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HOUSE BILL 2027

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Ballasiotes and O'Brien

Read first time 02/12/1999. Referred to Committee on Judiciary.

1            AN ACT Relating to no-contact orders, no-harassment orders,  
2 protection orders, and restraining orders; amending RCW 9.94A.390,  
3 9A.46.040, 9A.46.050, 9A.46.070, 9A.46.080, 10.14.020, 10.14.080,  
4 10.14.110, 10.14.115, 10.14.160, 10.14.170, 10.31.100, 10.99.040,  
5 10.99.045, 10.99.050, 26.09.050, 26.09.060, 26.09.300, 26.10.040,  
6 26.10.115, 26.10.220, 26.26.130, 26.26.137, 26.26.138, 26.44.063,  
7 26.44.067, 26.44.150, 26.50.010, 26.50.020, 26.50.060, 26.50.070,  
8 26.50.100, 26.50.110, and 26.50.115; adding a new section to chapter  
9 10.14 RCW; adding a new section to chapter 26.50 RCW; creating a new  
10 section; prescribing penalties; and declaring an emergency.

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

12            **Sec. 1.** RCW 9.94A.390 and 1997 c 52 s 4 are each amended to read  
13 as follows:

14            If the sentencing court finds that an exceptional sentence outside  
15 the standard range should be imposed in accordance with RCW  
16 9.94A.120(2), the sentence is subject to review only as provided for in  
17 RCW 9.94A.210(4).

18            The following are illustrative factors which the court may consider  
19 in the exercise of its discretion to impose an exceptional sentence.

1 The following are illustrative only and are not intended to be  
2 exclusive reasons for exceptional sentences.

3 (1) Mitigating Circumstances

4 (a) To a significant degree, the victim was an initiator, willing  
5 participant, aggressor, or provoker of the incident.

6 (b) Before detection, the defendant compensated, or made a good  
7 faith effort to compensate, the victim of the criminal conduct for any  
8 damage or injury sustained.

9 (c) The defendant committed the crime under duress, coercion,  
10 threat, or compulsion insufficient to constitute a complete defense but  
11 which significantly affected his or her conduct.

12 (d) The defendant, with no apparent predisposition to do so, was  
13 induced by others to participate in the crime.

14 (e) The defendant's capacity to appreciate the wrongfulness of his  
15 or her conduct or to conform his or her conduct to the requirements of  
16 the law, was significantly impaired (voluntary use of drugs or alcohol  
17 is excluded).

18 (f) The offense was principally accomplished by another person and  
19 the defendant manifested extreme caution or sincere concern for the  
20 safety or well-being of the victim.

21 (g) The operation of the multiple offense policy of RCW 9.94A.400  
22 results in a presumptive sentence that is clearly excessive in light of  
23 the purpose of this chapter, as expressed in RCW 9.94A.010.

24 (h) The defendant or the defendant's children suffered a continuing  
25 pattern of physical or sexual abuse by the victim of the offense and  
26 the offense is a response to that abuse.

27 (2) Aggravating Circumstances

28 (a) The defendant's conduct during the commission of the current  
29 offense manifested deliberate cruelty to the victim.

30 (b) The defendant knew or should have known that the victim of the  
31 current offense was particularly vulnerable or incapable of resistance  
32 due to extreme youth, advanced age, disability, or ill health.

33 (c) The current offense was a violent offense, and the defendant  
34 knew that the victim of the current offense was pregnant.

35 (d) The current offense was a major economic offense or series of  
36 offenses, so identified by a consideration of any of the following  
37 factors:

38 (i) The current offense involved multiple victims or multiple  
39 incidents per victim;

1 (ii) The current offense involved attempted or actual monetary loss  
2 substantially greater than typical for the offense;

3 (iii) The current offense involved a high degree of sophistication  
4 or planning or occurred over a lengthy period of time; or

5 (iv) The defendant used his or her position of trust, confidence,  
6 or fiduciary responsibility to facilitate the commission of the current  
7 offense.

8 (e) The current offense was a major violation of the Uniform  
9 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to  
10 trafficking in controlled substances, which was more onerous than the  
11 typical offense of its statutory definition: The presence of ANY of  
12 the following may identify a current offense as a major VUCSA:

13 (i) The current offense involved at least three separate  
14 transactions in which controlled substances were sold, transferred, or  
15 possessed with intent to do so;

16 (ii) The current offense involved an attempted or actual sale or  
17 transfer of controlled substances in quantities substantially larger  
18 than for personal use;

19 (iii) The current offense involved the manufacture of controlled  
20 substances for use by other parties;

21 (iv) The circumstances of the current offense reveal the offender  
22 to have occupied a high position in the drug distribution hierarchy;

23 (v) The current offense involved a high degree of sophistication or  
24 planning or occurred over a lengthy period of time or involved a broad  
25 geographic area of disbursement; or

26 (vi) The offender used his or her position or status to facilitate  
27 the commission of the current offense, including positions of trust,  
28 confidence or fiduciary responsibility (e.g., pharmacist, physician, or  
29 other medical professional).

30 (f) The current offense included a finding of sexual motivation  
31 pursuant to RCW 9.94A.127.

32 (g) The offense was part of an ongoing pattern of sexual abuse of  
33 the same victim under the age of eighteen years manifested by multiple  
34 incidents over a prolonged period of time.

35 (h) The current offense involved domestic violence, as defined in  
36 RCW 10.99.020 and one or more of the following was present:

37 (i) The offense was part of an ongoing pattern of psychological,  
38 physical, or sexual abuse of the victim manifested by multiple  
39 incidents over a prolonged period of time;

1 (ii) The offense occurred within sight or sound of the victim's or  
2 the offender's minor children under the age of eighteen years; or

3 (iii) The offender's conduct during the commission of the current  
4 offense manifested deliberate cruelty or intimidation of the victim.

5 (i) The operation of the multiple offense policy of RCW 9.94A.400  
6 results in a presumptive sentence that is clearly too lenient in light  
7 of the purpose of this chapter, as expressed in RCW 9.94A.010.

8 (j) The defendant's prior unscored misdemeanor or prior unscored  
9 foreign criminal history results in a presumptive sentence that is  
10 clearly too lenient in light of the purpose of this chapter as  
11 expressed in RCW 9.94A.010.

12 (k) The offense resulted in the pregnancy of a child victim of  
13 rape.

14 (l) The victim of the current offense had a court order issued  
15 under chapter 9A.46 or 10.99 RCW, a domestic violence protection order  
16 issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, an  
17 antiharassment protection order issued under chapter 10.14, 26.09,  
18 26.10, or 26.26 RCW, a restraining order bearing a criminal offense  
19 legend issued under chapter 26.09, 26.10, 26.26, or 26.44 RCW, or any  
20 federal or out-of-state order that is comparable to a no-contact order  
21 or protection order issued under Washington law against the defendant  
22 at the time the crime was committed.

23 **Sec. 2.** RCW 9A.46.040 and 1985 c 288 s 4 are each amended to read  
24 as follows:

25 (1) Because of the likelihood of repeated harassment directed at  
26 those who have been victims of harassment in the past, when any  
27 defendant charged with a crime involving harassment is released from  
28 custody before trial on bail or personal recognizance, the court  
29 authorizing the release may require that the defendant:

30 (a) Stay away from the home, school, business, or place of  
31 employment of the victim or victims of the alleged offense or other  
32 location, as shall be specifically named by the court in the order;

33 (b) Refrain from contacting, intimidating, threatening, coming  
34 within one hundred to one thousand feet of, or otherwise interfering  
35 with the victim or victims of the alleged offense and such other  
36 persons, including but not limited to members of the family or  
37 household of the victim, as shall be specifically named by the court in  
38 the order; or

1       (c) Submit to electronic monitoring. If the court requires the  
2 defendant to submit to electronic monitoring, the court shall specify  
3 who shall provide the electronic monitoring services and the terms  
4 under which the electronic monitoring shall be performed. Upon  
5 conviction under this chapter, the court may require as a condition of  
6 the sentence that the defendant reimburse the providing agency for the  
7 costs of the electronic monitoring.

8       (2) When deciding whether to impose these or other requirements,  
9 the court shall consider the physical or psychological danger posed by  
10 the defendant to any child. If the court finds that such danger  
11 exists, a court order issued under this section may supersede any  
12 parenting plan that would otherwise allow the defendant to have contact  
13 with the child.

14       (3)(a) An intentional violation of a court order issued under this  
15 section is a misdemeanor except as provided in (b) of this subsection.

16       (b) An intentional violation of a court order issued under this  
17 section is a gross misdemeanor if the offender has at least two  
18 previous convictions for violating the provisions of a court order  
19 issued under this chapter or chapter 10.99 RCW, a domestic violence  
20 protection order issued under chapter 26.09, 26.10, 26.26, or 26.50  
21 RCW, an antiharassment protection order issued under chapter 10.14,  
22 26.09, 26.10, or 26.26 RCW, a restraining order bearing a criminal  
23 offense legend issued under chapter 26.09, 26.10, 26.26, or 26.44 RCW,  
24 or any federal or out-of-state order that is comparable to a no-contact  
25 order or protection order issued under Washington law. The previous  
26 convictions may involve the same person or other persons specifically  
27 protected by the orders the offender violated.

28       (c) The written order releasing the defendant shall contain the  
29 court's directives and shall bear the legend: Violation of this order  
30 is a criminal offense under chapter 9A.46 RCW. A certified copy of the  
31 order shall be provided to the victim by the clerk of the court.

32       **Sec. 3.** RCW 9A.46.050 and 1994 sp.s. c 7 s 447 are each amended to  
33 read as follows:

34       (1) A defendant who is charged by citation, complaint, or  
35 information with an offense involving harassment and not arrested shall  
36 appear in court for arraignment in person as soon as practicable, but  
37 in no event later than fourteen days after the next day on which court  
38 is in session following the issuance of the citation or the filing of

1 the complaint or information. At that appearance, the court shall  
2 determine the necessity of imposing a no-contact or no-harassment  
3 order, and consider the provisions of RCW 9.41.800, or other conditions  
4 of pretrial release according to the procedures established by court  
5 rule for preliminary appearance or an arraignment. When determining  
6 the necessity of imposing a no-contact or no-harassment order under  
7 this section, the court shall consider the physical or psychological  
8 danger posed by the defendant to any child. If the court finds that  
9 such danger exists, a no-contact or no-harassment order issued under  
10 this section may supersede any parenting plan that would otherwise  
11 allow the defendant to have contact with the child.

12 (2) As part of a no-contact or no-harassment order issued under  
13 this section, the court may require the defendant to:

14 (a) Submit to electronic monitoring. The order shall specify who  
15 shall provide the electronic monitoring services and the terms under  
16 which the electronic monitoring shall be performed. Upon conviction  
17 under this chapter, the court may require as a condition of the  
18 sentence that the defendant reimburse the providing agency for the  
19 costs of the electronic monitoring; or

20 (b) Refrain from contacting, intimidating, threatening, coming  
21 within one hundred to one thousand feet of, or otherwise interfering  
22 with the victim or victims of the alleged offense and such other  
23 persons, including but not limited to members of the family or  
24 household of the victim, as shall be specifically named by the court in  
25 the order.

26 **Sec. 4.** RCW 9A.46.070 and 1985 c 288 s 7 are each amended to read  
27 as follows:

28 Any law enforcement agency in this state (~~may~~) shall enforce this  
29 chapter as it relates to orders restricting the defendants' ability to  
30 have contact with the victim or others.

31 **Sec. 5.** RCW 9A.46.080 and 1985 c 288 s 8 are each amended to read  
32 as follows:

33 (1) The victim shall be informed by local law enforcement agencies  
34 or the prosecuting attorney of the final disposition of the case in  
35 which the victim is involved. If a defendant is found guilty of a  
36 crime of harassment and a condition of the sentence restricts the  
37 defendant's ability to have contact with the victim, any child, or

1 witnesses, the condition shall be recorded and a written certified copy  
2 of that order shall be provided to the victim or witnesses by the clerk  
3 of the court.

4 (2)(a) Willful violation of a court order issued under this section  
5 is a misdemeanor except as provided in (b) of this subsection.

6 (b) A willful violation of a court order issued under this section  
7 is a gross misdemeanor if the offender has at least two previous  
8 convictions for violating the provisions of a court order issued under  
9 this chapter or chapter 10.99 RCW, a domestic violence protection order  
10 issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, an  
11 antiharassment protection order issued under chapter 10.14, 26.09,  
12 26.10, or 26.26 RCW, a restraining order bearing a criminal offense  
13 legend issued under chapter 26.09, 26.10, 26.26, or 26.44 RCW, or any  
14 federal or out-of-state order that is comparable to a no-contact order  
15 or protection order issued under Washington law. The previous  
16 convictions may involve the same person or other persons specifically  
17 protected by the orders the offender violated.

18 (3) The written order shall contain the court's directives and  
19 shall bear the legend: Violation of this order is a criminal offense  
20 under chapter 9A.46 RCW and will subject a violator to arrest.

21 **Sec. 6.** RCW 10.14.020 and 1995 c 127 s 1 are each amended to read  
22 as follows:

23 Unless the context clearly requires otherwise, the definitions in  
24 this section apply throughout this chapter.

25 (1) "Unlawful harassment" means a knowing and willful course of  
26 conduct directed at a specific person which seriously alarms, annoys,  
27 harasses, or is detrimental to such person, and which serves no  
28 legitimate or lawful purpose. The course of conduct shall be such as  
29 would cause a reasonable person to suffer substantial emotional  
30 distress, and shall actually cause substantial emotional distress to  
31 the petitioner, or, when the course of conduct is contact by a person  
32 over age eighteen that would cause a reasonable parent to fear for the  
33 well-being of their child.

34 (2) "Course of conduct" means a pattern of conduct composed of a  
35 series of acts over a period of time, however short, evidencing a  
36 continuity of purpose. Constitutionally protected activity is not  
37 included within the meaning of "course of conduct."

1       (3) "Hearing officer" means any superior court judge, district  
2 court judge, or municipal officer authorized to exercise the powers and  
3 perform the duties of district court judges.

4       **Sec. 7.** RCW 10.14.080 and 1995 c 246 s 36 are each amended to read  
5 as follows:

6       (1) Upon filing a petition for a civil antiharassment protection  
7 order under this chapter, the petitioner may obtain an ex parte  
8 temporary antiharassment protection order. An ex parte temporary  
9 antiharassment protection order may be granted with or without notice  
10 upon the filing of an affidavit which, to the satisfaction of the  
11 court, shows reasonable proof of unlawful harassment of the petitioner  
12 or a minor child of the petitioner by the respondent and that great or  
13 irreparable harm will result to the petitioner or a minor child of the  
14 petitioner if the temporary antiharassment protection order is not  
15 granted. When determining whether to grant an ex parte temporary  
16 antiharassment protection order under this section, the court may  
17 consider factors including but not limited to:

18       (a) The respondent's previous criminal history, if any;

19       (b) Whether the respondent has previously been subject to an  
20 antiharassment protection order issued under this chapter or chapter  
21 26.09, 26.10, or 26.26 RCW, a court order issued under chapter 9A.46 or  
22 10.99 RCW, a domestic violence protection order issued under chapter  
23 26.09, 26.10, 26.26, or 26.50 RCW, a restraining order bearing a  
24 criminal offense legend issued under chapter 26.09, 26.10, 26.26, or  
25 26.44 RCW, or any federal or out-of-state order that is comparable to  
26 a no-contact order or protection order issued under Washington law;

27       (c) Whether the petitioner has previously requested an  
28 antiharassment protection order under this chapter or chapter 26.09,  
29 26.10, or 26.26 RCW, a domestic violence protection order under chapter  
30 26.09, 26.10, 26.26, or 26.50 RCW, a restraining order bearing a  
31 criminal offense legend under chapter 26.09, 26.10, 26.26, or 26.44  
32 RCW, or any federal or out-of-state order that is comparable to a no-  
33 contact order or protection order under Washington law against the  
34 respondent; or

35       (d) Any sworn affidavit from a third party attesting to the alleged  
36 harassment.

37       (2) An ex parte temporary antiharassment protection order shall be  
38 effective for a fixed period not to exceed fourteen days or twenty-four



1 days if the court has permitted service by publication under RCW  
2 10.14.085. The ex parte order may be reissued. A full hearing, as  
3 provided in this chapter, shall be set for not later than fourteen days  
4 from the issuance of the temporary order or not later than twenty-four  
5 days if service by publication is permitted. Except as provided in RCW  
6 10.14.070 and 10.14.085, the respondent shall be personally served with  
7 a copy of the ex parte order along with a copy of the petition and  
8 notice of the date set for the hearing.

9 (3) At the hearing, if the court finds by a preponderance of the  
10 evidence that unlawful harassment exists, a civil antiharassment  
11 protection order shall issue prohibiting such unlawful harassment.

12 (4) An order issued under this chapter shall be effective for not  
13 more than one year unless the court finds that the unlawful harassment  
14 involves a violent offense or a sex offense as defined in RCW 9.94A.030  
15 or unless the court finds that the respondent is likely to resume  
16 unlawful harassment of the petitioner when the order expires. If the  
17 court so finds, the court may enter an order for a fixed time  
18 ((~~exceeding one year~~)) of at least two years or may enter a permanent  
19 antiharassment protection order. The court shall not enter an order  
20 that is effective for more than one year if the order restrains the  
21 respondent from contacting the respondent's minor children. This  
22 limitation is not applicable to civil antiharassment protection orders  
23 issued under chapter 26.09, 26.10, or 26.26 RCW. If the petitioner  
24 seeks relief for a period longer than one year on behalf of the  
25 respondent's minor children, the court shall advise the petitioner that  
26 the petitioner may apply for renewal of the order as provided in this  
27 chapter or if appropriate may seek relief pursuant to chapter 26.09 or  
28 26.10 RCW.

29 (5) At any time within the three months before the expiration of  
30 the order, the petitioner may apply for a renewal of the order by  
31 filing a petition for renewal. The petition for renewal shall state  
32 the reasons why the petitioner seeks to renew the protection order.  
33 Upon receipt of the petition for renewal, the court shall order a  
34 hearing which shall be not later than fourteen days from the date of  
35 the order. Except as provided in RCW 10.14.085, personal service shall  
36 be made upon the respondent not less than five days before the hearing.  
37 If timely service cannot be made the court shall set a new hearing date  
38 and shall either require additional attempts at obtaining personal  
39 service or permit service by publication as provided by RCW 10.14.085.

1 If the court permits service by publication, the court shall set the  
2 new hearing date not later than twenty-four days from the date of the  
3 order. If the order expires because timely service cannot be made the  
4 court shall grant an ex parte order of protection as provided in this  
5 section. The court shall grant the petition for renewal unless the  
6 respondent proves by a preponderance of the evidence that the  
7 respondent will not resume harassment of the petitioner when the order  
8 expires. The court may renew the protection order for another fixed  
9 time period or may enter a permanent order as provided in subsection  
10 (4) of this section.

11 (6) The court, in granting an ex parte temporary antiharassment  
12 protection order or a civil antiharassment protection order, shall have  
13 broad discretion to grant such relief as the court deems proper,  
14 including an order:

15 (a) Restraining the respondent from making any attempts to contact  
16 the petitioner or a minor child of the petitioner;

17 (b) Restraining the respondent from making any attempts to keep the  
18 petitioner or a minor child of the petitioner under surveillance;

19 (c) Requiring the respondent to stay ~~((a stated distance))~~ one  
20 hundred to one thousand feet from the petitioner, a minor child of the  
21 petitioner, or the petitioner's residence and workplace; ((and))

22 (d) Considering the provisions of RCW 9.41.800;

23 (e) Requiring the respondent to participate in batterer's  
24 treatment; or

25 (f) Requiring the respondent to submit to electronic monitoring.  
26 The order shall specify who shall provide the electronic monitoring  
27 services and the terms under which the electronic monitoring shall be  
28 performed. The order also may include a requirement that the  
29 respondent pay the costs of the electronic monitoring. The court shall  
30 consider the ability of the respondent to pay for electronic  
31 monitoring.

32 (7) A petitioner may not obtain an ex parte temporary  
33 antiharassment protection order against a respondent if the petitioner  
34 has previously obtained two such ex parte orders against the same  
35 respondent but has failed to obtain the issuance of a civil  
36 antiharassment protection order unless good cause for such failure can  
37 be shown.

38 (8) The court order shall specify the date an order issued pursuant  
39 to subsections (4) and (5) of this section expires if any. The court

1 order shall also state whether the court issued the protection order  
2 following personal service or service by publication and whether the  
3 court has approved service by publication of an order issued under this  
4 section.

5 (9) When determining whether to issue an ex parte temporary  
6 antiharassment protection order or a civil antiharassment protection  
7 order, the court shall consider the physical or psychological danger  
8 posed by the respondent to any child. If the court finds that such  
9 danger exists, an ex parte temporary antiharassment protection order or  
10 a civil antiharassment protection order issued under this section may  
11 supersede any parenting plan that would otherwise allow the respondent  
12 to have contact with the child.

13 NEW SECTION. Sec. 8. A new section is added to chapter 10.14 RCW  
14 to read as follows:

15 (1) When the court is not in session, a person seeking relief under  
16 this chapter may petition a hearing officer for an emergency ex parte  
17 temporary antiharassment protection order. The hearing officer may  
18 grant the emergency ex parte temporary antiharassment protection order  
19 if the petitioner shows reasonable proof of unlawful harassment of the  
20 petitioner or a minor child of the petitioner by the respondent and  
21 that great or irreparable harm will result to the petitioner or a minor  
22 child of the petitioner if the emergency ex parte temporary  
23 antiharassment protection order is not granted. A hearing officer may  
24 issue an emergency ex parte temporary antiharassment protection order  
25 by telephone. When issuing an emergency ex parte temporary  
26 antiharassment protection order under this section, the hearing officer  
27 shall grant relief proper in the circumstances, including an order:

28 (a) Restraining the respondent from making any attempts to contact  
29 the petitioner or a minor child of the petitioner;

30 (b) Restraining the respondent from making any attempts to keep the  
31 petitioner or a minor child of the petitioner under surveillance;

32 (c) Requiring the respondent to stay one hundred to one thousand  
33 feet from the petitioner, a minor child of the petitioner, or the  
34 petitioner's residence and workplace;

35 (d) Considering the provisions of RCW 9.41.800; or

36 (e) Requiring the respondent to submit to electronic monitoring.  
37 The order shall specify who shall provide the electronic monitoring  
38 services and the terms under which the electronic monitoring shall be

1 performed. A civil antiharassment protection order also may include a  
2 requirement that the respondent pay the costs of any electronic  
3 monitoring authorized by this subsection. The court shall consider the  
4 ability of the respondent to pay for electronic monitoring.

5 (2) When determining whether to grant an emergency ex parte  
6 temporary antiharassment protection order under this section, the court  
7 may consider factors including but not limited to:

8 (a) The respondent's previous criminal history, if any;

9 (b) Whether the respondent has previously been subject to an  
10 antiharassment protection order issued under this chapter or chapter  
11 26.09, 26.10, or 26.26 RCW, a court order issued under chapter 9A.46 or  
12 10.99 RCW, a domestic violence protection order issued under chapter  
13 26.09, 26.10, 26.26, or 26.50 RCW, a restraining order bearing a  
14 criminal offense legend issued under chapter 26.09, 26.10, 26.26, or  
15 26.44 RCW, or any federal or out-of-state order that is comparable to  
16 a no-contact order or protection order issued under Washington law;

17 (c) Whether the petitioner has previously requested an  
18 antiharassment protection order under this chapter or chapter 26.09,  
19 26.10, or 26.26 RCW, a domestic violence protection order under chapter  
20 26.09, 26.10, 26.26, or 26.50 RCW, a restraining order bearing a  
21 criminal offense legend under chapter 26.09, 26.10, 26.26, or 26.44  
22 RCW, or any federal or out-of-state order that is comparable to a no-  
23 contact order or protection order under Washington law against the  
24 respondent; or

25 (d) Any sworn affidavit from a third party attesting to the alleged  
26 harassment.

27 (3) An emergency ex parte temporary antiharassment protection order  
28 issued under this section shall expire when the court is in session.  
29 At that time, the petitioner may seek an ex parte temporary  
30 antiharassment protection order or a civil antiharassment protection  
31 order under this chapter.

32 (4) When issuing an emergency ex parte temporary antiharassment  
33 protection order under this section, the hearing officer shall inform  
34 the petitioner that the order will expire when the court is in session,  
35 and that the petitioner may petition the court for an ex parte  
36 temporary antiharassment protection order or a civil antiharassment  
37 protection order at that time.

38 (5) A petitioner may not obtain an emergency ex parte temporary  
39 antiharassment protection order against a respondent if the petitioner

1 has previously obtained two emergency ex parte temporary antiharassment  
2 protection orders against the same respondent but has failed to obtain  
3 the issuance of an ex parte temporary antiharassment protection order  
4 or a civil antiharassment protection order unless good cause for such  
5 failure can be shown.

6 (6) When determining whether to issue an emergency ex parte  
7 temporary antiharassment protection order, the hearing officer shall  
8 consider the physical or psychological danger posed by the respondent  
9 to any child. If the hearing officer finds that such danger exists, an  
10 emergency ex parte temporary antiharassment protection order issued  
11 under this section may supersede any parenting plan that would  
12 otherwise allow the respondent to have contact with the child.

13 **Sec. 9.** RCW 10.14.110 and 1992 c 143 s 16 are each amended to read  
14 as follows:

15 (1) A copy of an antiharassment protection order granted under this  
16 chapter shall be forwarded by the clerk of the court or, in the case of  
17 an emergency ex parte temporary antiharassment protection order granted  
18 under section 8 of this act, the hearing officer on or before the next  
19 judicial day to the appropriate law enforcement agency specified in the  
20 order.

21 Upon receipt of the order, the law enforcement agency shall  
22 forthwith enter the order into any computer-based criminal intelligence  
23 information system available in this state used by law enforcement  
24 agencies to list outstanding warrants. The law enforcement agency  
25 shall expunge expired orders from the computer system. Entry into the  
26 law enforcement information system constitutes notice to all law  
27 enforcement agencies of the existence of the order. The order is fully  
28 enforceable in any county in the state.

29 (2) The information entered into the computer-based system shall  
30 include notice to law enforcement whether the order was personally  
31 served or served by publication.

32 **Sec. 10.** RCW 10.14.115 and 1992 c 143 s 17 are each amended to  
33 read as follows:

34 (1) When the court issues an order of protection pursuant to RCW  
35 10.14.080 or the hearing officer issues an emergency ex parte temporary  
36 antiharassment protection order pursuant to section 8 of this act, the  
37 court or hearing officer shall advise the petitioner that the

1 respondent may not be subjected to the penalties set forth in RCW  
2 10.14.120 and 10.14.170 for a violation of the order unless the  
3 respondent knows of the order.

4 (2) When a peace officer investigates a report of an alleged  
5 violation of an order for protection issued under this chapter the  
6 officer shall attempt to determine whether the respondent knew of the  
7 existence of the protection order. If the officer determines that the  
8 respondent did not or probably did not know about the protection order,  
9 the officer shall make reasonable efforts to obtain a copy of the  
10 protection order and serve it on the respondent during the  
11 investigation.

12 **Sec. 11.** RCW 10.14.160 and 1992 c 127 s 1 are each amended to read  
13 as follows:

14 For the purposes of this chapter an action may be brought in:

15 (1) The judicial district of the county in which the alleged acts  
16 of unlawful harassment occurred;

17 (2) The judicial district of the county where any respondent  
18 resides at the time the petition is filed; ~~((or))~~

19 (3) The judicial district of the county where a respondent may be  
20 served if it is the same county or judicial district where a respondent  
21 resides;

22 (4) The judicial district of the county where any petitioner  
23 resides at the time the petition is filed; or

24 (5) The judicial district of the county where any petitioner is  
25 employed.

26 **Sec. 12.** RCW 10.14.170 and 1987 c 280 s 17 are each amended to  
27 read as follows:

28 (1) Any respondent who willfully disobeys any civil antiharassment  
29 protection order issued pursuant to this chapter shall be guilty of a  
30 gross misdemeanor except as provided in subsection (2) of this section.

31 (2) Any respondent who willfully disobeys any civil antiharassment  
32 protection order issued pursuant to this chapter shall be guilty of a  
33 class C felony if the respondent has at least two previous convictions  
34 for violating the provisions of an antiharassment protection order  
35 issued under this chapter or chapter 26.09, 26.10, or 26.26 RCW, a  
36 court order issued under chapter 9A.46 or 10.99 RCW, a domestic  
37 violence protection order issued under chapter 26.09, 26.10, 26.26, or

1 26.50 RCW, a restraining order bearing a criminal offense legend issued  
2 under chapter 26.09, 26.10, 26.26, or 26.44 RCW, or any federal or out-  
3 of-state order that is comparable to a no-contact order or protection  
4 order issued under Washington law. The previous convictions may  
5 involve the same person or other persons specifically protected by the  
6 orders the respondent violated.

7 **Sec. 13.** RCW 10.31.100 and 1997 c 66 s 10 are each amended to read  
8 as follows:

9 A police officer having probable cause to believe that a person has  
10 committed or is committing a felony shall have the authority to arrest  
11 the person without a warrant. A police officer may arrest a person  
12 without a warrant for committing a misdemeanor or gross misdemeanor  
13 only when the offense is committed in the presence of the officer,  
14 except as provided in subsections (1) through (10) of this section.

15 (1) Any police officer having probable cause to believe that a  
16 person has committed or is committing a misdemeanor or gross  
17 misdemeanor, involving physical harm or threats of harm to any person  
18 or property or the unlawful taking of property or involving the use or  
19 possession of cannabis, or involving the acquisition, possession, or  
20 consumption of alcohol by a person under the age of twenty-one years  
21 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070  
22 or 9A.52.080, shall have the authority to arrest the person.

23 (2) A police officer shall arrest and take into custody, pending  
24 release on bail, personal recognizance, or court order, a person  
25 without a warrant when the officer has probable cause to believe that:

26 (a) An order has been issued of which the person has knowledge  
27 under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,  
28 26.10.115, 26.44.063, chapter 10.14 RCW, chapter 26.26 RCW, or chapter  
29 26.50 RCW restraining the person and the person has violated the terms  
30 of the order restraining the person from acts or threats of violence,  
31 from contacting or coming within one hundred to one thousand feet of  
32 another person, or (~~restraining the person~~) from going onto the  
33 grounds of (~~or~~), entering, or coming within one hundred to one  
34 thousand feet of a residence, workplace, school, or day care or, in the  
35 case of an order issued under RCW 26.44.063, imposing any other  
36 restrictions or conditions upon the person; or

37 (b) The person is sixteen years or older and within the preceding  
38 four hours has assaulted a family or household member as defined in RCW

1 10.99.020 and the officer believes: (i) A felonious assault has  
2 occurred; (ii) an assault has occurred which has resulted in bodily  
3 injury to the victim, whether the injury is observable by the  
4 responding officer or not; or (iii) that any physical action has  
5 occurred which was intended to cause another person reasonably to fear  
6 imminent serious bodily injury or death. Bodily injury means physical  
7 pain, illness, or an impairment of physical condition. When the  
8 officer has probable cause to believe that family or household members  
9 have assaulted each other, the officer is not required to arrest both  
10 persons. The officer shall arrest the person whom the officer believes  
11 to be the primary physical aggressor. In making this determination,  
12 the officer shall make every reasonable effort to consider: (i) The  
13 intent to protect victims of domestic violence under RCW 10.99.010;  
14 (ii) the comparative extent of injuries inflicted or serious threats  
15 creating fear of physical injury; ~~((and))~~ (iii) the history of domestic  
16 violence between the persons involved; and (iv) any physical or  
17 psychological danger to any child.

18 (3) Any police officer having probable cause to believe that a  
19 person has committed or is committing a violation of any of the  
20 following traffic laws shall have the authority to arrest the person:

21 (a) RCW 46.52.010, relating to duty on striking an unattended car  
22 or other property;

23 (b) RCW 46.52.020, relating to duty in case of injury to or death  
24 of a person or damage to an attended vehicle;

25 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or  
26 racing of vehicles;

27 (d) RCW 46.61.502 or 46.61.504, relating to persons under the  
28 influence of intoxicating liquor or drugs;

29 (e) RCW 46.20.342, relating to driving a motor vehicle while  
30 operator's license is suspended or revoked;

31 (f) RCW 46.61.5249, relating to operating a motor vehicle in a  
32 negligent manner.

33 (4) A law enforcement officer investigating at the scene of a motor  
34 vehicle accident may arrest the driver of a motor vehicle involved in  
35 the accident if the officer has probable cause to believe that the  
36 driver has committed in connection with the accident a violation of any  
37 traffic law or regulation.



1 (5) Any police officer having probable cause to believe that a  
2 person has committed or is committing a violation of RCW 88.12.025  
3 shall have the authority to arrest the person.

4 (6) An officer may act upon the request of a law enforcement  
5 officer in whose presence a traffic infraction was committed, to stop,  
6 detain, arrest, or issue a notice of traffic infraction to the driver  
7 who is believed to have committed the infraction. The request by the  
8 witnessing officer shall give an officer the authority to take  
9 appropriate action under the laws of the state of Washington.

10 (7) Any police officer having probable cause to believe that a  
11 person has committed or is committing any act of indecent exposure, as  
12 defined in RCW 9A.88.010, may arrest the person.

13 (8) A police officer may arrest and take into custody, pending  
14 release on bail, personal recognizance, or court order, a person  
15 without a warrant when the officer has probable cause to believe that  
16 an order has been issued of which the person has knowledge under  
17 chapter 10.14 RCW and the person has violated the terms of that order.

18 (9) Any police officer having probable cause to believe that a  
19 person has, within twenty-four hours of the alleged violation,  
20 committed a violation of RCW 9A.50.020 may arrest such person.

21 (10) A police officer having probable cause to believe that a  
22 person illegally possesses or illegally has possessed a firearm or  
23 other dangerous weapon on private or public elementary or secondary  
24 school premises shall have the authority to arrest the person.

25 For purposes of this subsection, the term "firearm" has the meaning  
26 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning  
27 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

28 (11) Except as specifically provided in subsections (2), (3), (4),  
29 and (6) of this section, nothing in this section extends or otherwise  
30 affects the powers of arrest prescribed in Title 46 RCW.

31 (12) No police officer may be held criminally or civilly liable for  
32 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police  
33 officer acts in good faith and without malice.

34 **Sec. 14.** RCW 10.99.040 and 1997 c 338 s 54 are each amended to  
35 read as follows:

36 (1) Because of the serious nature of domestic violence, the court  
37 in domestic violence actions:

1 (a) Shall not dismiss any charge or delay disposition because of  
2 concurrent dissolution or other civil proceedings;

3 (b) Shall not require proof that either party is seeking a  
4 dissolution of marriage prior to instigation of criminal proceedings;

5 (c) Shall waive any requirement that the victim's location be  
6 disclosed to any person, other than the attorney of a criminal  
7 defendant, upon a showing that there is a possibility of further  
8 violence: PROVIDED, That the court may order a criminal defense  
9 attorney not to disclose to his or her client the victim's location;  
10 and

11 (d) Shall identify by any reasonable means on docket sheets those  
12 criminal actions arising from acts of domestic violence.

13 (2) Because of the likelihood of repeated violence directed at  
14 those who have been victims of domestic violence in the past, when any  
15 person charged with or arrested for a crime involving domestic violence  
16 is released from custody before arraignment or trial on bail or  
17 personal recognizance, the court authorizing the release may prohibit  
18 that person from having any contact with the victim or any child or  
19 coming within one hundred to one thousand feet of the victim or any  
20 child. The jurisdiction authorizing the release shall determine  
21 whether that person should be prohibited from having any contact with  
22 the victim or any child or coming within one hundred to one thousand  
23 feet of the victim or any child. When making this determination, the  
24 court shall consider any physical or psychological danger posed by the  
25 defendant to any child. If there is no outstanding restraining or  
26 protective order prohibiting that person from having contact with the  
27 victim or any child or coming within one hundred to one thousand feet  
28 of the victim or any child, the court authorizing release may issue, by  
29 telephone, a no-contact order prohibiting the person charged or  
30 arrested from having contact with the victim or any child or coming  
31 within one hundred to one thousand feet of the victim or any child. In  
32 issuing the order, the court shall consider the provisions of RCW  
33 9.41.800. The no-contact order shall also be issued in writing as soon  
34 as possible. If the court finds that the defendant poses physical or  
35 psychological danger to any child, the no-contact order may supersede  
36 any parenting plan that would otherwise allow the defendant to have  
37 contact with the child.

38 (3) At the time of arraignment the court shall determine whether a  
39 no-contact order shall be issued or extended. (~~If a no-contact order~~

1 ~~is issued or extended, the court may also include in the conditions of~~  
2 ~~release a requirement))~~ When making this determination, the court shall  
3 consider the physical or psychological danger posed by the defendant to  
4 any child. If the court finds that such danger exists, the no-contact  
5 order may supersede any parenting plan that would otherwise allow the  
6 defendant to have contact with the child.

7 (4) A no-contact order issued under this section may require that  
8 the defendant submit to electronic monitoring. If electronic  
9 monitoring is ordered, the court shall specify who shall provide the  
10 monitoring services, and the terms under which the monitoring shall be  
11 performed. Upon conviction, the court may require as a condition of  
12 the sentence that the defendant reimburse the providing agency for the  
13 costs of the electronic monitoring.

14 ~~((+4))~~ (5)(a) Willful violation of a court order issued under  
15 subsection (2) or (3) of this section is a gross misdemeanor except as  
16 provided in (b) and (c) of this subsection ((+4)). Upon conviction  
17 and in addition to other penalties provided by law, the court may  
18 require that the defendant submit to electronic monitoring. The court  
19 shall specify who shall provide the electronic monitoring services and  
20 the terms under which the monitoring must be performed. The court also  
21 may include a requirement that the defendant pay the costs of the  
22 monitoring. The court shall consider the ability of the convicted  
23 person to pay for electronic monitoring.

24 (b) Any assault that is a violation of an order issued under this  
25 section and that does not amount to assault in the first or second  
26 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable  
27 under chapter 9A.20 RCW, and any conduct in violation of a protective  
28 order issued under this section that is reckless and creates a  
29 substantial risk of death or serious physical injury to another person  
30 is a class C felony punishable under chapter 9A.20 RCW.

31 (c) A willful violation of a court order issued under this section  
32 is a class C felony if the offender has at least two previous  
33 convictions for violating the provisions of a no-contact order issued  
34 under this chapter, a court order issued under chapter 9A.46 RCW, a  
35 domestic violence protection order issued under chapter 26.09, 26.10,  
36 26.26, or 26.50 RCW, an antiharassment protection order issued under  
37 chapter 10.14, 26.09, 26.10, or 26.26 RCW, a restraining order bearing  
38 a criminal offense legend issued under chapter 26.09, 26.10, 26.26, or  
39 26.44 RCW, or any federal or out-of-state order that is comparable to

1 a no-contact order or protection order issued under Washington law.  
2 The previous convictions may involve the same victim or other victims  
3 specifically protected by the no-contact orders or protection orders  
4 the offender violated.

5 (d) The written order releasing the person charged or arrested  
6 shall contain the court's directives and shall bear the legend:  
7 "Violation of this order is a criminal offense under chapter 10.99 RCW  
8 and will subject a violator to arrest; any assault, drive-by shooting,  
9 or reckless endangerment that is a violation of this order is a felony.  
10 You can be arrested even if any person protected by the order invites  
11 or allows you to violate the order's prohibitions. You have the sole  
12 responsibility to avoid or refrain from violating the order's  
13 provisions. Only the court can change the order." A certified copy of  
14 the order shall be provided to the victim. If a no-contact order has  
15 been issued prior to charging, that order shall expire at arraignment  
16 or within seventy-two hours if charges are not filed. Such orders need  
17 not be entered into the computer-based criminal intelligence  
18 information system in this state which is used by law enforcement  
19 agencies to list outstanding warrants.

20 ((+5)) (6) Whenever an order prohibiting contact is issued,  
21 modified, or terminated under subsection (2) or (3) of this section,  
22 the clerk of the court shall forward a copy of the order on or before  
23 the next judicial day to the appropriate law enforcement agency  
24 specified in the order. Upon receipt of the copy of the order the law  
25 enforcement agency shall forthwith enter the order for one year or  
26 until the expiration date specified on the order into any computer-  
27 based criminal intelligence information system available in this state  
28 used by law enforcement agencies to list outstanding warrants. Entry  
29 into the law enforcement information system constitutes notice to all  
30 law enforcement agencies of the existence of the order. The order is  
31 fully enforceable in any jurisdiction in the state.

32 **Sec. 15.** RCW 10.99.045 and 1998 c 55 s 2 are each amended to read  
33 as follows:

34 (1) A defendant arrested for an offense involving domestic violence  
35 as defined by RCW 10.99.020 shall be required to appear in person  
36 before a magistrate within one judicial day after the arrest.

37 (2) A defendant who is charged by citation, complaint, or  
38 information with an offense involving domestic violence as defined by

1 RCW 10.99.020 and not arrested shall appear in court for arraignment in  
2 person as soon as practicable, but in no event later than fourteen days  
3 after the next day on which court is in session following the issuance  
4 of the citation or the filing of the complaint or information.

5 (3) At the time of the appearances provided in subsection (1) or  
6 (2) of this section, the court shall determine the necessity of  
7 imposing a no-contact order or other conditions of pretrial release  
8 according to the procedures established by court rule for a preliminary  
9 appearance or an arraignment. When making this determination, the  
10 court shall consider the physical or psychological danger posed by the  
11 defendant to any child. If the court finds that such danger exists, a  
12 no-contact order issued under this section may supersede any parenting  
13 plan that would otherwise allow the defendant to have contact with the  
14 child. The court may include in the order:

15 (a) Any conditions authorized under RCW 9.41.800;

16 (b) A requirement that the defendant refrain from coming within one  
17 hundred to one thousand feet of the victim or any child; or

18 (c) A requirement that the defendant submit to electronic  
19 monitoring. The order shall specify who shall provide the electronic  
20 monitoring services and the terms under which the electronic monitoring  
21 shall be performed. Upon conviction, the court may require as a  
22 condition of the sentence that the defendant reimburse the providing  
23 agency for the costs of the electronic monitoring.

24 (4) Appearances required pursuant to this section are mandatory and  
25 cannot be waived.

26 (5) The no-contact order shall be issued and entered with the  
27 appropriate law enforcement agency pursuant to the procedures outlined  
28 in RCW 10.99.040 (2) and (~~(4)~~) (5).

29 **Sec. 16.** RCW 10.99.050 and 1997 c 338 s 55 are each amended to  
30 read as follows:

31 (1) When a defendant is found guilty of a crime and a condition of  
32 the sentence restricts the defendant's ability to have contact with the  
33 victim or any child or come within one hundred to one thousand feet of  
34 the victim or any child, such condition shall be recorded and a written  
35 certified copy of that order shall be provided to the victim.

36 (2) Willful violation of a court order issued under this section is  
37 a gross misdemeanor. Any assault that is a violation of an order  
38 issued under this section and that does not amount to assault in the

1 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C  
2 felony, and any conduct in violation of a protective order issued under  
3 this section that is reckless and creates a substantial risk of death  
4 or serious physical injury to another person is a class C felony. A  
5 willful violation of a court order issued under this section is also a  
6 class C felony if the offender has at least two previous convictions  
7 for violating the provisions of a no-contact order issued under this  
8 chapter, ~~((or))~~ a court order issued under chapter 9A.46 RCW, a  
9 domestic violence protection order issued under chapter 26.09, 26.10,  
10 26.26, or 26.50 RCW, an antiharassment protection order issued under  
11 chapter 10.14, 26.09, 26.10, or 26.26 RCW, a restraining order bearing  
12 a criminal offense legend issued under chapter 26.09, 26.10, 26.26, or  
13 26.44 RCW, or any federal or out-of-state order that is comparable to  
14 a no-contact order or protection order that is issued under Washington  
15 law. The previous convictions may involve the same victim or other  
16 victims specifically protected by the no-contact orders or protection  
17 orders the offender violated.

18 The written order shall contain the court's directives and shall  
19 bear the legend: Violation of this order is a criminal offense under  
20 chapter 10.99 RCW and will subject a violator to arrest; any assault,  
21 drive-by shooting, or reckless endangerment that is a violation of this  
22 order is a felony.

23 (3) Whenever an order prohibiting contact with or coming within one  
24 hundred to one thousand feet of the victim or any child is issued  
25 pursuant to this section, the clerk of the court shall forward a copy  
26 of the order on or before the next judicial day to the appropriate law  
27 enforcement agency specified in the order. Upon receipt of the copy of  
28 the order the law enforcement agency shall forthwith enter the order  
29 for one year into any computer-based criminal intelligence information  
30 system available in this state used by law enforcement agencies to list  
31 outstanding warrants. Entry into the law enforcement information  
32 system constitutes notice to all law enforcement agencies of the  
33 existence of the order. The order is fully enforceable in any  
34 jurisdiction in the state.

35 **Sec. 17.** RCW 26.09.050 and 1995 c 93 s 2 are each amended to read  
36 as follows:

37 (1) In entering a decree of dissolution of marriage, legal  
38 separation, or declaration of invalidity, the court shall determine the

1 marital status of the parties, make provision for a parenting plan for  
2 any minor child of the marriage, make provision for the support of any  
3 child of the marriage entitled to support, consider or approve  
4 provision for the maintenance of either spouse, make provision for the  
5 disposition of property and liabilities of the parties, make provision  
6 for the allocation of the children as federal tax exemptions, make  
7 provision for any necessary continuing restraining orders taking into  
8 account any physical or psychological danger posed by either party to  
9 any child and including the provisions contained in RCW 9.41.800, make  
10 provision for the issuance within this action of the restraint  
11 provisions of a domestic violence protection order under chapter 26.50  
12 RCW or an antiharassment protection order under chapter 10.14 RCW, and  
13 make provision for the change of name of any party.

14 (2) A restraining order issued under this section shall provide  
15 relief proper under the circumstances and may require the person to:

16 (a) Participate in batterer's treatment;

17 (b) Refrain from coming within one hundred to one thousand feet of  
18 another party or any child; or

19 (c) Submit to electronic monitoring. The order shall specify who  
20 shall provide the electronic monitoring services and the terms under  
21 which the monitoring shall be performed. The order also may include a  
22 requirement that the respondent pay the costs of the electronic  
23 monitoring. The court shall consider the ability of the person to pay  
24 for electronic monitoring.

25 (3) Restraining orders issued under this section restraining the  
26 person from acts or threats of violence or molesting or disturbing  
27 another party or any child, from contacting or coming within one  
28 hundred to one thousand feet of another party or any child, or from  
29 going onto the grounds of ((~~or~~)), entering, or coming within one  
30 hundred to one thousand feet of the home, workplace, or school of the  
31 other party or the day care or school of any child shall prominently  
32 bear on the front page of the order the legend: VIOLATION OF THIS  
33 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
34 CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

35 ((+3+)) (4) The court shall order that any restraining order  
36 bearing a criminal offense legend, any domestic violence protection  
37 order, or any antiharassment protection order granted under this  
38 section, in addition to the law enforcement information sheet or proof  
39 of service of the order, be forwarded by the clerk of the court on or

1 before the next judicial day to the appropriate law enforcement agency  
2 specified in the order. Upon receipt of the order, the law enforcement  
3 agency shall forthwith enter the order into any computer-based criminal  
4 intelligence information system available in this state used by law  
5 enforcement agencies to list outstanding warrants. The order is fully  
6 enforceable in any county in the state.

7 (5) If the court finds that the person poses physical or  
8 psychological danger to any child, a restraining order issued under  
9 this section may supersede any parenting plan that would otherwise  
10 allow the person to have contact with the child.

11 **Sec. 18.** RCW 26.09.060 and 1995 c 246 s 26 are each amended to  
12 read as follows:

13 (1) In a proceeding for:

14 (a) Dissolution of marriage, legal separation, or a declaration of  
15 invalidity; or

16 (b) Disposition of property or liabilities, maintenance, or support  
17 following dissolution of the marriage by a court which lacked personal  
18 jurisdiction over the absent spouse; either party may move for  
19 temporary maintenance or for temporary support of children entitled to  
20 support. The motion shall be accompanied by an affidavit setting forth  
21 the factual basis for the motion and the amounts requested.

22 (2) As a part of a motion for temporary maintenance or support or  
23 by independent motion accompanied by affidavit, either party may  
24 request the court to issue a temporary restraining order or preliminary  
25 injunction, providing relief proper in the circumstances, and  
26 restraining or enjoining any person from:

27 (a) Transferring, removing, encumbering, concealing, or in any way  
28 disposing of any property except in the usual course of business or for  
29 the necessities of life, and, if so restrained or enjoined, requiring  
30 him or her to notify the moving party of any proposed extraordinary  
31 expenditures made after the order is issued;

32 (b) Acts or threats of violence or molesting or disturbing the  
33 peace of the other party or of any child;

34 (c) Going onto the grounds of ((~~or~~)), entering, or coming within  
35 one hundred to one thousand feet of the home, workplace, or school of  
36 the other party or the day care or school of any child upon a showing  
37 of the necessity therefor;

38 (d) Removing a child from the jurisdiction of the court; or



1       (e) Contacting or coming within one hundred to one thousand feet of  
2 another party or child.

3       (3) Either party may request a domestic violence protection order  
4 under chapter 26.50 RCW or an antiharassment protection order under  
5 chapter 10.14 RCW on a temporary basis. The court may grant any of the  
6 relief provided in RCW 26.50.060 except relief pertaining to  
7 residential provisions for the children which provisions shall be  
8 provided for under this chapter, and any of the relief provided in RCW  
9 10.14.080. Ex parte orders issued under this subsection shall be  
10 effective for a fixed period not to exceed fourteen days, or upon court  
11 order, not to exceed twenty-four days if necessary to ensure that all  
12 temporary motions in the case can be heard at the same time.

13       (4) In issuing the order, the court may require the person to  
14 submit to electronic monitoring. The order shall specify who shall  
15 provide the electronic monitoring services and the terms under which  
16 the electronic monitoring shall be performed. The order also may  
17 include a requirement that the person pay the costs of the electronic  
18 monitoring. The court shall consider the ability of the person to pay  
19 for electronic monitoring. In issuing the order, the court shall  
20 consider the provisions of RCW 9.41.800.

21       (5) The court may issue a temporary restraining order without  
22 requiring notice to the other party only if it finds on the basis of  
23 the moving affidavit or other evidence that irreparable injury could  
24 result if an order is not issued until the time for responding has  
25 elapsed. When determining whether to grant such a temporary  
26 restraining order, the court may consider factors including but not  
27 limited to:

28       (a) The previous criminal history of the party against whom the  
29 restraining order is sought, if any;

30       (b) Whether the party against whom the restraining order is sought  
31 has previously been subject to a court order issued under chapter 9A.46  
32 or 10.99 RCW, a domestic violence protection order issued under this  
33 chapter or chapter 26.10, 26.26, or 26.50 RCW, an antiharassment  
34 protection order issued under this chapter or chapter 10.14, 26.10, or  
35 26.26 RCW, a restraining order bearing a criminal offense legend issued  
36 under this chapter or chapter 26.10, 26.26, or 26.44 RCW, or any  
37 federal or out-of-state order that is comparable to a no-contact order  
38 or protection order issued under Washington law;

1        (c) Whether the party seeking the restraining order has previously  
2 requested a domestic violence protection order under this chapter or  
3 chapter 26.10, 26.26, or 26.50 RCW, an antiharassment protection order  
4 under this chapter or chapter 10.14, 26.10, or 26.26 RCW, a restraining  
5 order bearing a criminal offense legend under this chapter or chapter  
6 26.10, 26.26, or 26.44 RCW, or any federal or out-of-state order that  
7 is comparable to a no-contact order or protection order under  
8 Washington law against the party against whom the restraining order is  
9 sought; or

10        (d) Any sworn affidavit from a third party attesting to the danger  
11 of irreparable injury to the party seeking the restraining order.

12        (6) The court may issue a temporary restraining order or  
13 preliminary injunction and an order for temporary maintenance or  
14 support in such amounts and on such terms as are just and proper in the  
15 circumstances. The court may in its discretion waive the filing of the  
16 bond or the posting of security.

17        (7) Restraining orders issued under this section restraining the  
18 person from acts or threats of violence or molesting or disturbing  
19 another party or any child, from contacting or coming within one  
20 hundred to one thousand feet of another party or any child, or from  
21 going onto the grounds of ((~~or~~)), entering, or coming within one  
22 hundred to one thousand feet of the home, workplace, or school of the  
23 other party or the day care or school of any child shall prominently  
24 bear on the front page of the order the legend: VIOLATION OF THIS  
25 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
26 CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

27        (8) The court shall order that any temporary restraining order  
28 bearing a criminal offense legend, any domestic violence protection  
29 order, or any antiharassment protection order granted under this  
30 section be forwarded by the clerk of the court on or before the next  
31 judicial day to the appropriate law enforcement agency specified in the  
32 order. Upon receipt of the order, the law enforcement agency shall  
33 forthwith enter the order into any computer-based criminal intelligence  
34 information system available in this state used by law enforcement  
35 agencies to list outstanding warrants. Entry into the law enforcement  
36 information system constitutes notice to all law enforcement agencies  
37 of the existence of the order. The order is fully enforceable in any  
38 county in the state.

1 (9) A temporary order, temporary restraining order, or preliminary  
2 injunction:

3 (a) Does not prejudice the rights of a party or any child which are  
4 to be adjudicated at subsequent hearings in the proceeding;

5 (b) May be revoked or modified;

6 (c) Terminates when the final decree is entered, except as provided  
7 under subsection (10) of this section, or when the petition for  
8 dissolution, legal separation, or declaration of invalidity is  
9 dismissed;

10 (d) May be entered in a proceeding for the modification of an  
11 existing decree.

12 (10) Delinquent support payments accrued under an order for  
13 temporary support remain collectible and are not extinguished when a  
14 final decree is entered unless the decree contains specific language to  
15 the contrary. A support debt under a temporary order owed to the state  
16 for public assistance expenditures shall not be extinguished by the  
17 final decree if:

18 (a) The obligor was given notice of the state's interest under  
19 chapter 74.20A RCW; or

20 (b) The temporary order directs the obligor to make support  
21 payments to the office of support enforcement or the Washington state  
22 support registry.

23 (11) When determining whether to grant any temporary restraining  
24 order under this section, the court shall consider any physical or  
25 psychological danger posed by the person against whom the restraining  
26 order is sought to any child. If the court finds that such danger  
27 exists, a temporary restraining order issued under this section may  
28 supersede any parenting plan that would otherwise allow the person to  
29 have contact with the child.

30 **Sec. 19.** RCW 26.09.300 and 1996 c 248 s 9 are each amended to read  
31 as follows:

32 (1)(a) Whenever a restraining order is issued under this chapter,  
33 and the person to be restrained knows of the order, a violation of the  
34 provisions restricting the person from acts or threats of violence or  
35 molesting or disturbing another party or any child, from contacting or  
36 coming within one hundred to one thousand feet of another party or any  
37 child, or ((of a provision restraining the person)) from going onto the  
38 grounds of ((or)), entering, or coming within one hundred to one

1 thousand feet of the residence, workplace, school, or day care of  
2 another is a misdemeanor except as provided in (b) of this subsection.

3 (b) A violation of a restraining order under (a) of this subsection  
4 is a gross misdemeanor if the offender has at least two previous  
5 convictions for violating a restraining order under (a) of this  
6 subsection, a court order issued under chapter 9A.46 or 10.99 RCW, a  
7 domestic violence protection order issued under this chapter or chapter  
8 26.10, 26.26, or 26.50 RCW, an antiharassment protection order issued  
9 under this chapter or chapter 10.14, 26.10, or 26.26 RCW, a restraining  
10 order bearing a criminal offense legend issued under chapter 26.10,  
11 26.26, or 26.44 RCW, or any federal or out-of-state order that is  
12 comparable to a no-contact order or protection order issued under  
13 Washington law. The previous convictions may involve the same person  
14 or other persons specifically protected by the orders the offender  
15 violated.

16 (2) A person is deemed to have notice of a restraining order if:

17 (a) The person to be restrained or the person's attorney signed the  
18 order;

19 (b) The order recites that the person to be restrained or the  
20 person's attorney appeared in person before the court;

21 (c) The order was served upon the person to be restrained; or

22 (d) The peace officer gives the person oral or written evidence of  
23 the order by reading from it or handing to the person a certified copy  
24 of the original order, certified to be an accurate copy of the original  
25 by a notary public or by the clerk of the court.

26 (3) A peace officer shall verify the existence of a restraining  
27 order by:

28 (a) Obtaining information confirming the existence and terms of the  
29 order from a law enforcement agency; or

30 (b) Obtaining a certified copy of the order, certified to be an  
31 accurate copy of the original by a notary public or by the clerk of the  
32 court.

33 (4) A peace officer shall arrest and take into custody, pending  
34 release on bail, personal recognizance, or court order, a person  
35 without a warrant when the officer has probable cause to believe that:

36 (a) A restraining order has been issued under this chapter;

37 (b) The respondent or person to be restrained knows of the order;

38 and

1 (c) The person to be arrested has violated the terms of the order  
2 restraining the person from acts or threats of violence or molesting or  
3 disturbing another, from contacting or coming within one hundred to one  
4 thousand feet of another party or any child, or ((restraining the  
5 person)) from going onto the grounds of ((or)), entering, or coming  
6 within one hundred to one thousand feet of the residence, workplace,  
7 school, or day care of another.

8 (5) It is a defense to prosecution under subsection (1) of this  
9 section that the court order was issued contrary to law or court rule.

10 (6) No peace officer may be held criminally or civilly liable for  
11 making an arrest under subsection (4) of this section if the officer  
12 acts in good faith and without malice.

13 **Sec. 20.** RCW 26.10.040 and 1995 c 93 s 3 are each amended to read  
14 as follows:

15 (1) In entering an order under this chapter, the court shall  
16 consider, approve, or make provision for:

17 ((+1)) (a) Child custody, visitation, and the support of any child  
18 entitled to support;

19 ((+2)) (b) The allocation of the children as a federal tax  
20 exemption;

21 ((+3)) (c) Any necessary continuing restraining orders, including  
22 the provisions contained in RCW 9.41.800. Such a restraining order  
23 shall provide relief proper under the circumstances and may require the  
24 person to:

25 (i) Participate in batterers' treatment;

26 (ii) Refrain from coming within one hundred to one thousand feet of  
27 another party or any child; or

28 (iii) Submit to electronic monitoring. The order shall specify who  
29 shall provide the electronic monitoring services and the terms under  
30 which the monitoring shall be performed. The order also may include a  
31 requirement that the person pay the costs of the monitoring. The court  
32 shall consider the ability of the person to pay for electronic  
33 monitoring;

34 ((+4)) (d) A domestic violence protection order under chapter  
35 26.50 RCW or an antiharassment protection order under chapter 10.14  
36 RCW. The court may grant any of the relief provided in RCW 26.50.060  
37 except relief pertaining to residential provisions for the children

1 which provisions shall be provided for under this chapter, and any of  
2 the relief provided in RCW 10.14.080;

3 ~~((5))~~ (e) Restraining orders issued under this section  
4 restraining the person from acts or threats of violence or molesting or  
5 disturbing another party or any child, from contacting or coming within  
6 one hundred to one thousand feet of another party or any child, or from  
7 going onto the grounds of ~~((e))~~, entering, or coming within one  
8 hundred to one thousand feet of the home, workplace, or school of the  
9 other party or the day care or school of any child shall prominently  
10 bear on the front page of the order the legend: VIOLATION OF THIS  
11 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
12 CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST;

13 (f) When determining whether to grant a restraining order under  
14 this section, the court shall consider the physical or psychological  
15 danger posed by the person against whom the restraining order is sought  
16 to any child. If the court finds that such danger exists, a  
17 restraining order issued under this section may supersede any parenting  
18 plan that would otherwise allow the person to have contact with the  
19 child.

20 ~~((6))~~ (2) The court shall order that any restraining order  
21 bearing a criminal offense legend, any domestic violence protection  
22 order, or any antiharassment protection order granted under this  
23 section, in addition to the law enforcement information sheet or proof  
24 of service of the order, be forwarded by the clerk of the court on or  
25 before the next judicial day to the appropriate law enforcement agency  
26 specified in the order. Upon receipt of the order, the law enforcement  
27 agency shall forthwith enter the order into any computer-based criminal  
28 intelligence information system available in this state used by law  
29 enforcement agencies to list outstanding warrants. The order is fully  
30 enforceable in any county in the state.

31 **Sec. 21.** RCW 26.10.115 and 1995 c 246 s 29 are each amended to  
32 read as follows:

33 (1) In a proceeding under this chapter either party may file a  
34 motion for temporary support of children entitled to support. The  
35 motion shall be accompanied by an affidavit setting forth the factual  
36 basis for the motion and the amount requested.

37 (2) In a proceeding under this chapter either party may file a  
38 motion for a temporary restraining order or preliminary injunction,

1 providing relief proper in the circumstances, and restraining or  
2 enjoining any person from:

3 (a) Acts or threats of violence or molesting or disturbing the  
4 peace of the other party or of any child;

5 (b) ~~((Entering the family home or the home of the other party))~~  
6 Going onto the grounds of, entering, or coming within one hundred to  
7 one thousand feet of the home, workplace, or school of another party or  
8 the day care or school of any child upon a showing of the necessity  
9 therefor;

10 (c) Removing a child from the jurisdiction of the court; or

11 (d) Contacting or coming within one hundred to one thousand feet of  
12 another party or any child.

13 (3) Either party may request a domestic violence protection order  
14 under chapter 26.50 RCW or an antiharassment protection order under  
15 chapter 10.14 RCW on a temporary basis. The court may grant any of the  
16 relief provided in RCW 26.50.060 except relief pertaining to  
17 residential provisions for the children which provisions shall be  
18 provided for under this chapter, and any of the relief provided in RCW  
19 10.14.080. Ex parte orders issued under this subsection shall be  
20 effective for a fixed period not to exceed fourteen days, or upon court  
21 order, not to exceed twenty-four days if necessary to ensure that all  
22 temporary motions in the case can be heard at the same time.

23 (4) In issuing the order, the court may require the person to  
24 submit to electronic monitoring. The order shall specify who shall  
25 provide the electronic monitoring services and the terms under which  
26 the electronic monitoring shall be performed. The order also may  
27 include a requirement that the person pay the costs of the electronic  
28 monitoring. The court shall consider the ability of the person to pay  
29 for electronic monitoring. In issuing the order, the court shall  
30 consider the provisions of RCW 9.41.800.

31 (5) The court may issue a temporary restraining order without  
32 requiring notice to the other party only if it finds on the basis of  
33 the moving affidavit or other evidence that irreparable injury could  
34 result if an order is not issued until the time for responding has  
35 elapsed. When determining whether to grant such a temporary  
36 restraining order, the court may consider factors including but not  
37 limited to:

38 (a) The previous criminal history of the party against whom the  
39 restraining order is sought, if any;

1 (b) Whether the party against whom the restraining order is sought  
2 has previously been subject to a court order issued under chapter 9A.46  
3 or 10.99 RCW, a domestic violence protection order issued under this  
4 chapter or chapter 26.09, 26.26, or 26.50 RCW, an antiharassment  
5 protection order issued under this chapter or chapter 10.14, 26.09, or  
6 26.26 RCW, a restraining order bearing a criminal offense legend issued  
7 under this chapter or chapter 26.09, 26.26, or 26.44 RCW, or any  
8 federal or out-of-state order that is comparable to a no-contact order  
9 or protection order issued under Washington law;

10 (c) Whether the party seeking the restraining order has previously  
11 requested a domestic violence protection order under this chapter or  
12 chapter 26.09, 26.26, or 26.50 RCW, an antiharassment protection order  
13 under this chapter or chapter 10.14, 26.09, or 26.26 RCW, a restraining  
14 order bearing a criminal offense legend under this chapter or chapter  
15 26.09, 26.26, or 26.44 RCW, or any federal or out-of-state order that  
16 is comparable to a no-contact order or protection order under  
17 Washington law against the party against whom the restraining order is  
18 sought; or

19 (d) Any sworn affidavit from a third party attesting to the danger  
20 of irreparable injury to the party seeking the restraining order.

21 (6) The court may issue a temporary restraining order or  
22 preliminary injunction and an order for temporary support in such  
23 amounts and on such terms as are just and proper in the circumstances.

24 (7) Restraining orders issued under this section restraining the  
25 person from acts or threats of violence or molesting or disturbing  
26 another party or any child, from contacting or coming within one  
27 hundred to one thousand feet of another party or any child, or from  
28 going onto the grounds of ((æ)), entering, or coming within one  
29 hundred to one thousand feet of the home, workplace, or school of the  
30 other party or the day care or school of any child shall prominently  
31 bear on the front page of the order the legend: VIOLATION OF THIS  
32 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
33 CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

34 (8) The court shall order that any temporary restraining order  
35 bearing a criminal offense legend, any domestic violence protection  
36 order, or any antiharassment protection order granted under this  
37 section be forwarded by the clerk of the court on or before the next  
38 judicial day to the appropriate law enforcement agency specified in the  
39 order. Upon receipt of the order, the law enforcement agency shall



1 forthwith enter the order into any computer-based criminal intelligence  
2 information system available in this state used by law enforcement  
3 agencies to list outstanding warrants. Entry into the law enforcement  
4 information system constitutes notice to all law enforcement agencies  
5 of the existence of the order. The order is fully enforceable in any  
6 county in the state.

7 (9) A temporary order, temporary restraining order, or preliminary  
8 injunction:

9 (a) Does not prejudice the rights of a party or any child which are  
10 to be adjudicated at subsequent hearings in the proceeding;

11 (b) May be revoked or modified;

12 (c) Terminates when the final order is entered or when the motion  
13 is dismissed;

14 (d) May be entered in a proceeding for the modification of an  
15 existing order.

16 (10) A support debt owed to the state for public assistance  
17 expenditures which has been charged against a party pursuant to RCW  
18 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise  
19 extinguished by, the final decree or order, unless the office of  
20 support enforcement has been given notice of the final proceeding and  
21 an opportunity to present its claim for the support debt to the court  
22 and has failed to file an affidavit as provided in this subsection.  
23 Notice of the proceeding shall be served upon the office of support  
24 enforcement personally, or by certified mail, and shall be given no  
25 fewer than thirty days prior to the date of the final proceeding. An  
26 original copy of the notice shall be filed with the court either before  
27 service or within a reasonable time thereafter. The office of support  
28 enforcement may present its claim, and thereby preserve the support  
29 debt, by filing an affidavit setting forth the amount of the debt with  
30 the court, and by mailing a copy of the affidavit to the parties or  
31 their attorney prior to the date of the final proceeding.

32 (11) When determining whether to grant any temporary restraining  
33 order under this section, the court shall consider the physical or  
34 psychological danger posed by the person against whom the restraining  
35 order is sought to any child. If the court finds that such danger  
36 exists, a temporary restraining order issued under this section may  
37 supersede any parenting plan that would otherwise allow the defendant  
38 to have contact with the child.

1       **Sec. 22.** RCW 26.10.220 and 1996 c 248 s 10 are each amended to  
2 read as follows:

3       (1)(a) Whenever a restraining order is issued under this chapter,  
4 and the person to be restrained knows of the order, a violation of the  
5 provisions restricting the person from acts or threats of violence or  
6 molesting or disturbing another party or any child, from contacting or  
7 coming within one hundred to one thousand feet of another party or any  
8 child, or ((of a provision restraining the person)) from going onto the  
9 grounds of ((of)), entering, or coming within one hundred to one  
10 thousand feet of the residence, workplace, school, or day care of  
11 another is a misdemeanor except as provided in (b) of this subsection.

12       (b) A violation of a restraining order under (a) of this subsection  
13 is a gross misdemeanor if the offender has at least two previous  
14 convictions for violating a restraining order under (a) of this  
15 subsection, a court order issued under chapter 9A.46 or 10.99 RCW, a  
16 domestic violence protection order issued under this chapter or chapter  
17 26.09, 26.26, or 26.50 RCW, an antiharassment protection order issued  
18 under this chapter or chapter 10.14, 26.09, or 26.26 RCW, a restraining  
19 order bearing a criminal offense legend issued under chapter 26.09,  
20 26.26, or 26.44 RCW, or any federal or out-of-state order that is  
21 comparable to a no-contact order or protection order issued under  
22 Washington law. The previous convictions may involve the same person  
23 or other persons specifically protected by the orders the offender  
24 violated.

25       (2) A person is deemed to have notice of a restraining order if:

26       (a) The person to be restrained or the person's attorney signed the  
27 order;

28       (b) The order recites that the person to be restrained or the  
29 person's attorney appeared in person before the court;

30       (c) The order was served upon the person to be restrained; or

31       (d) The peace officer gives the person oral or written evidence of  
32 the order by reading from it or handing to the person a certified copy  
33 of the original order, certified to be an accurate copy of the original  
34 by a notary public or by the clerk of the court.

35       (3) A peace officer shall verify the existence of a restraining  
36 order by:

37       (a) Obtaining information confirming the existence and terms of the  
38 order from a law enforcement agency; or

1 (b) Obtaining a certified copy of the order, certified to be an  
2 accurate copy of the original by a notary public or by the clerk of the  
3 court.

4 (4) A peace officer shall arrest and take into custody, pending  
5 release on bail, personal recognizance, or court order, a person  
6 without a warrant when the officer has probable cause to believe that:

7 (a) A restraining order has been issued under this chapter;

8 (b) The respondent or person to be restrained knows of the order;  
9 and

10 (c) The person to be arrested has violated the terms of the order  
11 restraining the person from acts or threats of violence or molesting or  
12 disturbing another party or any child, from contacting or coming within  
13 one hundred to one thousand feet of another party or any child, or  
14 restraining the person from going onto the grounds of ((~~or~~)), entering,  
15 or coming within one hundred to one thousand feet of the residence,  
16 workplace, school, or day care of another.

17 (5) It is a defense to prosecution under subsection (1) of this  
18 section that the court order was issued contrary to law or court rule.

19 (6) No peace officer may be held criminally or civilly liable for  
20 making an arrest under subsection (4) of this section if the officer  
21 acts in good faith and without malice.

22 **Sec. 23.** RCW 26.26.130 and 1997 c 58 s 947 are each amended to  
23 read as follows:

24 (1) The judgment and order of the court determining the existence  
25 or nonexistence of the parent and child relationship shall be  
26 determinative for all purposes.

27 (2) If the judgment and order of the court is at variance with the  
28 child's birth certificate, the court shall order that an amended birth  
29 certificate be issued.

30 (3) The judgment and order shall contain other appropriate  
31 provisions directed to the appropriate parties to the proceeding,  
32 concerning the duty of current and future support, the extent of any  
33 liability for past support furnished to the child if that issue is  
34 before the court, the furnishing of bond or other security for the  
35 payment of the judgment, or any other matter in the best interest of  
36 the child. The judgment and order may direct the father to pay the  
37 reasonable expenses of the mother's pregnancy and confinement. The  
38 judgment and order may include a continuing restraining order or

1 injunction. In issuing the order, the court shall consider the  
2 provisions of RCW 9.41.800.

3 (4) The judgment and order shall contain the social security  
4 numbers of all parties to the order.

5 (5) Support judgment and orders shall be for periodic payments  
6 which may vary in amount. The court may limit the father's liability  
7 for the past support to the child to the proportion of the expenses  
8 already incurred as the court deems just. The court shall not limit or  
9 affect in any manner the right of nonparties including the state of  
10 Washington to seek reimbursement for support and other services  
11 previously furnished to the child.

12 (6) After considering all relevant factors, the court shall order  
13 either or both parents to pay an amount determined pursuant to the  
14 schedule and standards contained in chapter 26.19 RCW.

15 (7) On the same basis as provided in chapter 26.09 RCW, the court  
16 shall make residential provisions with regard to minor children of the  
17 parties, except that a parenting plan shall not be required unless  
18 requested by a party.

19 (8) In any dispute between the natural parents of a child and a  
20 person or persons who have (a) commenced adoption proceedings or who  
21 have been granted an order of adoption, and (b) pursuant to a court  
22 order, or placement by the department of social and health services or  
23 by a licensed agency, have had actual custody of the child for a period  
24 of one year or more before court action is commenced by the natural  
25 parent or parents, the court shall consider the best welfare and  
26 interests of the child, including the child's need for situation  
27 stability, in determining the matter of custody, and the parent or  
28 person who is more fit shall have the superior right to custody.

29 (9) In entering an order under this chapter, the court may issue  
30 any necessary continuing restraining orders, including the restraint  
31 provisions of domestic violence protection orders under chapter 26.50  
32 RCW or antiharassment protection orders under chapter 10.14 RCW. When  
33 determining the necessity for a continuing restraining order, the court  
34 shall consider the physical or psychological danger posed by any party  
35 to any child.

36 (10) Restraining orders issued under this section shall provide  
37 relief proper in the circumstances and may require the person to:

38 (a) Participate in batterers' treatment;

1       (b) Refrain from contacting or coming within one hundred to one  
2 thousand feet of another party or any child; or

3       (c) Submit to electronic monitoring. The order shall specify who  
4 shall provide the electronic monitoring services and the terms under  
5 which the electronic monitoring shall be performed. The order also may  
6 include a requirement that the person pay the costs of the monitoring.  
7 The court shall consider the ability of the person to pay for  
8 electronic monitoring.

9       (11) Restraining orders issued under this section restraining the  
10 person from acts or threats of violence or molesting or disturbing  
11 another party or any child, from contacting or coming within one  
12 hundred to one thousand feet of another party or any child, or from  
13 going onto the grounds of ((~~or~~)), entering, or coming within one  
14 hundred to one thousand feet of the home, workplace, or school of the  
15 other party or the day care or school of any child shall prominently  
16 bear on the front page of the order the legend: VIOLATION OF THIS  
17 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
18 CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

19       (~~(11)~~) (12) The court shall order that any restraining order  
20 bearing a criminal offense legend, any domestic violence protection  
21 order, or any antiharassment protection order granted under this  
22 section be forwarded by the clerk of the court on or before the next  
23 judicial day to the appropriate law enforcement agency specified in the  
24 order. Upon receipt of the order, the law enforcement agency shall  
25 forthwith enter the order into any computer-based criminal intelligence  
26 information system available in this state used by law enforcement  
27 agencies to list outstanding warrants. The order is fully enforceable  
28 in any county in the state.

29       (13) If the court finds that the person poses physical or  
30 psychological danger to any child, a restraining order issued under  
31 this section may supersede any parenting plan that would otherwise  
32 allow the person to have contact with the child.

33       **Sec. 24.** RCW 26.26.137 and 1995 c 246 s 32 are each amended to  
34 read as follows:

35       (1) If the court has made a finding as to the paternity of a child,  
36 or if a party's acknowledgment of paternity has been filed with the  
37 court, or a party alleges he is the father of the child, any party may  
38 move for temporary support for the child prior to the date of entry of

1 the final order. The motion shall be accompanied by an affidavit  
2 setting forth the factual basis for the motion and the amounts  
3 requested.

4 (2) Any party may request the court to issue a temporary  
5 restraining order or preliminary injunction, providing relief proper in  
6 the circumstances, and restraining or enjoining any party from:

7 (a) Acts or threats of violence or molesting or disturbing the  
8 peace of another party or any child;

9 (b) Going onto the grounds of ((~~or~~)), entering, or coming within  
10 one hundred to one thousand feet of the home, workplace, or school of  
11 another party or the day care or school of any child; ((~~or~~))

12 (c) Removing a child from the jurisdiction of the court; or

13 (d) Contacting or coming within one hundred to one thousand feet of  
14 another party or any child.

15 (3) Either party may request a domestic violence protection order  
16 under chapter 26.50 RCW or an antiharassment protection order under  
17 chapter 10.14 RCW on a temporary basis. The court may grant any of the  
18 relief provided in RCW 26.50.060 except relief pertaining to  
19 residential provisions for the children which provisions shall be  
20 provided for under this chapter, and any of the relief provided in RCW  
21 10.14.080. Ex parte orders issued under this subsection shall be  
22 effective for a fixed period not to exceed fourteen days, or upon court  
23 order, not to exceed twenty-four days if necessary to ensure that all  
24 temporary motions in the case can be heard at the same time.

25 (4) Restraining orders issued under this section restraining the  
26 person from acts or threats of violence or molesting or disturbing  
27 another party or any child, from contacting or coming within one  
28 hundred to one thousand feet of another party or any child, or from  
29 going onto the grounds of ((~~or~~)), entering, or coming within one  
30 hundred to one thousand feet of the home, workplace, or school of the  
31 other party or the day care or school of any child shall prominently  
32 bear on the front page of the order the legend: VIOLATION OF THIS  
33 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
34 CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

35 (5) The court shall order that any temporary restraining order  
36 bearing a criminal offense legend, any domestic violence protection  
37 order, or any antiharassment protection order granted under this  
38 section be forwarded by the clerk of the court on or before the next  
39 judicial day to the appropriate law enforcement agency specified in the

1 order. Upon receipt of the order, the law enforcement agency shall  
2 forthwith enter the order into any computer-based criminal intelligence  
3 information system available in this state used by law enforcement  
4 agencies to list outstanding warrants. The order is fully enforceable  
5 in any county in the state.

6 (6) The court may issue a temporary restraining order without  
7 requiring notice to the other party only if it finds on the basis of  
8 the moving affidavit or other evidence that irreparable injury could  
9 result if an order is not issued until the time for responding has  
10 elapsed. When determining whether to grant such a temporary  
11 restraining order, the court may consider factors including but not  
12 limited to:

13 (a) The previous criminal history of the person against whom the  
14 restraining order is sought, if any;

15 (b) Whether the party against whom the restraining order is sought  
16 has previously been subject to a court order issued under chapter 9A.46  
17 or 10.99 RCW, a domestic violence protection order issued under this  
18 chapter or chapter 26.09, 26.10, or 26.50 RCW, an antiharassment  
19 protection order issued under this chapter or chapter 10.14, 26.09, or  
20 26.10 RCW, a restraining order bearing a criminal offense legend issued  
21 under this chapter or chapter 26.09, 26.10, or 26.44 RCW, or any  
22 federal or out-of-state order that is comparable to a no-contact order  
23 or protection order issued under Washington law;

24 (c) Whether the party seeking the restraining order has previously  
25 requested a domestic violence protection order under this chapter or  
26 chapter 26.09, 26.10, or 26.50 RCW, an antiharassment protection order  
27 under this chapter or chapter 10.14, 26.09, or 26.10 RCW, a restraining  
28 order bearing a criminal offense legend under this chapter or chapter  
29 26.09, 26.10, or 26.44 RCW, or any federal or out-of-state order that  
30 is comparable to a no-contact order or protection order under  
31 Washington law against the party against whom the restraining order is  
32 sought; or

33 (d) Any sworn affidavit from a third party attesting to the danger  
34 of irreparable injury to the party seeking the restraining order.

35 (7) The court may issue a temporary restraining order or  
36 preliminary injunction and an order for temporary support in such  
37 amounts and on such terms as are just and proper in the circumstances.  
38 In issuing the order, the court may require the person to submit to  
39 electronic monitoring. The order shall specify who shall provide the

1 electronic monitoring services and the terms under which the electronic  
2 monitoring shall be performed. The order also may include a  
3 requirement that the person pay the costs of the electronic monitoring.  
4 The court shall consider the ability of the person to pay for  
5 electronic monitoring. In issuing the order, the court shall consider  
6 the provisions of RCW 9.41.800.

7 (8) A temporary order, temporary restraining order, or preliminary  
8 injunction:

9 (a) Does not prejudice the rights of a party or any child which are  
10 to be adjudicated at subsequent hearings in the proceeding;

11 (b) May be revoked or modified;

12 (c) Terminates when the final order is entered or when the petition  
13 is dismissed; and

14 (d) May be entered in a proceeding for the modification of an  
15 existing order.

16 (9) A support debt owed to the state for public assistance  
17 expenditures which has been charged against a party pursuant to RCW  
18 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise  
19 extinguished by, the final decree or order, unless the office of  
20 support enforcement has been given notice of the final proceeding and  
21 an opportunity to present its claim for the support debt to the court  
22 and has failed to file an affidavit as provided in this subsection.  
23 Notice of the proceeding shall be served upon the office of support  
24 enforcement personally, or by certified mail, and shall be given no  
25 fewer than thirty days prior to the date of the final proceeding. An  
26 original copy of the notice shall be filed with the court either before  
27 service or within a reasonable time thereafter. The office of support  
28 enforcement may present its claim, and thereby preserve the support  
29 debt, by filing an affidavit setting forth the amount of the debt with  
30 the court, and by mailing a copy of the affidavit to the parties or  
31 their attorney prior to the date of the final proceeding.

32 (10) When determining whether to grant a temporary restraining  
33 order under this section, the court shall consider the physical or  
34 psychological danger posed by the person against whom the restraining  
35 order is sought to any child. If the court finds that such danger  
36 exists, a temporary restraining order issued under this section may  
37 supersede any parenting plan that would otherwise allow the person to  
38 have contact with the child.



1       **Sec. 25.** RCW 26.26.138 and 1996 c 248 s 11 are each amended to  
2 read as follows:

3       (1)(a) Whenever a restraining order is issued under this chapter,  
4 and the person to be restrained knows of the order, a violation of the  
5 provisions restricting the person from acts or threats of violence or  
6 molesting or disturbing another party or any child, or contacting or  
7 coming within one hundred to one thousand feet of another party or any  
8 child, or of a provision restraining the person from going onto the  
9 grounds of ((~~o~~)), entering, or coming within one hundred to one  
10 thousand feet of the residence, workplace, school, or day care of  
11 another is a misdemeanor except as provided in (b) of this subsection.

12       (b) A violation of a restraining order under (a) of this subsection  
13 is a gross misdemeanor if the offender has at least two previous  
14 convictions for violating a restraining order under (a) of this  
15 subsection, a court order issued under chapter 9A.46 or 10.99 RCW, a  
16 domestic violence protection order issued under this chapter or chapter  
17 26.09, 26.10, or 26.50 RCW, an antiharassment protection order issued  
18 under this chapter or chapter 10.14, 26.09, or 26.10 RCW, a restraining  
19 order bearing a criminal offense legend issued under chapter 26.09,  
20 26.10, or 26.44 RCW, or any federal or out-of-state order that is  
21 comparable to a no-contact order or protection order issued under  
22 Washington law. The previous convictions may involve the same person  
23 or other persons specifically protected by the orders the offender  
24 violated.

25       (2) A person is deemed to have notice of a restraining order if:

26       (a) The person to be restrained or the person's attorney signed the  
27 order;

28       (b) The order recites that the person to be restrained or the  
29 person's attorney appeared in person before the court;

30       (c) The order was served upon the person to be restrained; or

31       (d) The peace officer gives the person oral or written evidence of  
32 the order by reading from it or handing to the person a certified copy  
33 of the original order, certified to be an accurate copy of the original  
34 by a notary public or by the clerk of the court.

35       (3) A peace officer shall verify the existence of a restraining  
36 order by:

37       (a) Obtaining information confirming the existence and terms of the  
38 order from a law enforcement agency; or

1 (b) Obtaining a certified copy of the order, certified to be an  
2 accurate copy of the original by a notary public or by the clerk of the  
3 court.

4 (4) A peace officer shall arrest and take into custody, pending  
5 release on bail, personal recognizance, or court order, a person  
6 without a warrant when the officer has probable cause to believe that:

7 (a) A restraining order has been issued under this chapter;

8 (b) The respondent or person to be restrained knows of the order;  
9 and

10 (c) The person to be arrested has violated the terms of the order  
11 restraining the person from acts or threats of violence or molesting or  
12 disturbing another party, from contacting or coming within one hundred  
13 to one thousand feet of another party or any child, or ((restraining  
14 the person)) from going onto the grounds of ((~~or~~)), entering, or coming  
15 within one hundred to one thousand feet of the residence, workplace,  
16 school, or day care of another.

17 (5) It is a defense to prosecution under subsection (1) of this  
18 section that the court order was issued contrary to law or court rule.

19 (6) No peace officer may be held criminally or civilly liable for  
20 making an arrest under subsection (4) of this section if the officer  
21 acts in good faith and without malice.

22 **Sec. 26.** RCW 26.44.063 and 1993 c 412 s 15 are each amended to  
23 read as follows:

24 (1) It is the intent of the legislature to minimize trauma to a  
25 child involved in an allegation of sexual or physical abuse. The  
26 legislature declares that removing the child from the home often has  
27 the effect of further traumatizing the child. It is, therefore, the  
28 legislature's intent that the alleged offender, rather than the child,  
29 shall be removed from the home and that this should be done at the  
30 earliest possible point of intervention in accordance with RCW  
31 10.31.100, 13.34.130, this section, and RCW 26.44.130.

32 (2) In any judicial proceeding in which it is alleged that a child  
33 has been subjected to sexual or physical abuse, if the court finds  
34 reasonable grounds to believe that an incident of sexual or physical  
35 abuse has occurred, the court may, on its own motion, or the motion of  
36 the guardian ad litem or other parties, issue a temporary restraining  
37 order or preliminary injunction restraining or enjoining the person  
38 accused of committing the abuse from:

1       (a) Acts or threats of violence or molesting or disturbing the  
2 peace of the alleged victim;

3       (b) Going onto the grounds of, entering, or coming within one  
4 hundred to one thousand feet of the family home, school, or day care of  
5 the alleged victim except as specifically authorized by the court; or

6       (c) Having any contact with or coming within one hundred to one  
7 thousand feet of the alleged victim, except as specifically authorized  
8 by the court.

9       (3) In issuing a temporary restraining order or preliminary  
10 injunction, the court may impose any additional restrictions that the  
11 court in its discretion determines are necessary to protect the child  
12 from further abuse or emotional trauma pending final resolution of the  
13 abuse allegations including electronic monitoring. The order shall  
14 specify who shall provide the electronic monitoring services and the  
15 terms under which the electronic monitoring shall be performed. The  
16 order also may include a requirement that the person pay the costs of  
17 the electronic monitoring. The court shall consider the ability of the  
18 person to pay for electronic monitoring.

19       (4) The court shall issue a temporary restraining order prohibiting  
20 a person from entering the family home if the court finds that the  
21 order would eliminate the need for an out-of-home placement to protect  
22 the child's right to nurturance, health, and safety and is sufficient  
23 to protect the child from further sexual or physical abuse or coercion.

24       (5) The court may issue a temporary restraining order without  
25 requiring notice to the party to be restrained or other parties only if  
26 it finds on the basis of the moving affidavit or other evidence that  
27 irreparable injury could result if an order is not issued until the  
28 time for responding has elapsed. When determining whether to grant  
29 such a temporary restraining order, the court may consider factors  
30 including but not limited to:

31       (a) The previous criminal history of the person against whom the  
32 restraining order is sought, if any;

33       (b) Whether the party against whom the restraining order is sought  
34 has previously been subject to a court order issued under this chapter  
35 or chapter 9A.46 or 10.99 RCW, a domestic violence protection order  
36 issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, an  
37 antiharassment protection order issued under chapter 10.14, 26.09,  
38 26.10, or 26.26 RCW, a restraining order bearing a criminal offense  
39 legend issued under this chapter or chapter 26.09, 26.10, or 26.26 RCW,

1 or any federal or out-of-state order that is comparable to a no-contact  
2 order or protection order issued under Washington law;

3 (c) Whether the party seeking the restraining order has previously  
4 requested a domestic violence protection order under chapter 26.09,  
5 26.10, 26.26, or 26.50 RCW, an antiharassment protection order under  
6 chapter 10.14, 26.09, 26.10, or 26.26 RCW, a restraining order bearing  
7 a criminal offense legend under this chapter or chapter 26.09, 26.10,  
8 or 26.26 RCW, or any federal or out-of-state order that is comparable  
9 to a no-contact order or protection order under Washington law against  
10 the party against whom the restraining order is sought; or

11 (d) Any sworn affidavit from a third party attesting to the danger  
12 of irreparable injury to the party seeking the restraining order.

13 (6) A temporary restraining order or preliminary injunction:

14 (a) Does not prejudice the rights of a party or any child which are  
15 to be adjudicated at subsequent hearings in the proceeding; ((and))

16 (b) May be revoked or modified; and

17 (c) May supersede a parenting plan.

18 (7) The person having physical custody of the child shall have an  
19 affirmative duty to assist in the enforcement of the restraining order  
20 including but not limited to a duty to notify the court as soon as  
21 practicable of any violation of the order, a duty to request the  
22 assistance of law enforcement officers to enforce the order, and a duty  
23 to notify the department of social and health services of any violation  
24 of the order as soon as practicable if the department is a party to the  
25 action. Failure by the custodial party to discharge these affirmative  
26 duties shall be subject to contempt proceedings.

27 (8)(a) Willful violation of a court order entered under this  
28 section is a misdemeanor except as provided in (b) of this subsection.

29 (b) Willful violation of a court order entered under this section  
30 is a gross misdemeanor if the offender has at least two previous  
31 convictions for violating the provisions of a court order issued under  
32 this chapter or chapter 9A.46 or 10.99 RCW, a domestic violence  
33 protection order issued under chapter 26.09, 26.10, 26.26, or 26.50  
34 RCW, an antiharassment protection order issued under chapter 10.14,  
35 26.09, 26.10, or 26.26 RCW, a restraining order bearing a criminal  
36 offense legend issued under this chapter or chapter 26.09, 26.10, or  
37 26.26 RCW, or any federal or out-of-state order that is comparable to  
38 a no-contact order or protection order issued under Washington law.

1 The previous convictions may involve the same person or other persons  
2 specifically protected by the orders the offender violated.

3 (c) A written order shall contain the court's directive and shall  
4 bear the legend: "Violation of this order with actual notice of its  
5 terms is a criminal offense under chapter 26.44 RCW, is also subject to  
6 contempt proceedings, and will subject a violator to arrest."

7 **Sec. 27.** RCW 26.44.067 and 1993 c 412 s 16 are each amended to  
8 read as follows:

9 (1)(a) Any person having had actual notice of the existence of a  
10 restraining order issued by a court of competent jurisdiction pursuant  
11 to RCW 26.44.063 who refuses to comply with the provisions of such  
12 order shall be guilty of a misdemeanor except as provided in (b) of  
13 this subsection.

14 (b) A refusal to comply with a restraining order under (a) of this  
15 subsection shall be a gross misdemeanor if the offender has at least  
16 two previous convictions for violating a restraining order under (a) of  
17 this subsection, a court order issued under this chapter or chapter  
18 9A.46 or 10.99 RCW, a domestic violence protection order issued under  
19 chapter 26.09, 26.10, 26.26, or 26.50 RCW, an antiharassment protection  
20 order issued under chapter 10.14, 26.09, 26.10, or 26.26 RCW, a  
21 restraining order bearing a criminal offense legend issued under  
22 chapter 26.09, 26.10, or 26.26 RCW, or any federal or out-of-state  
23 order that is comparable to a no-contact order or protection order  
24 issued under Washington law. The previous convictions may involve the  
25 same person or other persons specifically protected by the orders the  
26 offender violated.

27 (2) The notice requirements of subsection (1) of this section may  
28 be satisfied by the peace officer giving oral or written evidence to  
29 the person subject to the order by reading from or handing to that  
30 person a copy certified by a notary public or the clerk of the court to  
31 be an accurate copy of the original court order which is on file. The  
32 copy may be supplied by the court or any party.

33 (3) The remedies provided in this section shall not apply unless  
34 restraining orders subject to this section shall bear this legend:  
35 VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL  
36 OFFENSE UNDER CHAPTER 26.44 RCW AND IS ALSO SUBJECT TO CONTEMPT  
37 PROCEEDINGS.

1 (4) It is a defense to prosecution under subsection (1) of this  
2 section that the court order was issued contrary to law or court rule.  
3 No right of action shall accrue against any peace officer acting upon  
4 a properly certified copy of a court order lawful on its face if such  
5 officer employs otherwise lawful means to effect the arrest.

6 **Sec. 28.** RCW 26.44.150 and 1993 c 412 s 18 are each amended to  
7 read as follows:

8 (1) If a person who has unsupervised visitation rights with a minor  
9 child pursuant to a court order is accused of sexually or physically  
10 abusing a child and the alleged abuse has been reported to the proper  
11 authorities for investigation, the law enforcement officer conducting  
12 the investigation may file an affidavit with the prosecuting attorney  
13 stating that the person is currently under investigation for sexual or  
14 physical abuse of a child and that there is a risk of harm to the child  
15 if a temporary restraining order is not entered. Upon receipt of the  
16 affidavit, the prosecuting attorney shall determine whether there is a  
17 risk of harm to the child if a temporary restraining order is not  
18 entered. If the prosecutor determines there is a risk of harm, the  
19 prosecutor shall immediately file a motion for an order to show cause  
20 seeking to restrict visitation with the child, and seek a temporary  
21 restraining order. The restraining order shall be issued for up to  
22 ninety days or until the investigation has been concluded in favor of  
23 the alleged abuser, whichever is shorter. The restraining order may  
24 require the alleged abuser to submit to electronic monitoring. The  
25 order shall specify who shall provide the electronic monitoring  
26 services and the terms under which the electronic monitoring shall be  
27 performed. The order also may include a requirement that the alleged  
28 abuser pay the costs of the electronic monitoring. The court shall  
29 consider the ability of the alleged abuser to pay for electronic  
30 monitoring.

31 (2)(a) Willful violation of a court order entered under this  
32 section is a misdemeanor except as provided in (b) of this subsection.

33 (b) Willful violation of a court order entered under this section  
34 is a gross misdemeanor if the offender has at least two previous  
35 convictions for violating the provisions of a court order under (a) of  
36 this subsection, a court order issued under chapter 9A.46 or 10.99 RCW,  
37 a domestic violence protection order issued under chapter 26.09, 26.10,  
38 26.26, or 26.50 RCW, an antiharassment protection order issued under

1 chapter 10.14, 26.09, 26.10, or 26.26 RCW, a restraining order bearing  
2 a criminal offense legend issued under chapter 26.09, 26.10, or 26.26  
3 RCW, or any federal or out-of-state order that is comparable to a no-  
4 contact order or protection order issued under Washington law. The  
5 previous convictions may involve the same person or other persons  
6 specifically protected by the orders the offender violated.

7 (c) The court order shall state: "Violation of this order is a  
8 criminal offense under chapter 26.44 RCW and will subject the violator  
9 to arrest."

10 (3) A restraining order issued under this section may supersede a  
11 parenting plan.

12 **Sec. 29.** RCW 26.50.010 and 1995 c 246 s 1 are each amended to read  
13 as follows:

14 As used in this chapter, the following terms shall have the  
15 meanings given them:

16 (1) "Domestic violence" means: (a) 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; (b) sexual  
19 assault of one family or household member by another; or (c) stalking  
20 as defined in RCW 9A.46.110 of one family or household member by  
21 another family or household member.

22 (2) "Family or household members" means spouses, former spouses,  
23 persons who have a child in common regardless of whether they have been  
24 married or have lived together at any time, adult persons related by  
25 blood or marriage, adult persons who are presently residing together or  
26 who have resided together in the past, persons sixteen years of age or  
27 older who are presently residing together or who have resided together  
28 in the past and who have or have had a dating relationship, persons  
29 sixteen years of age or older with whom a respondent sixteen years of  
30 age or older has or has had a dating relationship, and persons who have  
31 a biological or legal parent-child relationship, including stepparents  
32 and stepchildren and grandparents and grandchildren.

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

1 (4) "Court" includes the superior, district, and municipal courts  
2 of the state of Washington.

3 (5) "Judicial day" does not include Saturdays, Sundays, or legal  
4 holidays.

5 (6) "Electronic monitoring" means a program in which a person's  
6 presence at a particular location is monitored from a remote location  
7 by use of electronic equipment.

8 (7) "Essential personal effects" means those items necessary for a  
9 person's immediate health, welfare, and livelihood. "Essential  
10 personal effects" includes but is not limited to clothing, cribs,  
11 bedding, documents, medications, and personal hygiene items.

12 (8) "Hearing officer" means any superior court judge, district  
13 court judge, or municipal officer authorized to exercise the powers and  
14 perform the duties of district court judges.

15 **Sec. 30.** RCW 26.50.020 and 1992 c 111 s 8 are each amended to read  
16 as follows:

17 (1) Any person may seek relief under this chapter by filing a  
18 petition with a court alleging that the person has been the victim of  
19 domestic violence committed by the respondent. The person may petition  
20 for relief on behalf of himself or herself and on behalf of minor  
21 family or household members.

22 (2) A person under eighteen years of age who is sixteen years of  
23 age or older may seek relief under this chapter and is not required to  
24 seek relief by a guardian or next friend.

25 (3) No guardian or guardian ad litem need be appointed on behalf of  
26 a respondent to an action under this chapter who is under eighteen  
27 years of age if such respondent is sixteen years of age or older.

28 (4) The court may, if it deems necessary, appoint a guardian ad  
29 litem for a petitioner or respondent who is a party to an action under  
30 this chapter.

31 (5) The courts defined in RCW 26.50.010(~~(+3)~~) (4) have  
32 jurisdiction over proceedings under this chapter. The jurisdiction of  
33 district and municipal courts under this chapter shall be limited to  
34 enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance,  
35 and the issuance and enforcement of temporary orders for protection  
36 provided for in RCW 26.50.070 if: (a) A superior court has exercised  
37 or is exercising jurisdiction over a proceeding under this title or  
38 chapter 13.34 RCW involving the parties; (b) the petition for relief



1 under this chapter presents issues of residential schedule of and  
2 contact with children of the parties; or (c) the petition for relief  
3 under this chapter requests the court to exclude a party from the  
4 dwelling which the parties share. When the jurisdiction of a district  
5 or municipal court is limited to the issuance and enforcement of a  
6 temporary order, the district or municipal court shall set the full  
7 hearing provided for in RCW 26.50.050 in superior court and transfer  
8 the case. If the notice and order are not served on the respondent in  
9 time for the full hearing, the issuing court shall have concurrent  
10 jurisdiction with the superior court to extend the order for  
11 protection.

12 (6) An action under this chapter (~~shall~~) may be filed in:

13 (a) The county or the municipality where the respondent resides;

14 (b) The county or the municipality in which the alleged domestic  
15 violence occurred;

16 (c) The county or municipality where the petitioner is employed; or

17 (d) The county or the municipality where the petitioner resides,  
18 unless the petitioner has left the residence or household to avoid  
19 abuse. In that case, the petitioner may bring an action in the county  
20 or municipality of the previous or the new household or residence.

21 (7) A person's right to petition for relief under this chapter is  
22 not affected by the person leaving the residence or household to avoid  
23 abuse.

24 **Sec. 31.** RCW 26.50.060 and 1996 c 248 s 13 are each amended to  
25 read as follows:

26 (1) Upon notice and after hearing, the court may provide relief as  
27 follows:

28 (a) Restrain the respondent from committing acts of domestic  
29 violence;

30 (b) (~~Exclude~~) Restrain the respondent from going onto the grounds  
31 of, entering, or coming within one hundred to one thousand feet of the  
32 dwelling which the parties share, (~~from~~) the residence, workplace, or  
33 school of the petitioner, or (~~from~~) the day care or school of a  
34 child;

35 (c) On the same basis as is provided in chapter 26.09 RCW, the  
36 court shall make residential provision with regard to minor children of  
37 the parties. However, parenting plans as specified in chapter 26.09  
38 RCW shall not be required under this chapter;

1 (d) Order the respondent to participate in batterers' treatment;

2 (e) Order other relief and restraints as it deems necessary for the  
3 protection of the petitioner and other family or household members  
4 sought to be protected, including orders or directives to a peace  
5 officer, as allowed under this chapter;

6 (f) Require the respondent to pay the administrative court costs  
7 and service fees, as established by the county or municipality  
8 incurring the expense and to reimburse the petitioner for costs  
9 incurred in bringing the action, including a reasonable attorney's fee;

10 (g) Restrain the respondent from having any contact with or coming  
11 within one hundred to one thousand feet of the victim of domestic  
12 violence or the victim's children or members of the victim's household;

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

19 (i) Consider the provisions of RCW 9.41.800;

20 (j) Order possession and use of essential personal effects. The  
21 court shall list the essential personal effects with sufficient  
22 specificity to make it clear which property is included; ~~((and))~~ or

23 (k) Order use of a vehicle.

24 (2) If a restraining order restrains the respondent from contacting  
25 the respondent's minor children the restraint shall be for a fixed  
26 period not to exceed one year. This limitation is not applicable to  
27 orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW  
28 or when the court finds that the domestic violence involves a violent  
29 offense or a sex offense as defined in RCW 9.94A.030. With regard to  
30 other relief, if the petitioner has petitioned for relief on his or her  
31 own behalf or on behalf of the petitioner's family or household members  
32 or minor children, and the court finds that the respondent is likely to  
33 resume acts of domestic violence against the petitioner or the  
34 petitioner's family or household members or minor children when the  
35 order expires, or when the court finds that the domestic violence  
36 involves a violent offense or a sex offense as defined in RCW  
37 9.94A.030, the court may either grant relief for a fixed period of at  
38 least two years or enter a permanent order of protection.

1 If the petitioner has petitioned for relief on behalf of the  
2 respondent's minor children, the court shall advise the petitioner that  
3 if the petitioner wants to continue protection for a period beyond one  
4 year the petitioner may either petition for renewal pursuant to the  
5 provisions of this chapter or may seek relief pursuant to the  
6 provisions of chapter 26.09 or 26.26 RCW.

7 (3) If the court grants an order for a fixed time period, the  
8 petitioner may apply for renewal of the order by filing a petition for  
9 renewal at any time within the three months before the order expires.  
10 The petition for renewal shall state the reasons why the petitioner  
11 seeks to renew the protection order. Upon receipt of the petition for  
12 renewal the court shall order a hearing which shall be not later than  
13 fourteen days from the date of the order. Except as provided in RCW  
14 26.50.085, personal service shall be made on the respondent not less  
15 than five days before the hearing. If timely service cannot be made  
16 the court shall set a new hearing date and shall either require  
17 additional attempts at obtaining personal service or permit service by  
18 publication as provided in RCW 26.50.085 or by mail as provided in RCW  
19 26.50.123. If the court permits service by publication or mail, the  
20 court shall set the new hearing date not later than twenty-four days  
21 from the date of the order. If the order expires because timely  
22 service cannot be made the court shall grant an ex parte order of  
23 protection as provided in RCW 26.50.070. The court shall grant the  
24 petition for renewal unless the respondent proves by a preponderance of  
25 the evidence that the respondent will not resume acts of domestic  
26 violence against the petitioner or the petitioner's children or family  
27 or household members when the order expires. The court may renew the  
28 protection order for another fixed time period or may enter a permanent  
29 order as provided in this section. The court may award court costs,  
30 service fees, and reasonable attorneys' fees as provided in subsection  
31 (1)((f)) (g) of this section.

32 (4) In providing relief under this chapter, the court may realign  
33 the designation of the parties as "petitioner" and "respondent" where  
34 the court finds that the original petitioner is the abuser and the  
35 original respondent is the victim of domestic violence and may issue an  
36 ex parte temporary order for protection in accordance with RCW  
37 26.50.070 on behalf of the victim until the victim is able to prepare  
38 a petition for an order for protection in accordance with RCW  
39 26.50.030.

1 (5) Except as provided in subsection (4) of this section, no order  
2 for protection shall grant relief to any party except upon notice to  
3 the respondent and hearing pursuant to a petition or counter-petition  
4 filed and served by the party seeking relief in accordance with RCW  
5 26.50.050.

6 (6) The court order shall specify the date the order expires if  
7 any. The court order shall also state whether the court issued the  
8 protection order following personal service, service by publication, or  
9 service by mail and whether the court has approved service by  
10 publication or mail of an order issued under this section.

11 (7) If the court declines to issue an order for protection or  
12 declines to renew an order for protection, the court shall state in  
13 writing on the order the particular reasons for the court's denial.

14 (8) When determining whether to issue an order for protection under  
15 this section, the court shall consider the physical or psychological  
16 danger posed by the respondent to any child. If the court finds that  
17 such danger exists, an order for protection issued under this section  
18 may supersede any parenting plan that would otherwise allow the  
19 respondent to have contact with the child.

20 **Sec. 32.** RCW 26.50.070 and 1996 c 248 s 14 are each amended to  
21 read as follows:

22 (1) Where an application under this section alleges that  
23 irreparable injury could result from domestic violence if an order is  
24 not issued immediately without prior notice to the respondent, the  
25 court may grant an ex parte temporary order for protection, pending a  
26 full hearing, and grant relief as the court deems proper, including an  
27 order:

28 (a) Restraining any party from committing acts of domestic  
29 violence;

30 (b) Restraining any party from going onto the grounds of ~~((or))~~,  
31 entering, or coming within one hundred to one thousand feet of the  
32 dwelling that the parties share, from the residence, workplace, or  
33 school of the other, or from the day care or school of a child until  
34 further order of the court;

35 (c) Restraining any party from interfering with the other's custody  
36 of the minor children or from removing the children from the  
37 jurisdiction of the court;

1 (d) Restraining any party from having any contact with or coming  
2 within one hundred to one thousand feet of the victim of domestic  
3 violence or the victim's children or members of the victim's household;  
4 ((and))

5 (e) Considering the provisions of RCW 9.41.800; or

6 (f) Requiring the respondent to submit to electronic monitoring.  
7 The order shall specify who shall provide the electronic monitoring  
8 services and the terms under which the electronic monitoring shall be  
9 performed. The order also may include a requirement that the  
10 respondent pay the costs of the electronic monitoring. The court shall  
11 consider the ability of the respondent to pay for electronic  
12 monitoring.

13 (2) Irreparable injury under this section includes but is not  
14 limited to situations in which the respondent has recently threatened  
15 petitioner with bodily injury or has engaged in acts of domestic  
16 violence against the petitioner.

17 (3) When determining whether to grant an ex parte temporary order  
18 for protection under this section, the court may consider factors  
19 including but not limited to:

20 (a) The respondent's previous criminal history, if any;

21 (b) Whether the respondent has previously been subject to a court  
22 order issued under chapter 9A.46 or 10.99 RCW, a domestic violence  
23 protection order issued under this chapter or chapter 26.09, 26.10, or  
24 26.26 RCW, an antiharassment protection order issued under chapter  
25 10.14, 26.09, 26.10, or 26.26 RCW, a restraining order bearing a  
26 criminal offense legend issued under chapter 26.09, 26.10, 26.26, or  
27 26.44 RCW, or any federal or out-of-state order that is comparable to  
28 a no-contact order or protection order issued under Washington law;

29 (c) Whether the petitioner has previously requested a domestic  
30 violence protection order under this chapter or chapter 26.09, 26.10,  
31 or 26.26 RCW, an antiharassment protection order under chapter 10.14,  
32 26.09, 26.10, or 26.26 RCW, a restraining order bearing a criminal  
33 offense legend under chapter 26.09, 26.10, 26.26, or 26.44 RCW, or any  
34 federal or out-of-state order that is comparable to a no-contact order  
35 or protection order under Washington law against the respondent; or

36 (d) Any sworn affidavit from a third party attesting to the alleged  
37 domestic violence.

1       (4) The court shall hold an ex parte hearing in person or by  
2 telephone on the day the petition is filed or on the following judicial  
3 day.

4       (~~(4)~~) (5) An ex parte temporary order for protection shall be  
5 effective for a fixed period not to exceed fourteen days or twenty-four  
6 days if the court has permitted service by publication under RCW  
7 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be  
8 reissued. A full hearing, as provided in this chapter, shall be set  
9 for not later than fourteen days from the issuance of the temporary  
10 order or not later than twenty-four days if service by publication or  
11 by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085,  
12 and 26.50.123, the respondent shall be personally served with a copy of  
13 the ex parte order along with a copy of the petition and notice of the  
14 date set for the hearing.

15       (~~(5)~~) (6) Any order issued under this section shall contain the  
16 date and time of issuance and the expiration date and shall be entered  
17 into a state-wide judicial information system by the clerk of the court  
18 within one judicial day after issuance.

19       (~~(6)~~) (7) If the court declines to issue an ex parte temporary  
20 order for protection the court shall state the particular reasons for  
21 the court's denial. The court's denial of a motion for an ex parte  
22 order of protection shall be filed with the court.

23       (8) When determining whether to issue an ex parte temporary order  
24 for protection under this section, the court shall consider the  
25 physical or psychological danger posed by the respondent to any child.  
26 If the court finds that such danger exists, an ex parte temporary order  
27 for protection issued under this section may supersede any parenting  
28 plan that would otherwise allow the respondent to have contact with the  
29 child.

30       **NEW SECTION. Sec. 33.** A new section is added to chapter 26.50 RCW  
31 to read as follows:

32       (1) When the court is not in session, a person seeking relief under  
33 this chapter may petition a hearing officer for an emergency ex parte  
34 temporary order for protection. The hearing officer may grant the  
35 emergency ex parte temporary order for protection if the petitioner  
36 alleges that irreparable injury could result from domestic violence if  
37 an order is not issued immediately without notice to the respondent.  
38 A hearing officer may issue an emergency ex parte temporary order for

1 protection by telephone. When issuing an emergency ex parte temporary  
2 order for protection under this section, the hearing officer shall  
3 grant relief proper in the circumstances, including an order:

4 (a) Restraining any party from committing acts of domestic  
5 violence;

6 (b) Restraining any party from going onto the grounds of, entering,  
7 or coming within one hundred to one thousand feet of the dwelling that  
8 the parties share, from the residence, workplace, or school of the  
9 other, or from the day care or school of a child until further order of  
10 the court;

11 (c) Restraining any party from interfering with the other's custody  
12 of the minor children or from removing the children from the  
13 jurisdiction of the court;

14 (d) Restraining any party from having any contact with or coming  
15 within one hundred to one thousand feet of the victim of domestic  
16 violence or the victim's children or members of the victim's household;

17 (e) Considering the provisions of RCW 9.41.800; or

18 (f) Requiring the respondent to submit to electronic monitoring.  
19 The order shall specify who shall provide the electronic monitoring  
20 services and the terms under which the electronic monitoring shall be  
21 performed. The order also may include a requirement that the  
22 respondent pay the costs of the electronic monitoring. The court shall  
23 consider the ability of the respondent to pay for electronic  
24 monitoring.

25 (2) When determining whether to grant an emergency ex parte  
26 temporary order for protection under this section, the court may  
27 consider factors including but not limited to:

28 (a) The respondent's previous criminal history, if any;

29 (b) Whether the respondent has previously been subject to a court  
30 order issued under chapter 9A.46 or 10.99 RCW, a domestic violence  
31 protection order issued under this chapter or chapter 26.09, 26.10, or  
32 26.26 RCW, an antiharassment protection order issued under chapter  
33 10.14, 26.09, 26.10, or 26.26 RCW, a restraining order bearing a  
34 criminal offense legend issued under chapter 26.09, 26.10, 26.26, or  
35 26.44 RCW, or any federal or out-of-state order that is comparable to  
36 a no-contact order or protection order issued under Washington law;

37 (c) Whether the petitioner has previously requested a domestic  
38 violence protection order under this chapter or chapter 26.09, 26.10,  
39 or 26.26 RCW, an antiharassment protection order under chapter 10.14,

1 26.09, 26.10, or 26.26 RCW, a restraining order bearing a criminal  
2 offense legend under chapter 26.09, 26.10, 26.26, or 26.44 RCW, or any  
3 federal or out-of-state order that is comparable to a no-contact order  
4 or protection order under Washington law against the respondent; or

5 (d) Any sworn affidavit from a third party attesting to the alleged  
6 domestic violence.

7 (3) An emergency ex parte order for protection issued under this  
8 section shall expire when the court is in session. At that time, the  
9 petitioner may seek an order for protection or an ex parte temporary  
10 order for protection under this chapter.

11 (4) When issuing an emergency ex parte temporary order for  
12 protection under this section, the hearing officer shall inform the  
13 petitioner that the order will expire when the court is in session, and  
14 that the petitioner may petition the court for an order for protection  
15 or an ex parte temporary order for protection at that time.

16 (5) A petitioner may not obtain an emergency ex parte temporary  
17 order for protection against a respondent if the petitioner has  
18 previously obtained two emergency ex parte temporary orders for  
19 protection against the same respondent but has failed to obtain the  
20 issuance of an order for protection or an ex parte temporary order for  
21 protection unless good cause for such failure can be shown.

22 (6) When determining whether to issue an emergency ex parte  
23 temporary order for protection under this section, the hearing officer  
24 shall consider the physical and psychological danger posed by the  
25 respondent to any child. If the court finds that such danger exists,  
26 an emergency ex parte temporary order for protection issued under this  
27 section may supersede any parenting plan that would otherwise allow the  
28 respondent to have contact with the child.

29 **Sec. 34.** RCW 26.50.100 and 1996 c 248 s 15 are each amended to  
30 read as follows:

31 (1) A copy of an order for protection granted under this chapter  
32 shall be forwarded by the clerk of the court or, in the case of an  
33 emergency ex parte temporary order for protection granted under section  
34 33 of this act, the hearing officer on or before the next judicial day  
35 to the appropriate law enforcement agency specified in the order.

36 Upon receipt of the order, the law enforcement agency shall  
37 forthwith enter the order into any computer-based criminal intelligence  
38 information system available in this state used by law enforcement



1 agencies to list outstanding warrants. The order shall remain in the  
2 computer for the period stated in the order. The law enforcement  
3 agency shall only expunge from the computer-based criminal intelligence  
4 information system orders that are expired, vacated, or superseded.  
5 Entry into the law enforcement information system constitutes notice to  
6 all law enforcement agencies of the existence of the order. The order  
7 is fully enforceable in any county in the state.

8 (2) The information entered into the computer-based criminal  
9 intelligence information system shall include notice to law enforcement  
10 whether the order was personally served, served by publication, or  
11 served by mail.

12 **Sec. 35.** RCW 26.50.110 and 1996 c 248 s 16 are each amended to  
13 read as follows:

14 (1) Whenever an order for protection is granted under this chapter  
15 and the respondent or person to be restrained knows of the order, a  
16 violation of ~~((the))~~ any restraint provision~~((s or of))~~ including a  
17 provision ~~((excluding))~~ restraining the person from going onto the  
18 grounds of, entering, or coming within one hundred to one thousand feet  
19 of a residence, workplace, school, or day care is a gross misdemeanor  
20 except as provided in subsections (4) and (5) of this section. Upon  
21 conviction, and in addition to any other penalties provided by law, the  
22 court may require that the respondent submit to electronic monitoring.  
23 The court shall specify who shall provide the electronic monitoring  
24 services, and the terms under which the monitoring shall be performed.  
25 The order also may include a requirement that the respondent pay the  
26 costs of the monitoring. The court shall consider the ability of the  
27 convicted person to pay for electronic monitoring.

28 (2) A peace officer shall arrest without a warrant and take into  
29 custody a person whom the peace officer has probable cause to believe  
30 has violated an order issued under this chapter that restrains the  
31 person ~~((or excludes the person))~~ in any manner including from going  
32 onto the grounds of, entering, or coming within one hundred to one  
33 thousand feet of a residence, workplace, school, or day care, if the  
34 person restrained knows of the order. Presence of the order in the law  
35 enforcement computer-based criminal intelligence information system is  
36 not the only means of establishing knowledge of the order.

37 (3) A violation of an order for protection shall also constitute  
38 contempt of court, and is subject to the penalties prescribed by law.

1 (4) Any assault that is a violation of an order issued under this  
2 chapter and that does not amount to assault in the first or second  
3 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any  
4 conduct in violation of a protective order issued under this chapter  
5 that is reckless and creates a substantial risk of death or serious  
6 physical injury to another person is a class C felony.

7 (5) A violation of a court order issued under this chapter is a  
8 class C felony if the offender has at least two previous convictions  
9 for violating the provisions of a no-contact order issued under chapter  
10 9A.46 or 10.99 RCW, a domestic violence protection order issued under  
11 chapter 26.09, 26.10, or 26.26 RCW or this chapter, an antiharassment  
12 protection order issued under chapter 10.14, 26.09, 26.10, or 26.26  
13 RCW, a restraining order bearing a criminal offense legend issued under  
14 chapter 26.09, 26.10, 26.26, or 26.44 RCW, or any federal or out-of-  
15 state order that is comparable to a no-contact or protection order  
16 issued under Washington law. The previous convictions may involve the  
17 same victim or other victims specifically protected by the no-contact  
18 orders or protection orders the offender violated.

19 (6) Upon the filing of an affidavit by the petitioner or any peace  
20 officer alleging that the respondent has violated an order for  
21 protection granted under this chapter, the court may issue an order to  
22 the respondent, requiring the respondent to appear and show cause  
23 within fourteen days why the respondent should not be found in contempt  
24 of court and punished accordingly. The hearing may be held in the  
25 court of any county or municipality in which the petitioner or  
26 respondent temporarily or permanently resides at the time of the  
27 alleged violation.

28 **Sec. 36.** RCW 26.50.115 and 1996 c 248 s 17 are each amended to  
29 read as follows:

30 (1) When the court issues an ex parte order pursuant to RCW  
31 26.50.070 or an order of protection pursuant to RCW 26.50.060, or the  
32 hearing officer issues an emergency ex parte temporary order for  
33 protection pursuant to section 33 of this act, the court or hearing  
34 officer shall advise the petitioner that the respondent may not be  
35 subjected to the penalties set forth in RCW 26.50.110 for a violation  
36 of the order unless the respondent knows of the order.

37 (2) When a peace officer investigates a report of an alleged  
38 violation of an order for protection issued under this chapter the

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

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

17 NEW SECTION. **Sec. 37.** This act applies to crimes committed on or  
18 after July 1, 1999.

19 NEW SECTION. **Sec. 38.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and takes effect  
22 immediately.

23 NEW SECTION. **Sec. 39.** If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected.

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