 her official capacity. If the landlord reasonably concludes that the
39 circumstances require immediate entry into the unit, the landlord

1 may, after notifying emergency services, use such force as necessary
2 to enter the unit if the tenant is not present; or

3 (ii) The landlord complies with the requirements of RCW 59.18.150
4 and clearly specifies in writing the time and date that the landlord
5 intends to enter the unit and the purpose for entering the unit. The
6 tenant must make arrangements to permit access by the landlord.

7 (d) The exercise of rights to change or add locks under this
8 subsection does not discharge the tenant from the payment of rent
9 until the rental agreement is terminated and the tenant vacates the
10 unit.

11 (e) The tenant may not change any locks to common areas and must
12 make keys for new locks available to other household members.

13 (f) Upon vacating the dwelling unit, the tenant must deliver the
14 key and all copies of the key to the landlord by mail or personal
15 delivery by a third party.

16 (5) A tenant's remedies under this section do not preempt any
17 other legal remedy available to the tenant.

18 (6) The provision of verification of a report under subsection
19 (1)(b) of this section does not waive the confidential or privileged
20 nature of the communication between a victim of domestic violence,
21 sexual assault, or stalking with a qualified third party pursuant to
22 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence
23 obtained from such disclosure may be used in any civil,
24 administrative, or criminal proceeding against the victim unless a
25 written waiver of applicable evidentiary privilege is obtained,
26 except that the verification itself, and no other privileged
27 information, under subsection (1)(b) of this section may be used in
28 civil proceedings brought under this section.

29 **Sec. 161.** RCW 71.09.305 and 2002 c 68 s 6 are each amended to
30 read as follows:

31 (1) Unless otherwise ordered by the court:

32 (a) Residents of a secure community transition facility shall
33 wear electronic monitoring devices at all times. To the extent that
34 electronic monitoring devices that employ global positioning system
35 technology are available and funds for this purpose are appropriated
36 by the legislature, the department shall use these devices.

37 (b) At least one staff member, or other court-authorized and
38 department-approved person must escort each resident when the
39 resident leaves the secure community transition facility for

1 appointments, employment, or other approved activities. Escorting
2 persons must supervise the resident closely and maintain close
3 proximity to the resident. The escort must immediately notify the
4 department of any serious violation, as defined in RCW 71.09.325, by
5 the resident and must immediately notify law enforcement of any
6 violation of law by the resident. The escort may not be a relative of
7 the resident or a person with whom the resident has, or has had, a
8 dating relationship as defined in (~~RCW 26.50.010~~) section 2 of this
9 act.

10 (2) Staff members of the special commitment center and any other
11 total confinement facility and any secure community transition
12 facility must be trained in self-defense and appropriate crisis
13 responses including incident de-escalation. Prior to escorting a
14 person outside of a facility, staff members must also have training
15 in the offense pattern of the offender they are escorting.

16 (3) Any escort must carry a cellular telephone or a similar
17 device at all times when escorting a resident of a secure community
18 transition facility.

19 (4) The department shall require training in offender pattern,
20 self-defense, and incident response for all court-authorized escorts
21 who are not employed by the department or the department of
22 corrections.

23 **Sec. 162.** RCW 71.32.090 and 2003 c 283 s 9 are each amended to
24 read as follows:

25 A witness may not be any of the following:

26 (1) A person designated to make health care decisions on the
27 principal's behalf;

28 (2) A health care provider or professional person directly
29 involved with the provision of care to the principal at the time the
30 directive is executed;

31 (3) An owner, operator, employee, or relative of an owner or
32 operator of a health care facility or long-term care facility in
33 which the principal is a patient or resident;

34 (4) A person who is related by blood, marriage, or adoption to
35 the person or with whom the principal has a dating relationship, as
36 defined in (~~RCW 26.50.010~~) section 2 of this act;

37 (5) A person who is declared to be an incapacitated person; or

38 (6) A person who would benefit financially if the principal
39 making the directive undergoes mental health treatment.

1 (5) This directive will stay in effect until you revoke it unless you specify an expiration date. If you specify an expiration
2 date and you are incapacitated at the time it expires, it will remain in effect until you have capacity to make treatment
3 decisions again unless you chose to be able to revoke it while you are incapacitated and you revoke the directive.

4 (6) You cannot use your advance directive to consent to civil commitment. The procedures that apply to your advance
5 directive are different than those provided for in the Involuntary Treatment Act. Involuntary treatment is a different
6 process.

7 (7) If there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

8 (8) You should be aware that there are some circumstances where your provider may not have to follow your directive.

9 (9) You should discuss any treatment decisions in your directive with your provider.

10 (10) You may ask the court to rule on the validity of your directive.

11
12 **PART I.**

13 **STATEMENT OF INTENT TO CREATE A**
14 **MENTAL HEALTH ADVANCE DIRECTIVE**

15 I, being a person with capacity, willfully and voluntarily execute this mental health advance directive so that
16 my choices regarding my mental health care will be carried out in circumstances when I am unable to express my
17 instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health
18 decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

19 The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed
20 sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in
21 my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the
22 extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

23 I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot
24 revoke this directive if a court, two health care providers, or one mental health professional and one health care provider
25 find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive
26 while incapacitated.

27 I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this
28 directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional
29 person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial
30 exploitation, or abandonment to carry out my directive.

31 I understand that there are some circumstances where my provider may not have to follow my directive.

32
33 **PART II.**

34 **WHEN THIS DIRECTIVE IS EFFECTIVE**

35 *YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.*

36 I intend that this directive become effective (*YOU MUST CHOOSE ONLY ONE*):

1 Immediately upon my signing of this directive.
2 If I become incapacitated.
3 When the following circumstances, symptoms, or behaviors occur:

4
5 **PART III.**
6 **DURATION OF THIS DIRECTIVE**

7 *YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.*

8 I want this directive to (*YOU MUST CHOOSE ONLY ONE*):

- 9 Remain valid and in effect for an indefinite period of time.
10 Automatically expire years from the date it was created.

11
12 **PART IV.**
13 **WHEN I MAY REVOKE THIS DIRECTIVE**

14 *YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.*

15 I intend that I be able to revoke this directive (*YOU MUST CHOOSE ONLY ONE*):

- 16 Only when I have capacity.
17 I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if
18 I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this
19 directive, even if I object at the time.

- 20 Even if I am incapacitated.
21 I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further
22 understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I
23 specify in this directive, even if I want the treatment.

24
25 **PART V.**
26 **PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS (~~AND~~**
27 **~~PHYSICIAN ASSISTANTS,))~~, PHYSICIAN ASSISTANTS, OR PSYCHIATRIC ADVANCED REGISTERED**
28 **NURSE PRACTITIONERS**

29 **A. Preferences and Instructions About Physician(s), Physician Assistant(s), or Psychiatric Advanced Registered**
30 **Nurse Practitioner(s) to be Involved in My Treatment**

31 I would like the physician(s), physician assistant(s), or psychiatric advanced registered nurse practitioner(s) named below
32 to be involved in my treatment decisions:

- 33 Dr., PA-C, or PARNP Contact information:
34 Dr., PA-C, or PARNP Contact information:
35 I do not wish to be treated by Dr. or PARNP.

1 **B. Preferences and Instructions About Other Providers**

2 I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the
3 following treatment provider(s) to be contacted when this directive is effective:

4 Name Profession Contact information.

5 Name Profession Contact information.

6 **C. Preferences and Instructions About Medications for Psychiatric Treatment** *(initial and complete all that apply)*

7 I consent, and authorize my agent (if appointed) to consent, to the following
8 medications:

9 I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following
10 medications:

11 I am willing to take the medications excluded above if my only reason for excluding them is the side effects which
12 include.
13 and these side effects can be eliminated by dosage adjustment or other means

14 I am willing to try any other medication the hospital doctor, physician assistant, or psychiatric advanced registered
15 nurse practitioner recommends

16 I am willing to try any other medications my outpatient doctor, physician assistant, or psychiatric advanced
17 registered nurse practitioner recommends

18 I do not want to try any other medications.

19 **Medication Allergies**

20 I have allergies to, or severe side effects from, the following:

22 **Other Medication Preferences or Instructions**

23 I have the following other preferences or instructions about medications.
24

25 **D. Preferences and Instructions About Hospitalization and Alternatives**

26 *(initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)*

27 In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions
28 that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as
29 alternatives to psychiatric hospitalizations.

30 I would also like the interventions below to be tried before hospitalization is considered:

31 Calling someone or having someone call me when needed.

32 Name: Telephone:

33 Staying overnight with someone

34 Name: Telephone:

35 Having a mental health service provider come to see me

- 1 Going to a crisis triage center or emergency room
- 2 Staying overnight at a crisis respite (temporary) bed
- 3 Seeing a service provider for help with psychiatric medications
- 4 Other, specify:

Authority to Consent to Inpatient Treatment

6 I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment
 7 for days (*not to exceed 14 days*)

8 (Sign one):

9 If deemed appropriate by my agent (if appointed) and treating physician, physician assistant, or psychiatric
 10 advanced registered nurse practitioner

11

12 (Signature)

13 or

14 Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for
 15 hospitalization)

16

17 (Signature)

18 I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

19

20 (Signature)

Hospital Preferences and Instructions

22 If hospitalization is required, I prefer the following hospitals:

23 I do not consent to be admitted to the following hospitals:

E. Preferences and Instructions About Preemergency

25 I would like the interventions below to be tried before use of seclusion or restraint is considered
 26 (*initial all that apply*):

27 "Talk me down" one-on-one

28 More medication

29 Time out/privacy

30 Show of authority/force

31 Shift my attention to something else

32 Set firm limits on my behavior

33 Help me to discuss/vent feelings

34 Decrease stimulation

1 Offer to have neutral person settle dispute

2 Other, specify

3 **F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications**

4 If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of
5 medication, I prefer these interventions in the order I have chosen (*choose "1" for first choice, "2" for second choice, and*
6 *so on*):

7 Seclusion

8 Seclusion and physical restraint (combined)

9 Medication by injection

10 Medication in pill or liquid form

11 In the event that my attending physician, physician assistant, or psychiatric advanced registered nurse practitioner decides
12 to use medication in response to an emergency situation after due consideration of my preferences and instructions for
13 emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have
14 expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in
15 emergency situations do not constitute consent to use of the medication for nonemergency treatment.

16 **G. Preferences and Instructions About Electroconvulsive Therapy**
17 **(ECT or Shock Therapy)**

18 My wishes regarding electroconvulsive therapy are (*sign one*):

19 I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive
20 therapy

21

22 (Signature)

23 I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

24

25 (Signature)

26 I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but
27 only under the following conditions:

28

29 (Signature)

30 **H. Preferences and Instructions About Who is Permitted to Visit**

31 If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

32 Name:

33 Name:

34 Name:

35 I understand that persons not listed above may be permitted to visit me.

1 **I. Additional Instructions About My Mental Health Care**

2 Other instructions about my mental health care:

3 In case of emergency, please contact:

4 Name: Address:

5 Work telephone: Home telephone:

6 Physician, Physician Assistant, or Psychiatric Address:

7 Advanced Registered Nurse Practitioner:

8 Telephone:

9 The following may help me to avoid a hospitalization:

10 I generally react to being hospitalized as follows:

11 Staff of the hospital or crisis unit can help me by doing the following:

12 **J. Refusal of Treatment**

13 I do not consent to any mental health treatment.

14

15 (Signature)

17 **PART VI.**

18 **DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)**

19 *(Fill out this part only if you wish to appoint an agent or nominate a guardian.)*

20 I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes
21 the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure,
22 consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be
23 made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this
24 document **and my agent does not otherwise know my wishes**, I authorize my agent to make the decision that my agent
25 determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this
26 durable power of attorney, I may revoke it unless prohibited by other state law.

27 **A. Designation of an Agent**

28 I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this document
29 and request that this person be notified immediately when this directive becomes effective:

30 Name: Address:

31 Work telephone: Home telephone:

32 Relationship:

33 **B. Designation of Alternate Agent**

1 If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to
2 serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified
3 immediately when this directive becomes effective or when my original agent is no longer my agent:

4 Name: Address:
5 Work telephone: Home telephone:
6 Relationship:

7 **C. When My Spouse is My Agent** (*initial if desired*)

8 If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is
9 dissolved, unless there is a court order to the contrary or I have remarried.

10 **D. Limitations on My Agent's Authority**

11 I do not grant my agent the authority to consent on my behalf to the following:

12 **E. Limitations on My Ability to Revoke this Durable Power of Attorney**

13 I choose to limit my ability to revoke this durable power of attorney as follows:

14 **F. Preference as to Court-Appointed Guardian**

15 In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I **nominate** the
16 following person **as my guardian**:

17 Name: Address:
18 Work telephone: Home telephone:
19 Relationship:

20 The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or
21 decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by
22 law.

23

24 (Signature required if nomination is made)

25

26

PART VII.

27

OTHER DOCUMENTS

28 (*Initial all that apply*)

29 I have executed the following documents that include the power to make decisions regarding health care services for
30 myself:

31 Health care power of attorney (chapter 11.125 RCW)

32 "Living will" (Health care directive; chapter 70.122 RCW)

33 I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated
34 below:

1
2 **PART VIII.**

3 **NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS**

4 *(Fill out this part only if you wish to provide nontreatment instructions.)*

5 I understand the preferences and instructions in this part are **NOT** the responsibility of my treatment provider and that no
6 treatment provider is required to act on them.

7 **A. Who Should Be Notified**

8 I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

9 Name: Address:

10 Day telephone: Evening telephone:

11 Name: Address:

12 Day telephone: Evening telephone:

13 **B. Preferences or Instructions About Personal Affairs**

14 I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am
15 admitted to a mental health treatment facility:

16 **C. Additional Preferences and Instructions:**

17
18 **PART IX.**
19 **SIGNATURE**

20 By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed
21 consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I
22 intend that my consent in this directive be construed as being consistent with the elements of informed consent under
23 chapter 7.70 RCW.

24 Signature: Date:

25 Printed Name:

26 This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her
27 request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the
28 Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not
29 appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

- 30 (A) A person designated to make medical decisions on the principal's behalf;
31 (B) A health care provider or professional person directly involved with the provision of care to the principal at the time the
32 directive is executed;
33 (C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in
34 which the principal is a patient or resident;

1 (D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating
2 relationship as defined in ((RCW 26.50.010)) section 2 of this act;

3 (E) An incapacitated person;

4 (F) A person who would benefit financially if the principal undergoes mental health treatment; or

5 (G) A minor.

6 Witness 1: Signature: Date:

7 Printed Name:

8 Telephone: Address:

9 Witness 2: Signature: Date:

10 Printed Name:

11 Telephone: Address:

12
13 **PART X.**
14 **RECORD OF DIRECTIVE**

15 I have given a copy of this directive to the following persons:

16 DO NOT FILL OUT PART XI UNLESS YOU INTEND TO REVOKE
17 THIS DIRECTIVE IN PART OR IN WHOLE

18
19 **PART XI.**
20 **REVOCAION OF THIS DIRECTIVE**

21 *(Initial any that apply):*

22 I am revoking the following part(s) of this directive (specify):

23 I am revoking all of this directive.

24 By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any
25 revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

26 Signature: Date:

27 Printed Name:

28 **DO NOT SIGN THIS PART UNLESS YOU INTEND TO REVOKE THIS**
29 **DIRECTIVE IN PART OR IN WHOLE**

30 **Sec. 165.** RCW 72.09.712 and 2019 c 46 s 5043 are each amended to
31 read as follows:

32 (1) At the earliest possible date, and in no event later than
33 thirty days before release except in the event of escape or emergency
34 furloughs as defined in RCW 72.66.010, the department of corrections

1 shall send written notice of parole, release, community custody, work
2 release placement, furlough, or escape about a specific inmate
3 convicted of a violent offense, a sex offense as defined by RCW
4 9.94A.030, a domestic violence court order violation pursuant to
5 section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300,
6 26.10.220, 26.26B.050, (~~26.50.110,~~) or 26.52.070 (~~(, or 74.34.145)~~),
7 or any of the former RCW 26.50.110 and 74.34.145, or a felony
8 harassment offense as defined by RCW 9A.46.060 or 9A.46.110, to the
9 following:

10 (a) The chief of police of the city, if any, in which the inmate
11 will reside or in which placement will be made in a work release
12 program; and

13 (b) The sheriff of the county in which the inmate will reside or
14 in which placement will be made in a work release program.

15 The sheriff of the county where the offender was convicted shall
16 be notified if the department does not know where the offender will
17 reside. The department shall notify the state patrol of the release
18 of all sex offenders, and that information shall be placed in the
19 Washington crime information center for dissemination to all law
20 enforcement.

21 (2) The same notice as required by subsection (1) of this section
22 shall be sent to the following if such notice has been requested in
23 writing about a specific inmate convicted of a violent offense, a sex
24 offense as defined by RCW 9.94A.030, a domestic violence court order
25 violation pursuant to section 56 of this act, RCW 10.99.040,
26 10.99.050, 26.09.300, 26.10.220, 26.26B.050, (~~26.50.110,~~) or
27 26.52.070 (~~(, or 74.34.145)~~), or any of the former RCW 26.50.110 and
28 74.34.145, or a felony harassment offense as defined by RCW 9A.46.060
29 or 9A.46.110:

30 (a) The victim of the crime for which the inmate was convicted or
31 the victim's next of kin if the crime was a homicide;

32 (b) Any witnesses who testified against the inmate in any court
33 proceedings involving the violent offense;

34 (c) Any person specified in writing by the prosecuting attorney;
35 and

36 (d) Any person who requests such notice about a specific inmate
37 convicted of a sex offense as defined by RCW 9.94A.030 from the
38 department of corrections at least sixty days prior to the expected
39 release date of the offender.

1 Information regarding victims, next of kin, or witnesses
2 requesting the notice, information regarding any other person
3 specified in writing by the prosecuting attorney to receive the
4 notice, and the notice are confidential and shall not be available to
5 the inmate. Whenever the department of corrections mails notice
6 pursuant to this subsection and the notice is returned as
7 undeliverable, the department shall attempt alternative methods of
8 notification, including a telephone call to the person's last known
9 telephone number.

10 (3) The existence of the notice requirements contained in
11 subsections (1) and (2) of this section shall not require an
12 extension of the release date in the event that the release plan
13 changes after notification.

14 (4) If an inmate convicted of a violent offense, a sex offense as
15 defined by RCW 9.94A.030, a domestic violence court order violation
16 pursuant to section 56 of this act, RCW 10.99.040, 10.99.050,
17 26.09.300, 26.10.220, 26.26B.050, (~~(26.50.110,)~~) or 26.52.070(~~(, or~~
18 ~~74.34.145)~~), or any of the former RCW 26.50.110 and 74.34.145, or a
19 felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110,
20 escapes from a correctional facility, the department of corrections
21 shall immediately notify, by the most reasonable and expedient means
22 available, the chief of police of the city and the sheriff of the
23 county in which the inmate resided immediately before the inmate's
24 arrest and conviction. If previously requested, the department shall
25 also notify the witnesses and the victim of the crime for which the
26 inmate was convicted or the victim's next of kin if the crime was a
27 homicide. If the inmate is recaptured, the department shall send
28 notice to the persons designated in this subsection as soon as
29 possible but in no event later than two working days after the
30 department learns of such recapture.

31 (5) If the victim, the victim's next of kin, or any witness is
32 under the age of sixteen, the notice required by this section shall
33 be sent to the parents or legal guardian of the child.

34 (6) The department of corrections shall send the notices required
35 by this chapter to the last address provided to the department by the
36 requesting party. The requesting party shall furnish the department
37 with a current address.

38 (7) The department of corrections shall keep, for a minimum of
39 two years following the release of an inmate, the following:

1 (a) A document signed by an individual as proof that that person
2 is registered in the victim or witness notification program; and

3 (b) A receipt showing that an individual registered in the victim
4 or witness notification program was mailed a notice, at the
5 individual's last known address, upon the release or movement of an
6 inmate.

7 (8) For purposes of this section the following terms have the
8 following meanings:

9 (a) "Violent offense" means a violent offense under RCW
10 9.94A.030;

11 (b) "Next of kin" means a person's spouse, state registered
12 domestic partner, parents, siblings and children.

13 (9) Nothing in this section shall impose any liability upon a
14 chief of police of a city or sheriff of a county for failing to
15 request in writing a notice as provided in subsection (1) of this
16 section.

17 **Sec. 166.** RCW 72.09.714 and 2019 c 46 s 5044 are each amended to
18 read as follows:

19 The department of corrections shall provide the victims,
20 witnesses, and next of kin in the case of a homicide and victims and
21 witnesses involved in violent offense cases, sex offenses as defined
22 by RCW 9.94A.030, a domestic violence court order violation pursuant
23 to section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300,
24 26.10.220, 26.26B.050, (~~(26.50.110,)~~) or 26.52.070 (~~(, or 74.34.145)~~),
25 or any of the former RCW 26.50.110 and 74.34.145, or a felony
26 harassment pursuant to RCW 9A.46.060 or 9A.46.110, a statement of the
27 rights of victims and witnesses to request and receive notification
28 under RCW 72.09.712 and 72.09.716.

29 **Sec. 167.** RCW 74.34.020 and 2019 c 325 s 5030 are each amended
30 to read as follows:

31 The definitions in this section apply throughout this chapter
32 unless the context clearly requires otherwise.

33 (1) "Abandonment" means action or inaction by a person or entity
34 with a duty of care for a vulnerable adult that leaves the vulnerable
35 person without the means or ability to obtain necessary food,
36 clothing, shelter, or health care.

37 (2) "Abuse" means the intentional, willful, or reckless action or
38 inaction that inflicts injury, unreasonable confinement,

1 intimidation, or punishment on a vulnerable adult. In instances of
2 abuse of a vulnerable adult who is unable to express or demonstrate
3 physical harm, pain, or mental anguish, the abuse is presumed to
4 cause physical harm, pain, or mental anguish. Abuse includes sexual
5 abuse, mental abuse, physical abuse, and personal exploitation of a
6 vulnerable adult, and improper use of restraint against a vulnerable
7 adult which have the following meanings:

8 (a) "Sexual abuse" means any form of nonconsensual sexual
9 conduct, including but not limited to unwanted or inappropriate
10 touching, rape, (~~sodomy~~) molestation, indecent liberties, sexual
11 coercion, sexually explicit photographing or recording, voyeurism,
12 indecent exposure, and sexual harassment. Sexual abuse also includes
13 any sexual conduct between a staff person, who is not also a resident
14 or client, of a facility or a staff person of a program authorized
15 under chapter 71A.12 RCW, and a vulnerable adult living in that
16 facility or receiving service from a program authorized under chapter
17 71A.12 RCW, whether or not it is consensual.

18 (b) "Physical abuse" means the intentional, willful, or reckless
19 action of inflicting bodily injury or physical mistreatment. Physical
20 abuse includes, but is not limited to, striking with or without an
21 object, slapping, pinching, choking, kicking, shoving, or prodding.

22 (c) "Mental abuse" means ((a)) an intentional, willful, or
23 reckless verbal or nonverbal action that threatens, humiliates,
24 harasses, coerces, intimidates, isolates, unreasonably confines, or
25 punishes a vulnerable adult. Mental abuse may include ridiculing,
26 yelling, or swearing.

27 (d) "Personal exploitation" means an act of forcing, compelling,
28 or exerting undue influence over a vulnerable adult causing the
29 vulnerable adult to act in a way that is inconsistent with relevant
30 past behavior, or causing the vulnerable adult to perform services
31 for the benefit of another.

32 (e) "Improper use of restraint" means the inappropriate use of
33 chemical, physical, or mechanical restraints for convenience or
34 discipline or in a manner that: (i) Is inconsistent with federal or
35 state licensing or certification requirements for facilities,
36 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
37 not medically authorized; or (iii) otherwise constitutes abuse under
38 this section.

39 (3) "Chemical restraint" means the administration of any drug to
40 manage a vulnerable adult's behavior in a way that reduces the safety

1 risk to the vulnerable adult or others, has the temporary effect of
2 restricting the vulnerable adult's freedom of movement, and is not
3 standard treatment for the vulnerable adult's medical or psychiatric
4 condition.

5 (4) "Consent" means express written consent granted after the
6 vulnerable adult or his or her legal representative has been fully
7 informed of the nature of the services to be offered and that the
8 receipt of services is voluntary.

9 (5) "Department" means the department of social and health
10 services.

11 (6) "Facility" means a residence licensed or required to be
12 licensed under chapter 18.20 RCW, assisted living facilities; chapter
13 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
14 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
15 habilitation centers; or any other facility licensed or certified by
16 the department.

17 (7) "Financial exploitation" means the illegal or improper use,
18 control over, or withholding of the property, income, resources, or
19 trust funds of the vulnerable adult by any person or entity for any
20 person's or entity's profit or advantage other than for the
21 vulnerable adult's profit or advantage. "Financial exploitation"
22 includes, but is not limited to:

23 (a) The use of deception, intimidation, or undue influence by a
24 person or entity in a position of trust and confidence with a
25 vulnerable adult to obtain or use the property, income, resources, or
26 trust funds of the vulnerable adult for the benefit of a person or
27 entity other than the vulnerable adult;

28 (b) The breach of a fiduciary duty, including, but not limited
29 to, the misuse of a power of attorney, trust, or a guardianship
30 appointment, that results in the unauthorized appropriation, sale, or
31 transfer of the property, income, resources, or trust funds of the
32 vulnerable adult for the benefit of a person or entity other than the
33 vulnerable adult; or

34 (c) Obtaining or using a vulnerable adult's property, income,
35 resources, or trust funds without lawful authority, by a person or
36 entity who knows or clearly should know that the vulnerable adult
37 lacks the capacity to consent to the release or use of his or her
38 property, income, resources, or trust funds.

39 (8) "Financial institution" has the same meaning as in RCW
40 30A.22.040 and 30A.22.041. For purposes of this chapter only,

1 "financial institution" also means a "broker-dealer" or "investment
2 adviser" as defined in RCW 21.20.005.

3 (9) "Hospital" means a facility licensed under chapter 70.41 or
4 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
5 employee, agent, officer, director, or independent contractor
6 thereof.

7 (10) "Incapacitated person" means a person who is at a
8 significant risk of personal or financial harm under RCW 11.88.010(1)
9 (a), (b), (c), or (d).

10 (11) "Individual provider" means a person under contract with the
11 department to provide services in the home under chapter 74.09 or
12 74.39A RCW.

13 (12) "Interested person" means a person who demonstrates to the
14 court's satisfaction that the person is interested in the welfare of
15 the vulnerable adult, that the person has a good faith belief that
16 the court's intervention is necessary, and that the vulnerable adult
17 is unable, due to incapacity, undue influence, or duress at the time
18 the petition is filed, to protect his or her own interests.

19 (13)(a) "Isolate" or "isolation" means to restrict a vulnerable
20 adult's ability to communicate, visit, interact, or otherwise
21 associate with persons of his or her choosing. Isolation may be
22 evidenced by acts including but not limited to:

23 (i) Acts that prevent a vulnerable adult from sending, making, or
24 receiving his or her personal mail, electronic communications, or
25 telephone calls; or

26 (ii) Acts that prevent or obstruct the vulnerable adult from
27 meeting with others, such as telling a prospective visitor or caller
28 that a vulnerable adult is not present, or does not wish contact,
29 where the statement is contrary to the express wishes of the
30 vulnerable adult.

31 (b) The term "isolate" or "isolation" may not be construed in a
32 manner that prevents a guardian or limited guardian from performing
33 his or her fiduciary obligations under chapter 11.92 RCW or prevents
34 a hospital or facility from providing treatment consistent with the
35 standard of care for delivery of health services.

36 (14) "Mandated reporter" is an employee of the department; law
37 enforcement officer; social worker; professional school personnel;
38 individual provider; an employee of a facility; an operator of a
39 facility; an employee of a social service, welfare, mental health,
40 adult day health, adult day care, home health, home care, or hospice

1 agency; county coroner or medical examiner; Christian Science
2 practitioner; or health care provider subject to chapter 18.130 RCW.

3 (15) "Mechanical restraint" means any device attached or adjacent
4 to the vulnerable adult's body that he or she cannot easily remove
5 that restricts freedom of movement or normal access to his or her
6 body. "Mechanical restraint" does not include the use of devices,
7 materials, or equipment that are (a) medically authorized, as
8 required, and (b) used in a manner that is consistent with federal or
9 state licensing or certification requirements for facilities,
10 hospitals, or programs authorized under chapter 71A.12 RCW.

11 (16) "Neglect" means (a) a pattern of conduct or inaction by a
12 person or entity with a duty of care that fails to provide the goods
13 and services that maintain physical or mental health of a vulnerable
14 adult, or that fails to avoid or prevent physical or mental harm or
15 pain to a vulnerable adult; or (b) an act or omission by a person or
16 entity with a duty of care that demonstrates a serious disregard of
17 consequences of such a magnitude as to constitute a clear and present
18 danger to the vulnerable adult's health, welfare, or safety,
19 including but not limited to conduct prohibited under RCW 9A.42.100.

20 (17) "Permissive reporter" means any person, including, but not
21 limited to, an employee of a financial institution, attorney, or
22 volunteer in a facility or program providing services for vulnerable
23 adults.

24 (18) "Physical restraint" means the application of physical force
25 without the use of any device, for the purpose of restraining the
26 free movement of a vulnerable adult's body. "Physical restraint" does
27 not include (a) briefly holding without undue force a vulnerable
28 adult in order to calm or comfort him or her, or (b) holding a
29 vulnerable adult's hand to safely escort him or her from one area to
30 another.

31 (19) "Protective services" means any services provided by the
32 department to a vulnerable adult with the consent of the vulnerable
33 adult, or the legal representative of the vulnerable adult, who has
34 been abandoned, abused, financially exploited, neglected, or in a
35 state of self-neglect. These services may include, but are not
36 limited to case management, social casework, home care, placement,
37 arranging for medical evaluations, psychological evaluations, day
38 care, or referral for legal assistance.

39 (20) "Self-neglect" means the failure of a vulnerable adult, not
40 living in a facility, to provide for himself or herself the goods and

1 services necessary for the vulnerable adult's physical or mental
2 health, and the absence of which impairs or threatens the vulnerable
3 adult's well-being. This definition may include a vulnerable adult
4 who is receiving services through home health, hospice, or a home
5 care agency, or an individual provider when the neglect is not a
6 result of inaction by that agency or individual provider.

7 (21) "Social worker" means:

8 (a) A social worker as defined in RCW 18.320.010(2); or

9 (b) Anyone engaged in a professional capacity during the regular
10 course of employment in encouraging or promoting the health, welfare,
11 support, or education of vulnerable adults, or providing social
12 services to vulnerable adults, whether in an individual capacity or
13 as an employee or agent of any public or private organization or
14 institution.

15 (22) "Vulnerable adult" includes a person:

16 (a) Sixty years of age or older who has the functional, mental,
17 or physical inability to care for himself or herself; or

18 (b) Found incapacitated under chapter 11.88 RCW; or

19 (c) Who has a developmental disability as defined under RCW
20 71A.10.020; or

21 (d) Admitted to any facility; or

22 (e) Receiving services from home health, hospice, or home care
23 agencies licensed or required to be licensed under chapter 70.127
24 RCW; or

25 (f) Receiving services from an individual provider; or

26 (g) Who self-directs his or her own care and receives services
27 from a personal aide under chapter 74.39 RCW.

28 (23) "Vulnerable adult advocacy team" means a team of three or
29 more persons who coordinate a multidisciplinary process, in
30 compliance with chapter 266, Laws of 2017 and the protocol governed
31 by RCW 74.34.320, for preventing, identifying, investigating,
32 prosecuting, and providing services related to abuse, neglect, or
33 financial exploitation of vulnerable adults.

34 **Sec. 168.** RCW 74.34.020 and 2020 c 312 s 735 are each amended to
35 read as follows:

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

38 (1) "Abandonment" means action or inaction by a person or entity
39 with a duty of care for a vulnerable adult that leaves the vulnerable

1 person without the means or ability to obtain necessary food,
2 clothing, shelter, or health care.

3 (2) "Abuse" means the intentional, willful, or reckless action or
4 inaction that inflicts injury, unreasonable confinement,
5 intimidation, or punishment on a vulnerable adult. In instances of
6 abuse of a vulnerable adult who is unable to express or demonstrate
7 physical harm, pain, or mental anguish, the abuse is presumed to
8 cause physical harm, pain, or mental anguish. Abuse includes sexual
9 abuse, mental abuse, physical abuse, and personal exploitation of a
10 vulnerable adult, and improper use of restraint against a vulnerable
11 adult which have the following meanings:

12 (a) "Sexual abuse" means any form of nonconsensual sexual
13 conduct, including but not limited to unwanted or inappropriate
14 touching, rape, (~~sodomy~~) molestation, indecent liberties, sexual
15 coercion, sexually explicit photographing or recording, voyeurism,
16 indecent exposure, and sexual harassment. Sexual abuse also includes
17 any sexual conduct between a staff person, who is not also a resident
18 or client, of a facility or a staff person of a program authorized
19 under chapter 71A.12 RCW, and a vulnerable adult living in that
20 facility or receiving service from a program authorized under chapter
21 71A.12 RCW, whether or not it is consensual.

22 (b) "Physical abuse" means the intentional, willful, or reckless
23 action of inflicting bodily injury or physical mistreatment. Physical
24 abuse includes, but is not limited to, striking with or without an
25 object, slapping, pinching, choking, kicking, shoving, or prodding.

26 (c) "Mental abuse" means ((a)) an intentional, willful, or
27 reckless verbal or nonverbal action that threatens, humiliates,
28 harasses, coerces, intimidates, isolates, unreasonably confines, or
29 punishes a vulnerable adult. Mental abuse may include ridiculing,
30 yelling, or swearing.

31 (d) "Personal exploitation" means an act of forcing, compelling,
32 or exerting undue influence over a vulnerable adult causing the
33 vulnerable adult to act in a way that is inconsistent with relevant
34 past behavior, or causing the vulnerable adult to perform services
35 for the benefit of another.

36 (e) "Improper use of restraint" means the inappropriate use of
37 chemical, physical, or mechanical restraints for convenience or
38 discipline or in a manner that: (i) Is inconsistent with federal or
39 state licensing or certification requirements for facilities,
40 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is

1 not medically authorized; or (iii) otherwise constitutes abuse under
2 this section.

3 (3) "Chemical restraint" means the administration of any drug to
4 manage a vulnerable adult's behavior in a way that reduces the safety
5 risk to the vulnerable adult or others, has the temporary effect of
6 restricting the vulnerable adult's freedom of movement, and is not
7 standard treatment for the vulnerable adult's medical or psychiatric
8 condition.

9 (4) "Consent" means express written consent granted after the
10 vulnerable adult or his or her legal representative has been fully
11 informed of the nature of the services to be offered and that the
12 receipt of services is voluntary.

13 (5) "Department" means the department of social and health
14 services.

15 (6) "Facility" means a residence licensed or required to be
16 licensed under chapter 18.20 RCW, assisted living facilities; chapter
17 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;
18 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
19 habilitation centers; or any other facility licensed or certified by
20 the department.

21 (7) "Financial exploitation" means the illegal or improper use,
22 control over, or withholding of the property, income, resources, or
23 trust funds of the vulnerable adult by any person or entity for any
24 person's or entity's profit or advantage other than for the
25 vulnerable adult's profit or advantage. "Financial exploitation"
26 includes, but is not limited to:

27 (a) The use of deception, intimidation, or undue influence by a
28 person or entity in a position of trust and confidence with a
29 vulnerable adult to obtain or use the property, income, resources, or
30 trust funds of the vulnerable adult for the benefit of a person or
31 entity other than the vulnerable adult;

32 (b) The breach of a fiduciary duty, including, but not limited
33 to, the misuse of a power of attorney, trust, or a guardianship
34 appointment, that results in the unauthorized appropriation, sale, or
35 transfer of the property, income, resources, or trust funds of the
36 vulnerable adult for the benefit of a person or entity other than the
37 vulnerable adult; or

38 (c) Obtaining or using a vulnerable adult's property, income,
39 resources, or trust funds without lawful authority, by a person or
40 entity who knows or clearly should know that the vulnerable adult

1 lacks the capacity to consent to the release or use of his or her
2 property, income, resources, or trust funds.

3 (8) "Financial institution" has the same meaning as in RCW
4 30A.22.040 and 30A.22.041. For purposes of this chapter only,
5 "financial institution" also means a "broker-dealer" or "investment
6 adviser" as defined in RCW 21.20.005.

7 (9) "Hospital" means a facility licensed under chapter 70.41 or
8 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
9 employee, agent, officer, director, or independent contractor
10 thereof.

11 (10) "Individual provider" means a person under contract with the
12 department to provide services in the home under chapter 74.09 or
13 74.39A RCW.

14 (11) "Interested person" means a person who demonstrates to the
15 court's satisfaction that the person is interested in the welfare of
16 the vulnerable adult, that the person has a good faith belief that
17 the court's intervention is necessary, and that the vulnerable adult
18 is unable, due to incapacity, undue influence, or duress at the time
19 the petition is filed, to protect his or her own interests.

20 (12)(a) "Isolate" or "isolation" means to restrict a vulnerable
21 adult's ability to communicate, visit, interact, or otherwise
22 associate with persons of his or her choosing. Isolation may be
23 evidenced by acts including but not limited to:

24 (i) Acts that prevent a vulnerable adult from sending, making, or
25 receiving his or her personal mail, electronic communications, or
26 telephone calls; or

27 (ii) Acts that prevent or obstruct the vulnerable adult from
28 meeting with others, such as telling a prospective visitor or caller
29 that a vulnerable adult is not present, or does not wish contact,
30 where the statement is contrary to the express wishes of the
31 vulnerable adult.

32 (b) The term "isolate" or "isolation" may not be construed in a
33 manner that prevents a guardian or limited guardian from performing
34 his or her fiduciary obligations under chapter 11.130 RCW or prevents
35 a hospital or facility from providing treatment consistent with the
36 standard of care for delivery of health services.

37 (13) "Mandated reporter" is an employee of the department; law
38 enforcement officer; social worker; professional school personnel;
39 individual provider; an employee of a facility; an operator of a
40 facility; an employee of a social service, welfare, mental health,

1 adult day health, adult day care, home health, home care, or hospice
2 agency; county coroner or medical examiner; Christian Science
3 practitioner; or health care provider subject to chapter 18.130 RCW.

4 (14) "Mechanical restraint" means any device attached or adjacent
5 to the vulnerable adult's body that he or she cannot easily remove
6 that restricts freedom of movement or normal access to his or her
7 body. "Mechanical restraint" does not include the use of devices,
8 materials, or equipment that are (a) medically authorized, as
9 required, and (b) used in a manner that is consistent with federal or
10 state licensing or certification requirements for facilities,
11 hospitals, or programs authorized under chapter 71A.12 RCW.

12 (15) "Neglect" means (a) a pattern of conduct or inaction by a
13 person or entity with a duty of care that fails to provide the goods
14 and services that maintain physical or mental health of a vulnerable
15 adult, or that fails to avoid or prevent physical or mental harm or
16 pain to a vulnerable adult; or (b) an act or omission by a person or
17 entity with a duty of care that demonstrates a serious disregard of
18 consequences of such a magnitude as to constitute a clear and present
19 danger to the vulnerable adult's health, welfare, or safety,
20 including but not limited to conduct prohibited under RCW 9A.42.100.

21 (16) "Permissive reporter" means any person, including, but not
22 limited to, an employee of a financial institution, attorney, or
23 volunteer in a facility or program providing services for vulnerable
24 adults.

25 (17) "Physical restraint" means the application of physical force
26 without the use of any device, for the purpose of restraining the
27 free movement of a vulnerable adult's body. "Physical restraint" does
28 not include (a) briefly holding without undue force a vulnerable
29 adult in order to calm or comfort him or her, or (b) holding a
30 vulnerable adult's hand to safely escort him or her from one area to
31 another.

32 (18) "Protective services" means any services provided by the
33 department to a vulnerable adult with the consent of the vulnerable
34 adult, or the legal representative of the vulnerable adult, who has
35 been abandoned, abused, financially exploited, neglected, or in a
36 state of self-neglect. These services may include, but are not
37 limited to case management, social casework, home care, placement,
38 arranging for medical evaluations, psychological evaluations, day
39 care, or referral for legal assistance.

1 (19) "Self-neglect" means the failure of a vulnerable adult, not
2 living in a facility, to provide for himself or herself the goods and
3 services necessary for the vulnerable adult's physical or mental
4 health, and the absence of which impairs or threatens the vulnerable
5 adult's well-being. This definition may include a vulnerable adult
6 who is receiving services through home health, hospice, or a home
7 care agency, or an individual provider when the neglect is not a
8 result of inaction by that agency or individual provider.

9 (20) "Social worker" means:

10 (a) A social worker as defined in RCW 18.320.010(2); or

11 (b) Anyone engaged in a professional capacity during the regular
12 course of employment in encouraging or promoting the health, welfare,
13 support, or education of vulnerable adults, or providing social
14 services to vulnerable adults, whether in an individual capacity or
15 as an employee or agent of any public or private organization or
16 institution.

17 (21) "Vulnerable adult" includes a person:

18 (a) Sixty years of age or older who has the functional, mental,
19 or physical inability to care for himself or herself; or

20 (b) Subject to a guardianship under RCW 11.130.265 or adult
21 subject to conservatorship under RCW 11.130.360; or

22 (c) Who has a developmental disability as defined under RCW
23 71A.10.020; or

24 (d) Admitted to any facility; or

25 (e) Receiving services from home health, hospice, or home care
26 agencies licensed or required to be licensed under chapter 70.127
27 RCW; or

28 (f) Receiving services from an individual provider; or

29 (g) Who self-directs his or her own care and receives services
30 from a personal aide under chapter 74.39 RCW.

31 (22) "Vulnerable adult advocacy team" means a team of three or
32 more persons who coordinate a multidisciplinary process, in
33 compliance with chapter 266, Laws of 2017 and the protocol governed
34 by RCW 74.34.320, for preventing, identifying, investigating,
35 prosecuting, and providing services related to abuse, neglect, or
36 financial exploitation of vulnerable adults.

37 **Sec. 169.** RCW 74.34.110 and 2007 c 312 s 3 are each amended to
38 read as follows:

1 ~~((An action known as a petition for an order for protection of a~~
2 ~~vulnerable adult in cases of abandonment, abuse, financial~~
3 ~~exploitation, or neglect is created.~~

4 ~~(1))~~ A vulnerable adult, or interested person on behalf of the
5 vulnerable adult, may seek relief from abandonment, abuse, financial
6 exploitation, or neglect, or the threat thereof, by filing a petition
7 for ~~((an order for))~~ a vulnerable adult protection ~~((in superior~~
8 ~~court))~~ order under chapter 7.--- RCW (the new chapter created in
9 section 81 of this act).

10 ~~((2) A petition shall allege that the petitioner, or person on~~
11 ~~whose behalf the petition is brought, is a vulnerable adult and that~~
12 ~~the petitioner, or person on whose behalf the petition is brought,~~
13 ~~has been abandoned, abused, financially exploited, or neglected, or~~
14 ~~is threatened with abandonment, abuse, financial exploitation, or~~
15 ~~neglect by respondent.~~

16 ~~(3) A petition shall be accompanied by affidavit made under oath,~~
17 ~~or a declaration signed under penalty of perjury, stating the~~
18 ~~specific facts and circumstances which demonstrate the need for the~~
19 ~~relief sought. If the petition is filed by an interested person, the~~
20 ~~affidavit or declaration must also include a statement of why the~~
21 ~~petitioner qualifies as an interested person.~~

22 ~~(4) A petition for an order may be made whether or not there is a~~
23 ~~pending lawsuit, complaint, petition, or other action pending that~~
24 ~~relates to the issues presented in the petition for an order for~~
25 ~~protection.~~

26 ~~(5) Within ninety days of receipt of the master copy from the~~
27 ~~administrative office of the courts, all court clerk's offices shall~~
28 ~~make available the standardized forms and instructions required by~~
29 ~~RCW 74.34.115.~~

30 ~~(6) Any assistance or information provided by any person,~~
31 ~~including, but not limited to, court clerks, employees of the~~
32 ~~department, and other court facilitators, to another to complete the~~
33 ~~forms provided by the court in subsection (5) of this section does~~
34 ~~not constitute the practice of law.~~

35 ~~(7) A petitioner is not required to post bond to obtain relief in~~
36 ~~any proceeding under this section.~~

37 ~~(8) An action under this section shall be filed in the county~~
38 ~~where the vulnerable adult resides; except that if the vulnerable~~
39 ~~adult has left or been removed from the residence as a result of~~
40 ~~abandonment, abuse, financial exploitation, or neglect, or in order~~

1 ~~to avoid abandonment, abuse, financial exploitation, or neglect, the~~
2 ~~petitioner may bring an action in the county of either the vulnerable~~
3 ~~adult's previous or new residence.~~

4 ~~(9) No filing fee may be charged to the petitioner for~~
5 ~~proceedings under this section. Standard forms and written~~
6 ~~instructions shall be provided free of charge.))~~

7 NEW SECTION. **Sec. 170.** Sections 131 and 168 of this act take
8 effect January 1, 2022.

9 NEW SECTION. **Sec. 171.** Section 167 of this act expires January
10 1, 2022.

11 **PART XVI**

12 **TECHNICAL CORRECTIONS WITH RECODIFICATIONS**

13 **Sec. 172.** RCW 7.90.150 and 2006 c 138 s 16 are each amended to
14 read as follows:

15 (1) (a) When any person charged with or arrested for a sex offense
16 as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a
17 violation of RCW 9.68A.090, or a gross misdemeanor that is, under
18 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
19 criminal conspiracy to commit an offense that is classified as a sex
20 offense under RCW 9.94A.030, is released from custody before
21 arraignment or trial on bail or personal recognizance, the court
22 authorizing the release may prohibit that person from having any
23 contact with the victim. The jurisdiction authorizing the release
24 shall determine whether that person should be prohibited from having
25 any contact with the victim. If there is no outstanding restraining
26 or protective order prohibiting that person from having contact with
27 the victim, the court authorizing release may issue, by telephone, a
28 sexual assault (~~(protection)~~) no-contact order prohibiting the person
29 charged or arrested from having contact with the victim or from
30 knowingly coming within, or knowingly remaining within, a specified
31 distance of a location.

32 (b) In issuing the order, the court shall consider the provisions
33 of RCW 9.41.800.

34 (c) The sexual assault (~~(protection)~~) no-contact order shall also
35 be issued in writing as soon as possible.

1 (2) (a) At the time of arraignment or whenever a motion is brought
2 to modify the conditions of the defendant's release, the court shall
3 determine whether a sexual assault (~~(protection)~~) no-contact order
4 shall be issued or extended. If a sexual assault (~~(protection)~~) no-
5 contact order is issued or extended, the court may also include in
6 the conditions of release a requirement that the defendant submit to
7 electronic monitoring. If electronic monitoring is ordered, the court
8 shall specify who shall provide the monitoring services, and the
9 terms under which the monitoring shall be performed. Upon conviction,
10 the court may require as a condition of the sentence that the
11 defendant reimburse the providing agency for the costs of the
12 electronic monitoring.

13 (b) A sexual assault (~~(protection)~~) no-contact order issued by
14 the court in conjunction with criminal charges shall terminate if the
15 defendant is acquitted or the charges are dismissed, unless the
16 victim files an independent action for a sexual assault protection
17 order. If the victim files an independent action for a sexual assault
18 protection order, the order may be continued by the court until a
19 full hearing is conducted pursuant to (~~(RCW 7.90.050)~~) chapter 7.---
20 RCW (the new chapter created in section 81 of this act).

21 (3) (a) The written order releasing the person charged or arrested
22 shall contain the court's directives and shall bear the legend:
23 "Violation of this order is a criminal offense under chapter
24 (~~(26.50)~~) 7.--- RCW (the new chapter created in section 81 of this
25 act) and will subject a violator to arrest. You can be arrested even
26 if any person protected by the order invites or allows you to violate
27 the order's prohibitions. You have the sole responsibility to avoid
28 or refrain from violating the order's provisions. Only the court can
29 change the order."

30 (b) A certified copy of the order shall be provided to the victim
31 at no charge.

32 (4) If a sexual assault (~~(protection)~~) no-contact order has been
33 issued prior to charging, that order shall expire at arraignment or
34 within seventy-two hours if charges are not filed. Such orders need
35 not be entered into the computer-based criminal intelligence
36 information system in this state which is used by law enforcement
37 agencies to list outstanding warrants.

38 (5) Whenever an order prohibiting contact is issued pursuant to
39 subsection (2) of this section, the clerk of the court shall forward
40 a copy of the order on or before the next judicial day to the

1 appropriate law enforcement agency specified in the order. Upon
2 receipt of the copy of the order, the law enforcement agency shall
3 enter the order for one year or until the expiration date specified
4 on the order into any computer-based criminal intelligence
5 information system available in this state used by law enforcement
6 agencies to list outstanding warrants. Entry into the computer-based
7 criminal intelligence information system constitutes notice to all
8 law enforcement agencies of the existence of the order. The order is
9 fully enforceable in any jurisdiction in the state.

10 (6) (a) When a defendant is found guilty of a sex offense as
11 defined in RCW 9.94A.030, any violation of RCW 9A.44.096, or any
12 violation of RCW 9.68A.090, or any gross misdemeanor that is, under
13 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
14 criminal conspiracy to commit an offense that is classified as a sex
15 offense under RCW 9.94A.030, and a condition of the sentence
16 restricts the defendant's ability to have contact with the victim,
17 the condition shall be recorded as a sexual assault (~~(protection)~~)
18 no-contact order.

19 (b) The written order entered as a condition of sentencing shall
20 contain the court's directives and shall bear the legend: "Violation
21 of this order is a criminal offense under chapter (~~(26.50)~~) 7.--- RCW
22 (the new chapter created in section 81 of this act) and will subject
23 a violator to arrest. You can be arrested even if any person
24 protected by the order invites or allows you to violate the order's
25 prohibitions. You have the sole responsibility to avoid or refrain
26 from violating the order's provisions. Only the court can change the
27 order."

28 (c) A final sexual assault (~~(protection)~~) no-contact order
29 entered in conjunction with a criminal prosecution shall remain in
30 effect for a period of two years following the expiration of any
31 sentence of imprisonment and subsequent period of community
32 supervision, conditional release, probation, or parole.

33 (d) A certified copy of the order shall be provided to the victim
34 at no charge.

35 (7) A knowing violation of a court order issued under subsection
36 (1), (2), or (6) of this section is punishable under (~~RCW~~
37 ~~26.50.110~~) section 56 of this act.

38 (8) Whenever a sexual assault (~~(protection)~~) no-contact order is
39 issued, modified, or terminated under subsection (1), (2), or (6) of
40 this section, the clerk of the court shall forward a copy of the

1 order on or before the next judicial day to the appropriate law
2 enforcement agency specified in the order. Upon receipt of the copy
3 of the order, the law enforcement agency shall enter the order for
4 one year or until the expiration date specified on the order into any
5 computer-based criminal intelligence information system available in
6 this state used by law enforcement agencies to list outstanding
7 warrants. Entry into the computer-based criminal intelligence
8 information system constitutes notice to all law enforcement agencies
9 of the existence of the order. The order is fully enforceable in any
10 jurisdiction in the state. Upon receipt of notice that an order has
11 been terminated under subsection (2) of this section, the law
12 enforcement agency shall remove the order from the computer-based
13 criminal intelligence information system.

14 **Sec. 173.** RCW 7.92.160 and 2013 c 84 s 16 are each amended to
15 read as follows:

16 (1) (a) When any person charged with or arrested for stalking as
17 defined in RCW 9A.46.110 or any other stalking-related offense under
18 RCW 9A.46.060 is released from custody before arraignment or trial on
19 bail or personal recognizance, the court authorizing the release may
20 prohibit that person from having any contact with the victim. The
21 jurisdiction authorizing the release shall determine whether that
22 person should be prohibited from having any contact with the victim.
23 If there is no outstanding restraining or protective order
24 prohibiting that person from having contact with the victim, and the
25 victim does not qualify for a domestic violence protection order
26 under chapter ((26.50)) 7.--- RCW (the new chapter created in section
27 81 of this act), the court authorizing release may issue, by
28 telephone, a stalking no-contact order prohibiting the person charged
29 or arrested from having contact with the victim or from knowingly
30 coming within, or knowingly remaining within, a specified distance of
31 a location.

32 (b) In issuing the order, the court shall consider the provisions
33 of RCW 9.41.800.

34 (c) The stalking no-contact order shall also be issued in writing
35 as soon as possible.

36 (2) (a) At the time of arraignment or whenever a motion is brought
37 to modify the conditions of the defendant's release, the court shall
38 determine whether a stalking no-contact order shall be issued or
39 extended. If a stalking no-contact order is issued or extended, the

1 court may also include in the conditions of release a requirement
2 that the defendant submit to electronic monitoring, including real-
3 time global ((~~position satellite [global positioning system]~~))
4 positioning system monitoring with victim notification. If electronic
5 monitoring is ordered, the court shall specify who shall provide the
6 monitoring services, and the terms under which the monitoring shall
7 be performed. Upon conviction, the court may require as a condition
8 of the sentence that the defendant reimburse the providing agency for
9 the costs of the electronic monitoring, including costs relating to
10 real-time global ((~~position satellite [global positioning system]~~))
11 positioning system monitoring with victim notification.

12 (b) A stalking no-contact order issued by the court in
13 conjunction with criminal charges shall terminate if the defendant is
14 acquitted or the charges are dismissed, unless the victim files an
15 independent action for a stalking protection order. If the victim
16 files an independent action for a civil stalking protection order,
17 the order may be continued by the court until a full hearing is
18 conducted pursuant to ((~~RCW 7.92.060~~)) chapter 7.--- RCW (the new
19 chapter created in section 81 of this act).

20 (3) (a) The written order releasing the person charged or arrested
21 shall contain the court's directives and shall bear the legend:
22 "Violation of this order is a criminal offense under chapter
23 ((~~26.50~~)) 7.--- RCW (the new chapter created in section 81 of this
24 act) and will subject a violator to arrest. You can be arrested even
25 if any person protected by the order invites or allows you to violate
26 the order's prohibitions. You have the sole responsibility to avoid
27 or refrain from violating the order's provisions. Only the court can
28 change the order."

29 (b) A certified copy of the order shall be provided to the victim
30 at no charge.

31 (4) If a stalking no-contact order has been issued prior to
32 charging, that order shall expire at arraignment or within
33 seventy-two hours if charges are not filed.

34 (5) Whenever an order prohibiting contact is issued pursuant to
35 subsection (2) of this section, the clerk of the court shall forward
36 a copy of the order on or before the next judicial day to the
37 appropriate law enforcement agency specified in the order. Upon
38 receipt of the copy of the order, the law enforcement agency shall
39 enter the order for one year unless a different expiration date is
40 specified on the order into any computer-based criminal intelligence

1 information system available in this state used by law enforcement
2 agencies to list outstanding warrants. Entry into the computer-based
3 criminal intelligence information system constitutes notice to all
4 law enforcement agencies of the existence of the order. The order is
5 fully enforceable in any jurisdiction in the state.

6 (6) (a) When a defendant is found guilty of stalking as defined in
7 RCW 9A.46.110 or any other stalking-related offense under RCW
8 9A.46.060 and a condition of the sentence restricts the defendant's
9 ability to have contact with the victim, and the victim does not
10 qualify for a domestic violence protection order under chapter
11 ~~((26.50))~~ 7.--- RCW (the new chapter created in section 81 of this
12 act), the condition shall be recorded as a stalking no-contact order.

13 (b) The written order entered as a condition of sentencing shall
14 contain the court's directives and shall bear the legend: "Violation
15 of this order is a criminal offense under chapter ~~((26.50))~~ 7.--- RCW
16 (the new chapter created in section 81 of this act) and will subject
17 a violator to arrest. You can be arrested even if any person
18 protected by the order invites or allows you to violate the order's
19 prohibitions. You have the sole responsibility to avoid or refrain
20 from violating the order's provisions. Only the court can change the
21 order."

22 (c) A final stalking no-contact order entered in conjunction with
23 a criminal prosecution shall remain in effect for a period of five
24 years from the date of entry.

25 (d) A certified copy of the order shall be provided to the victim
26 at no charge.

27 (7) A knowing violation of a court order issued under subsection
28 (1), (2), or (6) of this section is punishable under ~~((RCW~~
29 ~~26.50.110))~~ section 56 of this act.

30 (8) Whenever a stalking no-contact order is issued, modified, or
31 terminated under subsection (1), (2), or (6) of this section, the
32 clerk of the court shall forward a copy of the order on or before the
33 next judicial day to the appropriate law enforcement agency specified
34 in the order. Upon receipt of the copy of the order, the law
35 enforcement agency shall enter the order for one year unless a
36 different expiration date is specified on the order into any
37 computer-based criminal intelligence information system available in
38 this state used by law enforcement agencies to list outstanding
39 warrants. Entry into the computer-based criminal intelligence
40 information system constitutes notice to all law enforcement agencies

1 of the existence of the order. The order is fully enforceable in any
2 jurisdiction in the state. Upon receipt of notice that an order has
3 been terminated under subsection (2) of this section, the law
4 enforcement agency shall remove the order from the computer-based
5 criminal intelligence information system.

6 **PART XVII**

7 **RECODIFICATIONS AND REPEALERS**

8 NEW SECTION. **Sec. 174.** RECODIFICATION. RCW 26.50.150 is
9 recodified as a section in chapter 43.20A RCW.

10 NEW SECTION. **Sec. 175.** RECODIFICATION. RCW 26.50.250 is
11 recodified as a section in chapter 70.123 RCW.

12 NEW SECTION. **Sec. 176.** RECODIFICATION. RCW 7.90.150 is
13 recodified as a section in chapter 9A.44 RCW.

14 NEW SECTION. **Sec. 177.** RECODIFICATION. RCW 7.92.160 is
15 recodified as a section in chapter 9A.46 RCW.

16 NEW SECTION. **Sec. 178.** REPEALERS. The following acts or parts
17 of acts are each repealed:

18 (1) RCW 7.90.005 (Legislative declaration) and 2007 c 212 s 1 &
19 2006 c 138 s 1;

20 (2) RCW 7.90.010 (Definitions) and 2020 c 296 s 3 & 2006 c 138 s
21 2;

22 (3) RCW 7.90.020 (Petition for a sexual assault protection order—
23 Creation—Contents—Administration) and 2019 c 258 s 2, 2007 c 55 s 1,
24 & 2006 c 138 s 5;

25 (4) RCW 7.90.030 (Petition—Who may file) and 2007 c 212 s 2 &
26 2006 c 138 s 3;

27 (5) RCW 7.90.040 (Petition—Additional requirements) and 2013 c 74
28 s 1 & 2006 c 138 s 4;

29 (6) RCW 7.90.050 (Petition—Hearings prior to issuance of
30 protection order) and 2013 c 74 s 2 & 2006 c 138 s 6;

31 (7) RCW 7.90.052 (Service by publication—When authorized) and
32 2013 c 74 s 6;

1 (8) RCW 7.90.053 (Service by mail—When authorized) and 2013 c 74
2 s 7;

3 (9) RCW 7.90.054 (Issuance of order following service by
4 publication or mail) and 2013 c 74 s 8;

5 (10) RCW 7.90.055 (Fees not permitted—Filing, service of process,
6 certified copies) and 2007 c 55 s 2;

7 (11) RCW 7.90.060 (Sexual assault advocates) and 2006 c 138 s 7;

8 (12) RCW 7.90.070 (Appointment of counsel) and 2006 c 138 s 8;

9 (13) RCW 7.90.080 (Evidence) and 2006 c 138 s 9;

10 (14) RCW 7.90.090 (Burden of proof—Issuance of protection order—
11 Remedies—Violations) and 2019 c 245 s 4 & 2006 c 138 s 10;

12 (15) RCW 7.90.100 (Accountability for conduct of others) and 2006
13 c 138 s 11;

14 (16) RCW 7.90.110 (Ex parte temporary sexual assault protection
15 orders—Issuance) and 2019 c 245 s 5, 2007 c 212 s 3, & 2006 c 138 s
16 12;

17 (17) RCW 7.90.120 (Ex parte orders—Duration) and 2017 c 233 s 1,
18 2013 c 74 s 3, & 2006 c 138 s 13;

19 (18) RCW 7.90.121 (Renewal of ex parte order) and 2017 c 233 s 2
20 & 2013 c 74 s 4;

21 (19) RCW 7.90.130 (Sexual assault protection orders—Contents) and
22 2006 c 138 s 14;

23 (20) RCW 7.90.140 (Sexual assault protection orders—Service to
24 respondent) and 2019 c 245 s 6, 2013 c 74 s 5, & 2006 c 138 s 15;

25 (21) RCW 7.90.155 (Sexual assault protection orders—Personal
26 jurisdiction—Nonresident individuals) and 2010 c 274 s 307;

27 (22) RCW 7.90.160 (Law enforcement agencies—Entry of protection
28 order data) and 2006 c 138 s 17;

29 (23) RCW 7.90.170 (Modification or termination of protection
30 orders) and 2017 c 233 s 3, 2013 c 74 s 9, & 2006 c 138 s 18;

31 (24) RCW 7.90.180 (Administrative office of the courts—Court
32 clerks—Instructional and informational material) and 2006 c 138 s 19;

33 (25) RCW 7.90.190 (Admissibility of ex parte temporary orders in
34 civil actions) and 2006 c 138 s 20;

35 (26) RCW 7.90.900 (Short title—2006 c 138) and 2006 c 138 s 28;

36 (27) RCW 7.92.010 (Intent—Finding) and 2013 c 84 s 1;

37 (28) RCW 7.92.020 (Definitions) and 2020 c 296 s 4 & 2013 c 84 s
38 2;

1 (29) RCW 7.92.030 (Petition for stalking protection order—
2 Creation—Contents) and 2013 c 84 s 3;
3 (30) RCW 7.92.040 (Petition—Who may file) and 2013 c 84 s 4;
4 (31) RCW 7.92.050 (Petition—Additional requirements) and 2013 c
5 84 s 5;
6 (32) RCW 7.92.060 (Petition—Hearings prior to issuance of
7 protection order) and 2013 c 84 s 6;
8 (33) RCW 7.92.070 (Consultation with judicial information system)
9 and 2013 c 84 s 7;
10 (34) RCW 7.92.080 (Fees not permitted) and 2013 c 84 s 8;
11 (35) RCW 7.92.090 (Victim's advocates) and 2013 c 84 s 9;
12 (36) RCW 7.92.100 (Burden of proof—Issuance of protection order—
13 Remedies) and 2019 c 245 s 7 & 2013 c 84 s 10;
14 (37) RCW 7.92.110 (Accountability for conduct of others) and 2013
15 c 84 s 11;
16 (38) RCW 7.92.120 (Ex parte temporary order for protection—
17 Issuance) and 2019 c 245 s 8 & 2013 c 84 s 12;
18 (39) RCW 7.92.125 (Ex parte temporary order—Admissibility in
19 subsequent civil actions) and 2013 c 84 s 22;
20 (40) RCW 7.92.130 (Protection orders—Duration) and 2013 c 84 s
21 13;
22 (41) RCW 7.92.140 (Protection order—Contents) and 2013 c 84 s 14;
23 (42) RCW 7.92.150 (Protection orders—Service to respondent—
24 Service by publication) and 2019 c 245 s 9 & 2013 c 84 s 15;
25 (43) RCW 7.92.170 (Personal jurisdiction by court over
26 nonresident individuals) and 2013 c 84 s 17;
27 (44) RCW 7.92.180 (Copy of order to be forwarded to law
28 enforcement agency—Entry of information into computer-based
29 information systems) and 2013 c 84 s 18;
30 (45) RCW 7.92.190 (Modification or termination of protection
31 orders) and 2019 c 245 s 10 & 2013 c 84 s 19;
32 (46) RCW 7.92.900 (Construction—Filing of criminal charges not
33 required) and 2013 c 84 s 23;
34 (47) RCW 7.92.901 (Short title) and 2013 c 84 s 24;
35 (48) RCW 7.94.010 (Purpose—Intent) and 2019 c 246 s 1 & 2017 c 3
36 s 1 (Initiative Measure No. 1491, approved November 8, 2016);
37 (49) RCW 7.94.020 (Definitions) and 2017 c 3 s 3 (Initiative
38 Measure No. 1491, approved November 8, 2016);

1 (50) RCW 7.94.030 (Petition for order) and 2019 c 246 s 2 & 2017
2 c 3 s 4 (Initiative Measure No. 1491, approved November 8, 2016);
3 (51) RCW 7.94.040 (Hearings on petition—Grounds for order
4 issuance) and 2019 c 246 s 3 & 2017 c 3 s 5 (Initiative Measure No.
5 1491, approved November 8, 2016);
6 (52) RCW 7.94.050 (Ex parte orders) and 2017 c 3 s 6 (Initiative
7 Measure No. 1491, approved November 8, 2016);
8 (53) RCW 7.94.060 (Service of orders) and 2019 c 246 s 4 & 2017 c
9 3 s 7 (Initiative Measure No. 1491, approved November 8, 2016);
10 (54) RCW 7.94.070 (Service by publication or mail) and 2017 c 3 s
11 8 (Initiative Measure No. 1491, approved November 8, 2016);
12 (55) RCW 7.94.080 (Termination and renewal of orders) and 2017 c
13 3 s 9 (Initiative Measure No. 1491, approved November 8, 2016);
14 (56) RCW 7.94.090 (Firearms—Surrender) and 2020 c 126 s 2 & 2017
15 c 3 s 10 (Initiative Measure No. 1491, approved November 8, 2016);
16 (57) RCW 7.94.100 (Firearms—Return—Disposal) and 2017 c 3 s 11
17 (Initiative Measure No. 1491, approved November 8, 2016);
18 (58) RCW 7.94.110 (Reporting of orders) and 2017 c 3 s 12
19 (Initiative Measure No. 1491, approved November 8, 2016);
20 (59) RCW 7.94.120 (Penalties) and 2017 c 3 s 13 (Initiative
21 Measure No. 1491, approved November 8, 2016);
22 (60) RCW 7.94.130 (Other authority retained) and 2017 c 3 s 14
23 (Initiative Measure No. 1491, approved November 8, 2016);
24 (61) RCW 7.94.140 (Liability) and 2017 c 3 s 15 (Initiative
25 Measure No. 1491, approved November 8, 2016);
26 (62) RCW 7.94.150 (Instructional and informational material) and
27 2019 c 246 s 5 & 2017 c 3 s 16 (Initiative Measure No. 1491, approved
28 November 8, 2016);
29 (63) RCW 7.94.900 (Short title—2017 c 3 (Initiative Measure No.
30 1491)) and 2017 c 3 s 2 (Initiative Measure No. 1491, approved
31 November 8, 2016);
32 (64) RCW 10.14.010 (Legislative finding, intent) and 1987 c 280 s
33 1;
34 (65) RCW 10.14.020 (Definitions) and 2011 c 307 s 2, 2001 c 260 s
35 2, 1999 c 27 s 4, 1995 c 127 s 1, & 1987 c 280 s 2;
36 (66) RCW 10.14.030 (Course of conduct—Determination of purpose)
37 and 1987 c 280 s 3;
38 (67) RCW 10.14.040 (Protection order—Petition) and 2002 c 117 s 1
39 & 2001 c 260 s 3;

1 (68) RCW 10.14.045 (Protection order commissioners—Appointment
2 authorized) and 2013 c 84 s 20;

3 (69) RCW 10.14.050 (Administrator for courts—Forms, information)
4 and 1987 c 280 s 5;

5 (70) RCW 10.14.055 (Fees excused, when) and 2020 c 29 s 8 & 2002
6 c 117 s 2;

7 (71) RCW 10.14.060 (Proceeding in forma pauperis) and 1987 c 280
8 s 6;

9 (72) RCW 10.14.065 (Orders—Judicial information system to be
10 consulted) and 2011 c 307 s 6;

11 (73) RCW 10.14.070 (Hearing—Service) and 2013 c 84 s 30, 2005 c
12 144 s 1, 1992 c 143 s 10, & 1987 c 280 s 7;

13 (74) RCW 10.14.080 (Antiharassment protection orders—Ex parte
14 temporary—Hearing—Longer term, renewal—Acts not prohibited) and
15 2019 c 245 s 11, 2019 c 46 s 5011, 2011 c 307 s 3, 2001 c 311 s 1,
16 1995 c 246 s 36, 1994 sp.s. c 7 s 448, 1992 c 143 s 11, & 1987 c 280
17 s 8;

18 (75) RCW 10.14.085 (Hearing reset after ex parte order—Service by
19 publication—Circumstances) and 2016 c 202 s 4 & 1992 c 143 s 12;

20 (76) RCW 10.14.090 (Representation or appearance) and 1992 c 143
21 s 14 & 1987 c 280 s 9;

22 (77) RCW 10.14.100 (Service of order) and 2019 c 245 s 12, 2002 c
23 117 s 3, 2001 c 311 s 2, 1992 c 143 s 15, & 1987 c 280 s 10;

24 (78) RCW 10.14.105 (Order following service by publication) and
25 1992 c 143 s 13;

26 (79) RCW 10.14.110 (Notice to law enforcement agencies—
27 Enforceability) and 1992 c 143 s 16 & 1987 c 280 s 11;

28 (80) RCW 10.14.115 (Enforcement of order—Knowledge prerequisite
29 to penalties—Reasonable efforts to serve copy of order) and 1992 c
30 143 s 17;

31 (81) RCW 10.14.120 (Disobedience of order—Penalties) and 2001 c
32 260 s 4, 1989 c 373 s 14, & 1987 c 280 s 12;

33 (82) RCW 10.14.125 (Service by publication—Costs) and 2002 c 117
34 s 4 & 1992 c 143 s 18;

35 (83) RCW 10.14.130 (Exclusion of certain actions) and 2006 c 138
36 s 22 & 1987 c 280 s 13;

37 (84) RCW 10.14.140 (Other remedies) and 1987 c 280 s 14;

1 (85) RCW 10.14.150 (Jurisdiction) and 2019 c 216 s 1, 2011 c 307
2 s 1, 2005 c 196 s 1, 1999 c 170 s 1, 1991 c 33 s 2, & 1987 c 280 s
3 15;

4 (86) RCW 10.14.155 (Personal jurisdiction—Nonresident individual)
5 and 2010 c 274 s 308;

6 (87) RCW 10.14.160 (Where action may be brought) and 2005 c 196 s
7 2, 1992 c 127 s 1, & 1987 c 280 s 16;

8 (88) RCW 10.14.170 (Criminal penalty) and 2001 c 260 s 5 & 1987 c
9 280 s 17;

10 (89) RCW 10.14.180 (Modification of order) and 2019 c 245 s 13 &
11 1987 c 280 s 18;

12 (90) RCW 10.14.190 (Constitutional rights) and 1987 c 280 s 19;

13 (91) RCW 10.14.200 (Availability of orders in family law
14 proceedings) and 2019 c 46 s 5012, 1999 c 397 s 4, & 1995 c 246 s 35;

15 (92) RCW 10.14.210 (Court appearance after violation) and 2012 c
16 223 s 4;

17 (93) RCW 10.14.800 (Master petition pattern form to be developed—
18 Recommendations to legislature) and 2013 c 84 s 21;

19 (94) RCW 26.50.010 (Definitions) and 2019 c 263 s 204;

20 (95) RCW 26.50.020 (Commencement of action—Jurisdiction—Venue)
21 and 2019 c 263 s 205, 2010 c 274 s 302, 1992 c 111 s 8, 1989 c 375 s
22 28, 1987 c 71 s 1, 1985 c 303 s 1, & 1984 c 263 s 3;

23 (96) RCW 26.50.021 (Actions on behalf of vulnerable adults—
24 Authority of department of social and health services—Immunity from
25 liability) and 2000 c 119 s 1;

26 (97) RCW 26.50.025 (Orders under this chapter and chapter 26.09,
27 26.10, 26.26A, or 26.26B RCW—Enforcement—Consolidation) and 2019 c
28 46 s 5036 & 1995 c 246 s 2;

29 (98) RCW 26.50.030 (Petition for an order for protection—
30 Availability of forms and informational brochures—Bond not required)
31 and 2005 c 282 s 39, 1996 c 248 s 12, 1995 c 246 s 3, 1992 c 111 s 2,
32 1985 c 303 s 2, & 1984 c 263 s 4;

33 (99) RCW 26.50.035 (Development of instructions, informational
34 brochures, forms, and handbook by the administrative office of the
35 courts—Community resource list—Distribution of master copy) and 2019
36 c 263 s 912, 2019 c 46 s 5037, 2005 c 282 s 40, 2000 c 119 s 14, 1995
37 c 246 s 4, 1993 c 350 s 2, 1985 c 303 s 3, & 1984 c 263 s 31;

1 (100) RCW 26.50.040 (Fees not permitted—Filing, service of
2 process, certified copies) and 1995 c 246 s 5, 1985 c 303 s 4, & 1984
3 c 263 s 5;

4 (101) RCW 26.50.050 (Hearing—Service—Time) and 2008 c 287 s 2,
5 1995 c 246 s 6, 1992 c 143 s 1, & 1984 c 263 s 6;

6 (102) RCW 26.50.055 (Appointment of interpreter) and 1995 c 246 s
7 11;

8 (103) RCW 26.50.060 (Relief—Duration—Realignment of designation
9 of parties—Award of costs, service fees, attorneys' fees, and limited
10 license legal technician fees) and 2020 c 311 s 9, 2019 c 46 s 5038,
11 2018 c 84 s 1, 2010 c 274 s 304, 2009 c 439 s 2, 2000 c 119 s 15,
12 1999 c 147 s 2, 1996 c 248 s 13, 1995 c 246 s 7, & 1994 sp.s. c 7 s
13 457;

14 (104) RCW 26.50.070 (Ex parte temporary order for protection) and
15 2019 c 245 s 14, 2018 c 22 s 9, 2010 c 274 s 305, 2000 c 119 s 16,
16 1996 c 248 s 14, 1995 c 246 s 8, 1994 sp.s. c 7 s 458, 1992 c 143 s
17 3, 1989 c 411 s 2, & 1984 c 263 s 8;

18 (105) RCW 26.50.080 (Issuance of order—Assistance of peace
19 officer—Designation of appropriate law enforcement agency) and 1995 c
20 246 s 9 & 1984 c 263 s 9;

21 (106) RCW 26.50.085 (Hearing reset after ex parte order—Service
22 by publication—Circumstances) and 2016 c 202 s 25 & 1992 c 143 s 4;

23 (107) RCW 26.50.090 (Order—Service—Fees) and 2019 c 245 s 15,
24 1995 c 246 s 10, 1992 c 143 s 6, 1985 c 303 s 6, & 1984 c 263 s 10;

25 (108) RCW 26.50.095 (Order following service by publication) and
26 1995 c 246 s 12 & 1992 c 143 s 5;

27 (109) RCW 26.50.100 (Order—Transmittal to law enforcement agency
28 —Record in law enforcement information system—Enforceability) and
29 1996 c 248 s 15, 1995 c 246 s 13, 1992 c 143 s 7, & 1984 c 263 s 11;

30 (110) RCW 26.50.110 (Violation of order—Penalties) and 2019 c 263
31 s 913, 2019 c 46 s 5039, & 2017 c 230 s 9;

32 (111) RCW 26.50.115 (Enforcement of ex parte order—Knowledge of
33 order prerequisite to penalties—Reasonable efforts to serve copy of
34 order) and 1996 c 248 s 17, 1995 c 246 s 15, & 1992 c 143 s 8;

35 (112) RCW 26.50.120 (Violation of order—Prosecuting attorney or
36 attorney for municipality may be requested to assist—Costs and
37 attorney's fee) and 1984 c 263 s 13;

38 (113) RCW 26.50.123 (Service by mail) and 1995 c 246 s 16;

1 (114) RCW 26.50.125 (Service by publication or mailing—Costs) and
2 2002 c 117 s 5, 1995 c 246 s 17, & 1992 c 143 s 9;

3 (115) RCW 26.50.130 (Order for protection—Modification or
4 termination—Service—Transmittal) and 2019 c 245 s 16, 2011 c 137 s
5 2, 2008 c 287 s 3, & 1984 c 263 s 14;

6 (116) RCW 26.50.135 (Residential placement or custody of a child—
7 Prerequisite) and 1995 c 246 s 19;

8 (117) RCW 26.50.140 (Peace officers—Immunity) and 1984 c 263 s
9 17;

10 (118) RCW 26.50.160 (Judicial information system—Database) and
11 2019 c 263 s 914, 2019 c 46 s 5040, 2017 3rd sp.s. c 6 s 335, & 2006
12 c 138 s 26;

13 (119) RCW 26.50.165 (Judicial information system—Names of adult
14 cohabitants in third-party custody actions) and 2003 c 105 s 4;

15 (120) RCW 26.50.200 (Title to real estate—Effect) and 1985 c 303
16 s 7 & 1984 c 263 s 15;

17 (121) RCW 26.50.210 (Proceedings additional) and 1984 c 263 s 16;

18 (122) RCW 26.50.220 (Parenting plan—Designation of parent for
19 other state and federal purposes) and 1989 c 375 s 26;

20 (123) RCW 26.50.230 (Protection order against person with a
21 disability, brain injury, or impairment) and 2010 c 274 s 303;

22 (124) RCW 26.50.240 (Personal jurisdiction—Nonresident
23 individuals) and 2010 c 274 s 306;

24 (125) RCW 26.50.900 (Short title) and 1984 c 263 s 1;

25 (126) RCW 26.50.901 (Effective date—1984 c 263) and 1984 c 263 s
26 32;

27 (127) RCW 74.34.115 (Protection of vulnerable adults—
28 Administrative office of the courts—Standard petition—Order for
29 protection—Standard notice—Court staff handbook) and 2007 c 312 s 4;

30 (128) RCW 74.34.120 (Protection of vulnerable adults—Hearing) and
31 2007 c 312 s 5 & 1986 c 187 s 6;

32 (129) RCW 74.34.130 (Protection of vulnerable adults—Judicial
33 relief) and 2007 c 312 s 6;

34 (130) RCW 74.34.135 (Protection of vulnerable adults—Filings by
35 others—Dismissal of petition or order—Testimony or evidence—
36 Additional evidentiary hearings—Temporary order) and 2020 c 312 s 737
37 & 2007 c 312 s 9;

38 (131) RCW 74.34.140 (Protection of vulnerable adults—Execution of
39 protective order) and 2012 c 156 s 2 & 1986 c 187 s 8;

1 (132) RCW 74.34.145 (Protection of vulnerable adults—Notice of
2 criminal penalties for violation—Enforcement under RCW 26.50.110) and
3 2020 c 29 s 17, 2007 c 312 s 7, & 2000 c 119 s 2;
4 (133) RCW 74.34.150 (Protection of vulnerable adults—Department
5 may seek relief) and 2007 c 312 s 8 & 1986 c 187 s 9;
6 (134) RCW 74.34.160 (Protection of vulnerable adults—Proceedings
7 are supplemental) and 1986 c 187 s 11;
8 (135) RCW 74.34.163 (Application to modify or vacate order) and
9 2020 c 312 s 738 & 2007 c 312 s 10;
10 (136) RCW 74.34.210 (Order for protection or action for damages—
11 Standing—Jurisdiction) and 2007 c 312 s 11 & 1995 1st sp.s. c 18 s
12 86; and
13 (137) RCW 26.10.115 (Temporary orders—Support—Restraining orders
14 —Domestic violence or antiharassment protection orders—Notice of
15 modification or termination of restraining order—Preservation of
16 support debt) and 2019 c 245 s 18, 2000 c 119 s 9, 1995 c 246 s 29,
17 1994 sp.s. c 7 s 454, & 1989 c 375 s 32.

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