
HOUSE BILL 2758

State of Washington

56th Legislature

2000 Regular Session

By Representatives Kagi, Ballasiotes, O'Brien and Radcliff

Read first time 01/19/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to court orders; amending RCW 9.94A.220, 9.94A.390,
2 9A.46.040, 10.14.080, 10.31.100, 10.99.020, 10.99.040, 10.99.045,
3 10.99.050, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130,
4 26.26.137, 26.44.063, 26.44.067, 26.50.035, 26.50.060, 26.50.070,
5 26.50.110, and 26.50.160; reenacting and amending RCW 9.94A.320;
6 repealing RCW 10.14.130; and prescribing penalties.

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

8 **Sec. 1.** RCW 9.94A.220 and 1994 c 271 s 901 are each amended to
9 read as follows:

10 (1) When an offender has completed the requirements of the
11 sentence, the secretary of the department or the secretary's designee
12 shall notify the sentencing court, which shall discharge the offender
13 and provide the offender with a certificate of discharge.

14 (2) An offender who is not convicted of a violent offense or a sex
15 offense and is sentenced to a term involving community supervision may
16 be considered for a discharge of sentence by the sentencing court prior
17 to the completion of community supervision, provided that the offender
18 has completed at least one-half of the term of community supervision
19 and has met all other sentence requirements.

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 Malicious placement of an imitation device
4 1 (RCW 70.74.272(1)(a))
5 Rape 1 (RCW 9A.44.040)
6 Rape of a Child 1 (RCW 9A.44.073)

7 XI Manslaughter 1 (RCW 9A.32.060)
8 Rape 2 (RCW 9A.44.050)
9 Rape of a Child 2 (RCW 9A.44.076)

10 X Child Molestation 1 (RCW 9A.44.083)
11 Indecent Liberties (with forcible
12 compulsion) (RCW 9A.44.100(1)(a))
13 Kidnapping 1 (RCW 9A.40.020)
14 Leading Organized Crime (RCW
15 9A.82.060(1)(a))
16 Malicious explosion 3 (RCW 70.74.280(3))
17 Manufacture of methamphetamine (RCW
18 69.50.401(a)(1)(ii))
19 Over 18 and deliver heroin,
20 methamphetamine, a narcotic from
21 Schedule I or II, or flunitrazepam
22 from Schedule IV to someone under 18
23 (RCW 69.50.406)

24 IX Assault of a Child 2 (RCW 9A.36.130)
25 Controlled Substance Homicide (RCW
26 69.50.415)
27 Explosive devices prohibited (RCW
28 70.74.180)
29 Homicide by Watercraft, by being under the
30 influence of intoxicating liquor or
31 any drug (RCW ((~~88.12.029~~))
32 79A.60.050)
33 Inciting Criminal Profiteering (RCW
34 9A.82.060(1)(b))
35 Malicious placement of an explosive 2 (RCW
36 70.74.270(2))

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic, except
3 flunitrazepam or methamphetamine, from
4 Schedule I-V to someone under 18 and 3
5 years junior (RCW 69.50.406)
6 Robbery 1 (RCW 9A.56.200)
7 Sexual Exploitation (RCW 9.68A.040)
8 Vehicular Homicide, by being under the
9 influence of intoxicating liquor or
10 any drug (RCW 46.61.520)

11 VIII Arson 1 (RCW 9A.48.020)
12 Deliver or possess with intent to deliver
13 m e t h a m p h e t a m i n e (R C W
14 69.50.401(a)(1)(ii))
15 Homicide by Watercraft, by the operation of
16 any vessel in a reckless manner (RCW
17 ((~~88.12.029~~)) 79A.60.050)
18 Manslaughter 2 (RCW 9A.32.070)
19 Manufacture, deliver, or possess with
20 intent to deliver amphetamine (RCW
21 69.50.401(a)(1)(ii))
22 Manufacture, deliver, or possess with
23 intent to deliver heroin or cocaine
24 (RCW 69.50.401(a)(1)(i))
25 Possession of ephedrine or pseudoephedrine
26 with intent to manufacture
27 methamphetamine (RCW 69.50.440)
28 Promoting Prostitution 1 (RCW 9A.88.070)
29 Selling for profit (controlled or
30 counterfeit) any controlled substance
31 (RCW 69.50.410)
32 Vehicular Homicide, by the operation of any
33 vehicle in a reckless manner (RCW
34 46.61.520)

1 VII Burglary 1 (RCW 9A.52.020)
2 Child Molestation 2 (RCW 9A.44.086)
3 Dealing in depictions of minor engaged in
4 sexually explicit conduct (RCW
5 9.68A.050)
6 Drive-by Shooting (RCW 9A.36.045)
7 Homicide by Watercraft, by disregard for
8 the safety of others (RCW
9 ((88.12.029)) 79A.60.050)
10 Indecent Liberties (without forcible
11 compulsion) (RCW 9A.44.100(1) (b) and
12 (c))
13 Introducing Contraband 1 (RCW 9A.76.140)
14 Involving a minor in drug dealing (RCW
15 69.50.401(f))
16 Malicious placement of an explosive 3 (RCW
17 70.74.270(3))
18 Sending, bringing into state depictions of
19 minor engaged in sexually explicit
20 conduct (RCW 9.68A.060)
21 Unlawful Possession of a Firearm in the
22 first degree (RCW 9.41.040(1)(a))
23 Use of a Machine Gun in Commission of a
24 Felony (RCW 9.41.225)
25 Vehicular Homicide, by disregard for the
26 safety of others (RCW 46.61.520)

27 VI Bail Jumping with Murder 1 (RCW
28 9A.76.170(2)(a))
29 Bribery (RCW 9A.68.010)
30 Incest 1 (RCW 9A.64.020(1))
31 Intimidating a Judge (RCW 9A.72.160)
32 Intimidating a Juror/Witness (RCW
33 9A.72.110, 9A.72.130)
34 Malicious placement of an imitation device
35 2 (RCW 70.74.272(1)(b))
36 Manufacture, deliver, or possess with
37 intent to deliver narcotics from
38 Schedule I or II (except heroin or

1 cocaine) or flunitrazepam from
2 Schedule IV (RCW 69.50.401(a)(1)(i))
3 Rape of a Child 3 (RCW 9A.44.079)
4 Theft of a Firearm (RCW 9A.56.300)

5 V Abandonment of dependent person 1 (RCW
6 9A.42.060)
7 Advancing money or property for
8 extortionate extension of credit (RCW
9 9A.82.030)

10 Bail Jumping with class A Felony (RCW
11 9A.76.170(2)(b))
12 Child Molestation 3 (RCW 9A.44.089)
13 Criminal Mistreatment 1 (RCW 9A.42.020)
14 Custodial Sexual Misconduct 1 (RCW
15 9A.44.160)
16 Delivery of imitation controlled substance
17 by person eighteen or over to person
18 under eighteen (RCW 69.52.030(2))
19 Extortion 1 (RCW 9A.56.120)
20 Extortionate Extension of Credit (RCW
21 9A.82.020)
22 Extortionate Means to Collect Extensions of
23 Credit (RCW 9A.82.040)
24 Foreign Protection Order Violation (RCW
25 26.52.070 (3) and (4))
26 Incest 2 (RCW 9A.64.020(2))
27 Kidnapping 2 (RCW 9A.40.030)
28 On and after July 1, 2000: No-Contact
29 Order Violation: Domestic Violence
30 Pretrial Condition (RCW 10.99.040(4)
31 (b) and (c))
32 On and after July 1, 2000: No-Contact
33 Order Violation: Domestic Violence
34 Sentence Condition (RCW 10.99.050(2))
35 On and after July 1, 2000: Protection
36 Order Violation: Domestic Violence
37 Civil Action (RCW 26.50.110 (4) and
38 (5))

1 On and after July 1, 2000: Stalking (RCW
2 9A.46.110)
3 Perjury 1 (RCW 9A.72.020)
4 Persistent prison misbehavior (RCW
5 9.94.070)
6 Possession of a Stolen Firearm (RCW
7 9A.56.310)
8 Rape 3 (RCW 9A.44.060)
9 Rendering Criminal Assistance 1 (RCW
10 9A.76.070)
11 Sexual Misconduct with a Minor 1 (RCW
12 9A.44.093)
13 Sexually Violating Human Remains (RCW
14 9A.44.105)

15 IV Arson 2 (RCW 9A.48.030)
16 Assault 2 (RCW 9A.36.021)
17 Assault by Watercraft (RCW ((~~88.12.032~~))
18 79A.60.060)
19 Bribing a Witness/Bribe Received by Witness
20 (RCW 9A.72.090, 9A.72.100)
21 Commercial Bribery (RCW 9A.68.060)
22 Counterfeiting (RCW 9.16.035(4))
23 Escape 1 (RCW 9A.76.110)
24 Hit and Run--Injury Accident (RCW
25 46.52.020(4))
26 Hit and Run with Vessel--Injury Accident
27 (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))
28 Indecent Exposure to Person Under Age
29 Fourteen (subsequent sex offense) (RCW
30 9A.88.010)
31 Influencing Outcome of Sporting Event (RCW
32 9A.82.070)
33 Knowingly Trafficking in Stolen Property
34 (RCW 9A.82.050(2))
35 Malicious Harassment (RCW 9A.36.080)
36 Manufacture, deliver, or possess with
37 intent to deliver narcotics from
38 Schedule III, IV, or V or nonnarcotics
39 from Schedule I-V (except marijuana,

1 amphetamine, methamphetamines, or
2 flunitrazepam) (RCW 69.50.401(a)(1)
3 (iii) through (v))
4 Residential Burglary (RCW 9A.52.025)
5 Robbery 2 (RCW 9A.56.210)
6 Theft of Livestock 1 (RCW 9A.56.080)
7 Threats to Bomb (RCW 9.61.160)
8 Use of Proceeds of Criminal Profiteering
9 (RCW 9A.82.080 (1) and (2))
10 Vehicular Assault (RCW 46.61.522)
11 Willful Failure to Return from Furlough
12 (RCW 72.66.060)

13 III Abandonment of dependent person 2 (RCW
14 9A.42.070)
15 Assault 3 (RCW 9A.36.031)
16 Assault of a Child 3 (RCW 9A.36.140)
17 Bail Jumping with class B or C Felony (RCW
18 9A.76.170(2)(c))
19 Burglary 2 (RCW 9A.52.030)
20 Communication with a Minor for Immoral
21 Purposes (RCW 9.68A.090)
22 Criminal Gang Intimidation (RCW 9A.46.120)
23 Criminal Mistreatment 2 (RCW 9A.42.030)
24 Custodial Assault (RCW 9A.36.100)
25 Delivery of a material in lieu of a
26 controlled substance (RCW
27 69.50.401(c))
28 Escape 2 (RCW 9A.76.120)
29 Extortion 2 (RCW 9A.56.130)
30 Harassment (RCW 9A.46.020)
31 Intimidating a Public Servant (RCW
32 9A.76.180)
33 Introducing Contraband 2 (RCW 9A.76.150)
34 Maintaining a Dwelling or Place for
35 Controlled Substances (RCW
36 69.50.402(a)(6))
37 Malicious Injury to Railroad Property (RCW
38 81.60.070)

1 Manufacture, deliver, or possess with
2 intent to deliver marijuana (RCW
3 69.50.401(a)(1)(iii))
4 Manufacture, distribute, or possess with
5 intent to distribute an imitation
6 controlled substance (RCW
7 69.52.030(1))
8 Patronizing a Juvenile Prostitute (RCW
9 9.68A.100)
10 Perjury 2 (RCW 9A.72.030)
11 Possession of Incendiary Device (RCW
12 9.40.120)
13 Possession of Machine Gun or Short-Barreled
14 Shotgun or Rifle (RCW 9.41.190)
15 Promoting Prostitution 2 (RCW 9A.88.080)
16 Recklessly Trafficking in Stolen Property
17 (RCW 9A.82.050(1))
18 Securities Act violation (RCW 21.20.400)
19 Tampering with a Witness (RCW 9A.72.120)
20 Telephone Harassment (subsequent conviction
21 or threat of death) (RCW 9.61.230)
22 Theft of Livestock 2 (RCW 9A.56.080)
23 Unlawful Imprisonment (RCW 9A.40.040)
24 Unlawful possession of firearm in the
25 second degree (RCW 9.41.040(1)(b))
26 Unlawful Use of Building for Drug Purposes
27 (RCW 69.53.010)
28 Willful Failure to Return from Work Release
29 (RCW 72.65.070)
30 II Computer Trespass 1 (RCW 9A.52.110)
31 Counterfeiting (RCW 9.16.035(3))
32 Create, deliver, or possess a counterfeit
33 controlled substance (RCW
34 69.50.401(b))
35 Escape from Community Custody (RCW
36 72.09.310)
37 Health Care False Claims (RCW 48.80.030)
38 Malicious Mischief 1 (RCW 9A.48.070)

1 Possession of controlled substance that is
2 either heroin or narcotics from
3 Schedule I or II or flunitrazepam from
4 Schedule IV (RCW 69.50.401(d))
5 Possession of phencyclidine (PCP) (RCW
6 69.50.401(d))
7 Possession of Stolen Property 1 (RCW
8 9A.56.150)
9 Theft 1 (RCW 9A.56.030)
10 Theft of Rental, Leased, or Lease-purchased
11 Property (valued at one thousand five
12 hundred dollars or more) (RCW
13 9A.56.096(4))
14 Trafficking in Insurance Claims (RCW
15 48.30A.015)
16 Unlawful Practice of Law (RCW 2.48.180)
17 Unlicensed Practice of a Profession or
18 Business (RCW 18.130.190(7))

19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forged Prescription (RCW 69.41.020)
24 Forged Prescription for a Controlled
25 Substance (RCW 69.50.403)
26 Forgery (RCW 9A.60.020)
27 Malicious Mischief 2 (RCW 9A.48.080)
28 Possess Controlled Substance that is a
29 Narcotic from Schedule III, IV, or V
30 or Non-narcotic from Schedule I-V
31 (except phencyclidine or
32 flunitrazepam) (RCW 69.50.401(d))
33 Possession of Stolen Property 2 (RCW
34 9A.56.160)
35 Reckless Burning 1 (RCW 9A.48.040)
36 Taking Motor Vehicle Without Permission
37 (RCW 9A.56.070)
38 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-purchased
2 Property (valued at two hundred fifty
3 dollars or more but less than one
4 thousand five hundred dollars) (RCW
5 9A.56.096(4))
6 Unlawful Issuance of Checks or Drafts (RCW
7 9A.56.060)
8 Unlawful Use of Food Stamps (RCW 9.91.140
9 (2) and (3))
10 Vehicle Prowl 1 (RCW 9A.52.095)

11 **Sec. 3.** RCW 9.94A.390 and 1999 c 330 s 1 are each amended to read
12 as follows:

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

17 The following are illustrative factors which the court may consider
18 in the exercise of its discretion to impose an exceptional sentence.
19 The following are illustrative only and are not intended to be
20 exclusive reasons for exceptional sentences.

21 (1) Mitigating Circumstances

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

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

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

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

32 (e) The defendant's capacity to appreciate the wrongfulness of his
33 or her conduct or to conform his or her conduct to the requirements of
34 the law, was significantly impaired (voluntary use of drugs or alcohol
35 is excluded).

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

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

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

7 (2) Aggravating Circumstances

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

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

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

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

18 (i) The current offense involved multiple victims or multiple
19 incidents per victim;

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

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

24 (iv) The defendant used his or her position of trust, confidence,
25 or fiduciary responsibility to facilitate the commission of the current
26 offense.

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

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

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

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

1 (iv) The circumstances of the current offense reveal the offender
2 to have occupied a high position in the drug distribution hierarchy;
3 (v) The current offense involved a high degree of sophistication or
4 planning or occurred over a lengthy period of time or involved a broad
5 geographic area of disbursement; or
6 (vi) The offender used his or her position or status to facilitate
7 the commission of the current offense, including positions of trust,
8 confidence or fiduciary responsibility (e.g., pharmacist, physician, or
9 other medical professional).

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

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

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

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

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

22 (iii) The offender's conduct during the commission of the current
23 offense manifested deliberate cruelty or intimidation of the victim; or

24 (iv) In committing the offense, the offender violated the
25 provisions of a no-contact order issued under chapter 9A.46 or 10.99
26 RCW, a protection order issued under chapter 10.14 or 26.50 RCW, a
27 foreign protection order as defined in chapter 26.52 RCW, or a
28 restraining order issued under chapter 26.09, 26.10, 26.26, or 26.44
29 RCW that restrained or enjoined the offender from contacting or going
30 within a set distance of a victim or location or excluded the offender
31 from a specified location.

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

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

1 (k) The offense resulted in the pregnancy of a child victim of
2 rape.

3 (l) The defendant knew that the victim of the current offense was
4 a youth who was not residing with a legal custodian and the defendant
5 established or promoted the relationship for the primary purpose of
6 victimization.

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

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

14 (a) Stay (~~(away from the)~~) a specified distance of no more than one
15 thousand feet away from a home, school, business, or place of
16 employment of the victim or victims of the alleged offense or from any
17 other location, as shall be specifically named by the court in the
18 order; and

19 (b) Refrain from coming within a specified distance of not less
20 than one hundred or more than five hundred feet from a specified victim
21 or from contacting, intimidating, threatening, 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 (2)(a) An intentional violation of a court order issued under this
27 section is a misdemeanor. The written order releasing the defendant
28 shall contain the court's directives and shall bear the legend:
29 Violation of this order is a criminal offense under chapter 9A.46 RCW.

30 (b) A certified copy of the order shall be provided to the victim
31 by the clerk of the court.

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

34 (1) Upon filing a petition for a civil antiharassment protection
35 order under this chapter, the petitioner may obtain an ex parte
36 temporary antiharassment protection order. An ex parte temporary
37 antiharassment protection order may be granted with or without notice

1 upon the filing of an affidavit which, to the satisfaction of the
2 court, shows reasonable proof of unlawful harassment of the petitioner
3 by the respondent and that great or irreparable harm will result to the
4 petitioner if the temporary antiharassment protection order is not
5 granted.

6 (2) An ex parte temporary antiharassment protection order shall be
7 effective for a fixed period not to exceed fourteen days or twenty-four
8 days if the court has permitted service by publication under RCW
9 10.14.085. The ex parte order may be reissued. A full hearing, as
10 provided in this chapter, shall be set for not later than fourteen days
11 from the issuance of the temporary order or not later than twenty-four
12 days if service by publication is permitted. Except as provided in RCW
13 10.14.070 and 10.14.085, the respondent shall be personally served with
14 a copy of the ex parte order along with a copy of the petition and
15 notice of the date set for the hearing.

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

19 (4) An order issued under this chapter shall be effective for not
20 more than one year unless the court finds that the respondent is likely
21 to resume unlawful harassment of the petitioner when the order expires.
22 If so, the court may enter an order for a fixed time exceeding one year
23 or may enter a permanent antiharassment protection order. The court
24 shall not enter an order that is effective for more than one year if
25 the order restrains the respondent from contacting the respondent's
26 minor children. This limitation is not applicable to civil
27 antiharassment protection orders issued under chapter 26.09, 26.10, or
28 26.26 RCW. If the petitioner seeks relief for a period longer than one
29 year on behalf of the respondent's minor children, the court shall
30 advise the petitioner that the petitioner may apply for renewal of the
31 order as provided in this chapter or if appropriate may seek relief
32 pursuant to chapter 26.09 or 26.10 RCW.

33 (5) At any time within the three months before the expiration of
34 the order, the petitioner may apply for a renewal of the order by
35 filing a petition for renewal. The petition for renewal shall state
36 the reasons why the petitioner seeks to renew the protection order.
37 Upon receipt of the petition for renewal, the court shall order a
38 hearing which shall be not later than fourteen days from the date of
39 the order. Except as provided in RCW 10.14.085, personal service shall

1 be made upon the respondent not less than five days before the hearing.
2 If timely service cannot be made the court shall set a new hearing date
3 and shall either require additional attempts at obtaining personal
4 service or permit service by publication as provided by RCW 10.14.085.
5 If the court permits service by publication, the court shall set the
6 new hearing date not later than twenty-four days from the date of the
7 order. If the order expires because timely service cannot be made the
8 court shall grant an ex parte order of protection as provided in this
9 section. The court shall grant the petition for renewal unless the
10 respondent proves by a preponderance of the evidence that the
11 respondent will not resume harassment of the petitioner when the order
12 expires. The court may renew the protection order for another fixed
13 time period or may enter a permanent order as provided in subsection
14 (4) of this section.

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

19 (a) Restraining the respondent from making any attempts to contact
20 the petitioner;

21 (b) Restraining the respondent from making any attempts to keep the
22 petitioner under surveillance;

23 ~~(c) ((Requiring the respondent to stay a stated distance from the
24 petitioner's residence and workplace; and~~

25 ~~(d))~~ Restraining the respondent from coming within a specified
26 distance of no more than one thousand feet from the petitioner's
27 residence, workplace, or other specified location;

28 (d) Restraining the respondent from coming within a specified
29 distance of not less than one hundred or more than five hundred feet
30 from the petitioner; and

31 (e) Considering the provisions of RCW 9.41.800.

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 **Sec. 6.** RCW 10.31.100 and 1999 c 184 s 14 are each amended to read
6 as follows:

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

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

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

24 (a) An order has been issued of which the person has knowledge
25 under ((RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,
26 26.10.115, 26.44.063,)) chapter 10.99, 26.09, 26.10, 26.26 ((RCW, or
27 chapter)), 26.44, or 26.50 RCW, or a foreign protection order as
28 defined in chapter 26.52 RCW, restraining the person and the person has
29 violated the terms of the order restraining the person from acts or
30 threats of violence or restraining the person from going onto the
31 grounds of or entering a residence, workplace, school, or day care, or
32 prohibiting the person from coming within a specified distance of a
33 location or another person, or, in the case of an order issued under
34 RCW 26.44.063, imposing any other restrictions or conditions upon the
35 person; or

36 (b) A foreign protection order, as defined in RCW 26.52.010, has
37 been issued of which the person under restraint has knowledge and the
38 person under restraint has violated a provision of the foreign

1 protection order prohibiting the person under restraint from contacting
2 or communicating with another person, or of a provision excluding the
3 person under restraint from a residence, workplace, school, or day
4 care, or a violation of any provision for which the foreign protection
5 order specifically indicates that a violation will be a crime; or

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

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

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

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

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

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

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

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

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

6 (5) Any police officer having probable cause to believe that a
7 person has committed or is committing a violation of RCW ((88.12.025))
8 79A.60.040 shall have the authority to arrest the person.

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

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

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

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

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

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

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

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

1 **Sec. 7.** RCW 10.99.020 and 1997 c 338 s 53 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Family or household members" means spouses, former spouses,
6 persons who have a child in common regardless of whether they have been
7 married or have lived together at any time, adult persons related by
8 blood or marriage, adult persons who are presently residing together or
9 who have resided together in the past, persons sixteen years of age or
10 older who are presently residing together or who have resided together
11 in the past and who have or have had a dating relationship, persons
12 sixteen years of age or older with whom a person sixteen years of age
13 or older has or has had a dating relationship, and persons who have a
14 biological or legal parent-child relationship, including stepparents
15 and stepchildren and grandparents and grandchildren.

16 (2) "Dating relationship" has the same meaning as in RCW 26.50.010.

17 (3) "Domestic violence" includes but is not limited to any of the
18 following crimes when committed by one family or household member
19 against another:

20 (a) Assault in the first degree (RCW 9A.36.011);

21 (b) Assault in the second degree (RCW 9A.36.021);

22 (c) Assault in the third degree (RCW 9A.36.031);

23 (d) Assault in the fourth degree (RCW 9A.36.041);

24 (e) Drive-by shooting (RCW 9A.36.045);

25 (f) Reckless endangerment (RCW 9A.36.050);

26 (g) Coercion (RCW 9A.36.070);

27 (h) Burglary in the first degree (RCW 9A.52.020);

28 (i) Burglary in the second degree (RCW 9A.52.030);

29 (j) Criminal trespass in the first degree (RCW 9A.52.070);

30 (k) Criminal trespass in the second degree (RCW 9A.52.080);

31 (l) Malicious mischief in the first degree (RCW 9A.48.070);

32 (m) Malicious mischief in the second degree (RCW 9A.48.080);

33 (n) Malicious mischief in the third degree (RCW 9A.48.090);

34 (o) Kidnapping in the first degree (RCW 9A.40.020);

35 (p) Kidnapping in the second degree (RCW 9A.40.030);

36 (q) Unlawful imprisonment (RCW 9A.40.040);

37 (r) Violation of the provisions of a restraining order restraining
38 the person or restraining or enjoining the person from going onto the
39 grounds of or entering a residence, workplace, school, or day care or

1 coming within a specified distance of a location or a specified person
2 (RCW 26.09.300, 26.10.220, ((~~or~~)) 26.26.138, 26.44.063, or 26.44.150);

3 (s) Violation of the provisions of a protection order or no-contact
4 order restraining the person or restraining the person from going onto
5 the grounds of or entering a residence, workplace, school, or day care
6 (RCW 26.50.060, 26.50.070, 26.50.130, 10.99.040, ((~~or~~)) 10.99.050, or
7 26.52.070);

8 (t) Rape in the first degree (RCW 9A.44.040);

9 (u) Rape in the second degree (RCW 9A.44.050);

10 (v) Residential burglary (RCW 9A.52.025);

11 (w) Stalking (RCW 9A.46.110); and

12 (x) Interference with the reporting of domestic violence (RCW
13 9A.36.150).

14 (4) "Victim" means a family or household member who has been
15 subjected to domestic violence.

16 **Sec. 8.** RCW 10.99.040 and 1997 c 338 s 54 are each amended to read
17 as follows:

18 (1) Because of the serious nature of domestic violence, the court
19 in domestic violence actions:

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

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

24 (c) Shall waive any requirement that the victim's location be
25 disclosed to any person, other than the attorney of a criminal
26 defendant, upon a showing that there is a possibility of further
27 violence: PROVIDED, That the court may order a criminal defense
28 attorney not to disclose to his or her client the victim's location;
29 and

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

32 (2)(a) Because of the likelihood of repeated violence directed at
33 those who have been victims of domestic violence in the past, when any
34 person charged with or arrested for a crime involving domestic violence
35 is released from custody before arraignment or trial on bail or
36 personal recognizance, the court authorizing the release may prohibit
37 that person from having any contact with the victim. The jurisdiction
38 authorizing the release shall determine whether that person should be

1 prohibited from having any contact with the victim. If there is no
2 outstanding restraining or protective order prohibiting that person
3 from having contact with the victim, the court authorizing release may
4 issue, by telephone, a no-contact order prohibiting the person charged
5 or arrested from having contact with the victim or from being present
6 within a specified distance of no more than one thousand feet from a
7 specified location, or from being present within a specified distance
8 of not less than one hundred or more than five hundred feet of the
9 victim.

10 (b) In issuing the order, the court shall consider the provisions
11 of RCW 9.41.800.

12 (c) The no-contact order shall also be issued in writing as soon as
13 possible.

14 (3) At the time of arraignment the court shall determine whether a
15 no-contact order shall be issued or extended. The no-contact order
16 shall terminate if the defendant is acquitted or the charges are
17 dismissed. If a no-contact order is issued or extended, the court may
18 also include in the conditions of release a requirement that the
19 defendant submit to electronic monitoring. If electronic monitoring is
20 ordered, the court shall specify who shall provide the monitoring
21 services, and the terms under which the monitoring shall be performed.
22 Upon conviction, the court may require as a condition of the sentence
23 that the defendant reimburse the providing agency for the costs of the
24 electronic monitoring.

25 (4)(a) Willful violation of a court order issued under subsection
26 (2) or (3) of this section is a gross misdemeanor except as provided in
27 (b) and (c) of this subsection (4). Upon conviction and in addition to
28 other penalties provided by law, the court may require that the
29 defendant submit to electronic monitoring. The court shall specify who
30 shall provide the electronic monitoring services and the terms under
31 which the monitoring must be performed. The court also may include a
32 requirement that the defendant pay the costs of the monitoring. The
33 court shall consider the ability of the convicted person to pay for
34 electronic monitoring.

35 (b) Any assault that is a violation of an order issued under this
36 section and that does not amount to assault in the first or second
37 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable
38 under chapter 9A.20 RCW, and any conduct in violation of a protective
39 order issued under this section that is reckless and creates a

1 substantial risk of death or serious physical injury to another person
2 is a class C felony punishable under chapter 9A.20 RCW.

3 (c) A willful violation of a court order issued under this section
4 is a class C felony if the offender has at least two previous
5 convictions for violating the provisions of a no-contact order issued
6 under this chapter, a domestic violence protection order issued under
7 chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-
8 state order that is comparable to a no-contact order or protection
9 order issued under Washington law. The previous convictions may
10 involve the same victim or other victims specifically protected by the
11 no-contact orders or protection orders the offender violated.

12 (d) The written order releasing the person charged or arrested
13 shall contain the court's directives and shall bear the legend:
14 "Violation of this order is a criminal offense under chapter 10.99 RCW
15 and will subject a violator to arrest; any assault, drive-by shooting,
16 or reckless endangerment that is a violation of this order is a felony.
17 You can be arrested even if any person protected by the order invites
18 or allows you to violate the order's prohibitions. You have the sole
19 responsibility to avoid or refrain from violating the order's
20 provisions. Only the court can change the order."

21 (e) A certified copy of the order shall be provided to the victim.

22 (5) If a no-contact order has been issued prior to charging, that
23 order shall expire at arraignment or within seventy-two hours if
24 charges are not filed. Such orders need not be entered into the
25 computer-based criminal intelligence information system in this state
26 which is used by law enforcement agencies to list outstanding warrants.

27 ~~((+5))~~ (6) Whenever ~~((an))~~ a no-contact order ~~((prohibiting~~
28 ~~contact))~~ is issued, modified, or terminated under subsection (2) or
29 (3) of this section, the clerk of the court shall forward a copy of the
30 order on or before the next judicial day to the appropriate law
31 enforcement agency specified in the order. Upon receipt of the copy of
32 the order the law enforcement agency shall ~~((forthwith))~~ enter the
33 order for one year or until the expiration date specified on the order
34 into any computer-based criminal intelligence information system
35 available in this state used by law enforcement agencies to list
36 outstanding warrants. Entry into the ~~((law-enforcement))~~ computer-
37 based criminal intelligence information system constitutes notice to
38 all law enforcement agencies of the existence of the order. The order
39 is fully enforceable in any jurisdiction in the state. Upon receipt of

1 notice that an order has been terminated under subsection (3) of this
2 section, the law enforcement agency shall remove the order from the
3 computer-based criminal intelligence information system.

4 **Sec. 9.** RCW 10.99.045 and 1998 c 55 s 2 are each amended to read
5 as follows:

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

9 (2) A defendant who is charged by citation, complaint, or
10 information with an offense involving domestic violence as defined by
11 RCW 10.99.020 and not arrested shall appear in court for arraignment in
12 person as soon as practicable, but in no event later than fourteen days
13 after the next day on which court is in session following the issuance
14 of the citation or the filing of the complaint or information.

15 (3) At the time of the appearances provided in subsection (1) or
16 (2) of this section, the court shall determine the necessity of
17 imposing a no-contact order or other conditions of pretrial release
18 according to the procedures established by court rule for a preliminary
19 appearance or an arraignment. The court may include in the order any
20 conditions authorized under RCW 9.41.800 and 10.99.040.

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

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

26 **Sec. 10.** RCW 10.99.050 and 1997 c 338 s 55 are each amended to
27 read as follows:

28 (1) When a defendant is found guilty of a crime and a condition of
29 the sentence restricts the defendant's ability to have contact with the
30 victim, such condition shall be recorded and a written certified copy
31 of that order shall be provided to the victim.

32 (2)(a) Willful violation of a court order issued under this section
33 is a gross misdemeanor. Any assault that is a violation of an order
34 issued under this section and that does not amount to assault in the
35 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
36 felony, and any conduct in violation of a protective order issued under
37 this section that is reckless and creates a substantial risk of death

1 or serious physical injury to another person is a class C felony. A
2 willful violation of a court order issued under this section is also a
3 class C felony if the offender has at least two previous convictions
4 for violating the provisions of a no-contact order issued under this
5 chapter, or a domestic violence protection order issued under chapter
6 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order
7 that is comparable to a no-contact order or protection order that is
8 issued under Washington law. The previous convictions may involve the
9 same victim or other victims specifically protected by the no-contact
10 orders or protection orders the offender violated.

11 (b) The written order shall contain the court's directives and
12 shall bear the legend: Violation of this order is a criminal offense
13 under chapter 10.99 RCW and will subject a violator to arrest; any
14 assault, drive-by shooting, or reckless endangerment that is a
15 violation of this order is a felony.

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

28 (4) If an order prohibiting contact issued pursuant to this section
29 is modified or terminated, the clerk of the court shall notify the law
30 enforcement agency specified in the order on or before the next
31 judicial day. Upon receipt of notice that an order has been
32 terminated, the law enforcement agency shall remove the order from any
33 computer-based criminal intelligence system.

34 **Sec. 11.** RCW 26.09.050 and 1995 c 93 s 2 are each amended to read
35 as follows:

36 (1) In entering a decree of dissolution of marriage, legal
37 separation, or declaration of invalidity, the court shall determine the
38 marital status of the parties, make provision for a parenting plan for

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

12 (2) Restraining orders issued under this section restraining or
13 enjoining the person from molesting or disturbing another party ~~((or))~~,
14 from going onto the grounds of or entering the home, workplace, or
15 school of the other party or the day care or school of any child, or
16 coming within a specified distance of a specified location or a
17 specified party shall prominently bear on the front page of the order
18 the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS
19 A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR
20 TO ARREST.

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

32 (4) If a restraining order issued pursuant to this section is
33 modified or terminated, the clerk of the court shall notify the law
34 enforcement agency specified in the order on or before the next
35 judicial day. Upon receipt of notice that an order has been
36 terminated, the law enforcement agency shall remove the order from any
37 computer-based criminal intelligence system.

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

3 (1) In a proceeding for:

4 (a) Dissolution of marriage, legal separation, or a declaration of
5 invalidity; or

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

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

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

22 (b) Molesting or disturbing the peace of the other party or of any
23 child;

24 (c) Going onto the grounds of or entering the home, workplace, or
25 school of the other party or the day care or school of any child upon
26 a showing of the necessity therefor;

27 (d) Coming within a specified distance of no more than one thousand
28 feet from a specified location;

29 (e) Coming within a specified distance of not less than one hundred
30 or more than five hundred feet from a specified party; and

31 (f) Removing a child from the jurisdiction of the court.

32 (3) Either party may request a domestic violence protection order
33 under chapter 26.50 RCW or an antiharassment protection order under
34 chapter 10.14 RCW on a temporary basis. The court may grant any of the
35 relief provided in RCW 26.50.060 except relief pertaining to
36 residential provisions for the children which provisions shall be
37 provided for under this chapter, and any of the relief provided in RCW
38 10.14.080. Ex parte orders issued under this subsection shall be
39 effective for a fixed period not to exceed fourteen days, or upon court

1 order, not to exceed twenty-four days if necessary to ensure that all
2 temporary motions in the case can be heard at the same time.

3 (4) In issuing the order, the court shall consider the provisions
4 of RCW 9.41.800.

5 (5) The court may issue a temporary restraining order without
6 requiring notice to the other party only if it finds on the basis of
7 the moving affidavit or other evidence that irreparable injury could
8 result if an order is not issued until the time for responding has
9 elapsed.

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

15 (7) Restraining orders issued under this section restraining the
16 person from molesting or disturbing another party (~~(or)~~), from going
17 onto the grounds of or entering the home, workplace, or school of the
18 other party or the day care or school of any child, or coming within a
19 specified distance of a location or a specified party shall prominently
20 bear on the front page of the order the legend: VIOLATION OF THIS
21 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
22 CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

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

36 (9) If a restraining order issued pursuant to this section is
37 modified or terminated, the clerk of the court shall notify the law
38 enforcement agency specified in the order on or before the next
39 judicial day. Upon receipt of notice that an order has been

1 terminated, the law enforcement agency shall remove the order from any
2 computer-based criminal intelligence system.

3 (10) A temporary order, temporary restraining order, or preliminary
4 injunction:

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

7 (b) May be revoked or modified;

8 (c) Terminates when the final decree is entered, except as provided
9 under subsection ~~((+10+))~~ (11) of this section, or when the petition
10 for dissolution, legal separation, or declaration of invalidity is
11 dismissed;

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

14 ~~((+10+))~~ (11) Delinquent support payments accrued under an order
15 for temporary support remain collectible and are not extinguished when
16 a final decree is entered unless the decree contains specific language
17 to the contrary. A support debt under a temporary order owed to the
18 state for public assistance expenditures shall not be extinguished by
19 the final decree if:

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

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

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

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

29 ~~((+1+))~~ (a) Child custody, visitation, and the support of any child
30 entitled to support;

31 ~~((+2+))~~ (b) The allocation of the children as a federal tax
32 exemption;

33 ~~((+3+))~~ (c) Any necessary continuing restraining orders, including
34 the provisions contained in RCW 9.41.800;

35 ~~((+4+))~~ (d) A domestic violence protection order under chapter
36 26.50 RCW or an antiharassment protection order under chapter 10.14
37 RCW. The court may grant any of the relief provided in RCW 26.50.060
38 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 or enjoining the person from molesting or disturbing
5 another party ~~((or))~~, from going onto the grounds of or entering the
6 home, workplace, or school of the other party or the day care or school
7 of any child, or coming within a specified distance of a location or a
8 specified party. The restraining order shall prominently bear on the
9 front page of the order the legend: VIOLATION OF THIS ORDER WITH
10 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.10
11 RCW AND WILL SUBJECT A VIOLATOR TO ARREST~~((r))~~.

12 ~~((6))~~ (2) The court shall order that any restraining order
13 bearing a criminal offense legend, any domestic violence protection
14 order, or any antiharassment protection order granted under this
15 section, in addition to the law enforcement information sheet or proof
16 of service of the order, be forwarded by the clerk of the court on or
17 before the next judicial day to the appropriate law enforcement agency
18 specified in the order. Upon receipt of the order, the law enforcement
19 agency shall ~~((forthwith))~~ enter the order into any computer-based
20 criminal intelligence information system available in this state used
21 by law enforcement agencies to list outstanding warrants. The order is
22 fully enforceable in any county in the state.

23 (3) If a restraining order issued pursuant to this section is
24 modified or terminated, the clerk of the court shall notify the law
25 enforcement agency specified in the order on or before the next
26 judicial day. Upon receipt of notice that an order has been
27 terminated, the law enforcement agency shall remove the order from any
28 computer-based criminal intelligence system.

29 **Sec. 14.** RCW 26.10.115 and 1995 c 246 s 29 are each amended to
30 read as follows:

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

35 (2) In a proceeding under this chapter either party may file a
36 motion for a temporary restraining order or preliminary injunction,
37 providing relief proper in the circumstances, and restraining or
38 enjoining any person from:

1 (a) Molesting or disturbing the peace of the other party or of any
2 child;

3 (b) Entering the family home or the home of the other party upon a
4 showing of the necessity therefor;

5 (c) Coming within a specified distance of no more than one thousand
6 feet from a specified location;

7 (d) Coming within a specified distance of not less than one hundred
8 or more than five hundred feet from a specified party; and

9 (e) Removing a child from the jurisdiction of the court.

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

20 (4) In issuing the order, the court shall consider the provisions
21 of RCW 9.41.800.

22 (5) The court may issue a temporary restraining order without
23 requiring notice to the other party only if it finds on the basis of
24 the moving affidavit or other evidence that irreparable injury could
25 result if an order is not issued until the time for responding has
26 elapsed.

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

30 (7) Restraining orders issued under this section restraining or
31 enjoining the person from molesting or disturbing another party ((or)),
32 from going onto the grounds of or entering the home, workplace, or
33 school of the other party or the day care or school of any child, or
34 coming within a specified distance of a specified location or a
35 specified party shall prominently bear on the front page of the order
36 the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS
37 A CRIMINAL OFFENSE UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR
38 TO ARREST.

1 (8) The court shall order that any temporary restraining order
2 bearing a criminal offense legend, any domestic violence protection
3 order, or any antiharassment protection order granted under this
4 section be forwarded by the clerk of the court on or before the next
5 judicial day to the appropriate law enforcement agency specified in the
6 order. Upon receipt of the order, the law enforcement agency shall
7 (~~forthwith~~) enter the order into any computer-based criminal
8 intelligence information system available in this state used by law
9 enforcement agencies to list outstanding warrants. Entry into the
10 (~~law enforcement~~) computer-based criminal intelligence information
11 system constitutes notice to all law enforcement agencies of the
12 existence of the order. The order is fully enforceable in any county
13 in the state.

14 (9) If a restraining order issued pursuant to this section is
15 modified or terminated, the clerk of the court shall notify the law
16 enforcement agency specified in the order on or before the next
17 judicial day. Upon receipt of notice that an order has been
18 terminated, the law enforcement agency shall remove the order from any
19 computer-based criminal intelligence system.

20 (10) A temporary order, temporary restraining order, or preliminary
21 injunction:

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

24 (b) May be revoked or modified;

25 (c) Terminates when the final order is entered or when the motion
26 is dismissed;

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

29 (~~(10)~~) (11) A support debt owed to the state for public
30 assistance expenditures which has been charged against a party pursuant
31 to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or
32 otherwise extinguished by, the final decree or order, unless the office
33 of support enforcement has been given notice of the final proceeding
34 and an opportunity to present its claim for the support debt to the
35 court and has failed to file an affidavit as provided in this
36 subsection. Notice of the proceeding shall be served upon the office
37 of support enforcement personally, or by certified mail, and shall be
38 given no fewer than thirty days prior to the date of the final
39 proceeding. An original copy of the notice shall be filed with the

1 court either before service or within a reasonable time thereafter.
2 The office of support enforcement may present its claim, and thereby
3 preserve the support debt, by filing an affidavit setting forth the
4 amount of the debt with the court, and by mailing a copy of the
5 affidavit to the parties or their attorney prior to the date of the
6 final proceeding.

7 **Sec. 15.** RCW 26.26.130 and 1997 c 58 s 947 are each amended to
8 read as follows:

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

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

15 (3) The judgment and order shall contain other appropriate
16 provisions directed to the appropriate parties to the proceeding,
17 concerning the duty of current and future support, the extent of any
18 liability for past support furnished to the child if that issue is
19 before the court, the furnishing of bond or other security for the
20 payment of the judgment, or any other matter in the best interest of
21 the child. The judgment and order may direct the father to pay the
22 reasonable expenses of the mother's pregnancy and confinement. The
23 judgment and order may include a continuing restraining order or
24 injunction. In issuing the order, the court shall consider the
25 provisions of RCW 9.41.800.

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

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

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

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

5 (8) In any dispute between the natural parents of a child and a
6 person or persons who have (a) commenced adoption proceedings or who
7 have been granted an order of adoption, and (b) pursuant to a court
8 order, or placement by the department of social and health services or
9 by a licensed agency, have had actual custody of the child for a period
10 of one year or more before court action is commenced by the natural
11 parent or parents, the court shall consider the best welfare and
12 interests of the child, including the child's need for situation
13 stability, in determining the matter of custody, and the parent or
14 person who is more fit shall have the superior right to custody.

15 (9) In entering an order under this chapter, the court may issue
16 any necessary continuing restraining orders, including the restraint
17 provisions of domestic violence protection orders under chapter 26.50
18 RCW or antiharassment protection orders under chapter 10.14 RCW.

19 (10) Restraining orders issued under this section restraining or
20 enjoining the person from molesting or disturbing another party ~~((or))~~,
21 from going onto the grounds of or entering the home, workplace, or
22 school of the other party or the day care or school of any child, or
23 coming within a specified distance of a specified location or a
24 specified party shall prominently bear on the front page of the order
25 the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS
26 A CRIMINAL OFFENSE UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR
27 TO ARREST.

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

38 (12) If a restraining order issued pursuant to this section is
39 modified or terminated, the clerk of the court shall notify the law

1 enforcement agency specified in the order on or before the next
2 judicial day. Upon receipt of notice that an order has been
3 terminated, the law enforcement agency shall remove the order from any
4 computer-based criminal intelligence system.

5 **Sec. 16.** RCW 26.26.137 and 1995 c 246 s 32 are each amended to
6 read as follows:

7 (1) If the court has made a finding as to the paternity of a child,
8 or if a party's acknowledgment of paternity has been filed with the
9 court, or a party alleges he is the father of the child, any party may
10 move for temporary support for the child prior to the date of entry of
11 the final order. The motion shall be accompanied by an affidavit
12 setting forth the factual basis for the motion and the amounts
13 requested.

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

17 (a) Molesting or disturbing the peace of another party;

18 (b) Going onto the grounds of or entering the home, workplace, or
19 school of another party or the day care or school of any child; ~~((or))~~

20 (c) Coming within a specified distance of no more than one thousand
21 feet from a specified location;

22 (d) Coming within a specified distance of not less than one hundred
23 or more than five hundred feet of a specified party; or

24 (e) Removing a child from the jurisdiction of the court.

25 (3) Either party may request a domestic violence protection order
26 under chapter 26.50 RCW or an antiharassment protection order under
27 chapter 10.14 RCW on a temporary basis. The court may grant any of the
28 relief provided in RCW 26.50.060 except relief pertaining to
29 residential provisions for the children which provisions shall be
30 provided for under this chapter, and any of the relief provided in RCW
31 10.14.080. Ex parte orders issued under this subsection shall be
32 effective for a fixed period not to exceed fourteen days, or upon court
33 order, not to exceed twenty-four days if necessary to ensure that all
34 temporary motions in the case can be heard at the same time.

35 (4) Restraining orders issued under this section restraining or
36 enjoining the person from molesting or disturbing another party ~~((or))~~,
37 from going onto the grounds of or entering the home, workplace, or
38 school of the other party or the day care or school of any child, or

1 coming within a specified distance of a specified location or a
2 specified party shall prominently bear on the front page of the order
3 the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS
4 A CRIMINAL OFFENSE UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR
5 TO ARREST.

6 (5) The court shall order that any temporary restraining order
7 bearing a criminal offense legend, any domestic violence protection
8 order, or any antiharassment protection order granted under this
9 section be forwarded by the clerk of the court on or before the next
10 judicial day to the appropriate law enforcement agency specified in the
11 order. Upon receipt of the order, the law enforcement agency shall
12 (~~forthwith~~) enter the order into any computer-based criminal
13 intelligence information system available in this state used by law
14 enforcement agencies to list outstanding warrants. The order is fully
15 enforceable in any county in the state.

16 (6) If a restraining order issued pursuant to this section is
17 modified or terminated, the clerk of the court shall notify the law
18 enforcement agency specified in the order on or before the next
19 judicial day. Upon receipt of notice that an order has been
20 terminated, the law enforcement agency shall remove the order from any
21 computer-based criminal intelligence system.

22 (7) The court may issue a temporary restraining order without
23 requiring notice to the other party only if it finds on the basis of
24 the moving affidavit or other evidence that irreparable injury could
25 result if an order is not issued until the time for responding has
26 elapsed.

27 (~~(7)~~) (8) The court may issue a temporary restraining order or
28 preliminary injunction and an order for temporary support in such
29 amounts and on such terms as are just and proper in the circumstances.
30 In issuing the order, the court shall consider the provisions of RCW
31 9.41.800.

32 (~~(8)~~) (9) A temporary order, temporary restraining order, or
33 preliminary injunction:

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

36 (b) May be revoked or modified;

37 (c) Terminates when the final order is entered or when the petition
38 is dismissed; and

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

3 ~~((+9))~~ (10) A support debt owed to the state for public assistance
4 expenditures which has been charged against a party pursuant to RCW
5 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
6 extinguished by, the final decree or order, unless the office of
7 support enforcement has been given notice of the final proceeding and
8 an opportunity to present its claim for the support debt to the court
9 and has failed to file an affidavit as provided in this subsection.
10 Notice of the proceeding shall be served upon the office of support
11 enforcement personally, or by certified mail, and shall be given no
12 fewer than thirty days prior to the date of the final proceeding. An
13 original copy of the notice shall be filed with the court either before
14 service or within a reasonable time thereafter. The office of support
15 enforcement may present its claim, and thereby preserve the support
16 debt, by filing an affidavit setting forth the amount of the debt with
17 the court, and by mailing a copy of the affidavit to the parties or
18 their attorney prior to the date of the final proceeding.

19 **Sec. 17.** RCW 26.44.063 and 1993 c 412 s 15 are each amended to
20 read as follows:

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

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

36 (a) Molesting or disturbing the peace of the alleged victim;

37 (b) Entering the family home of the alleged victim except as
38 specifically authorized by the court; ~~((or))~~

1 (c) Having any contact with the alleged victim, except as
2 specifically authorized by the court;

3 (d) Coming within a specified distance of no more than one thousand
4 feet from a specified location; or

5 (e) Coming within a specified distance of not less than one hundred
6 or more than five hundred feet of the victim.

7 (3) In issuing a temporary restraining order or preliminary
8 injunction, the court may impose any additional restrictions that the
9 court in its discretion determines are necessary to protect the child
10 from further abuse or emotional trauma pending final resolution of the
11 abuse allegations.

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

17 (5) The court may issue a temporary restraining order without
18 requiring notice to the party to be restrained or other parties only if
19 it finds on the basis of the moving affidavit or other evidence that
20 irreparable injury could result if an order is not issued until the
21 time for responding has elapsed.

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

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

25 (b) May be revoked or modified.

26 (7) The person having physical custody of the child shall have an
27 affirmative duty to assist in the enforcement of the restraining order
28 including but not limited to a duty to notify the court as soon as
29 practicable of any violation of the order, a duty to request the
30 assistance of law enforcement officers to enforce the order, and a duty
31 to notify the department of social and health services of any violation
32 of the order as soon as practicable if the department is a party to the
33 action. Failure by the custodial party to discharge these affirmative
34 duties shall be subject to contempt proceedings.

35 (8) Willful violation of a court order entered under this section
36 is a misdemeanor. A written order shall contain the court's directive
37 and shall bear the legend: "Violation of this order with actual notice
38 of its terms is a criminal offense under chapter 26.44 RCW, is also

1 subject to contempt proceedings, and will subject a violator to
2 arrest."

3 **Sec. 18.** RCW 26.44.067 and 1993 c 412 s 16 are each amended to
4 read as follows:

5 (1) Any person having had actual notice of the existence of a
6 restraining order issued by a court of competent jurisdiction pursuant
7 to RCW 26.44.063 who refuses to comply with the provisions of such
8 order shall be guilty of a misdemeanor.

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

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

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

25 **Sec. 19.** RCW 26.50.035 and 1995 c 246 s 4 are each amended to read
26 as follows:

27 (1) (~~By July 1, 1994,~~) The administrator for the courts shall
28 develop and prepare instructions and informational brochures required
29 under RCW 26.50.030(4), standard petition and order for protection
30 forms, and a court staff handbook on domestic violence and the
31 protection order process. The standard petition and order for
32 protection forms must be used after September 1, 1994, for all
33 petitions filed and orders issued under this chapter. The
34 instructions, brochures, forms, and handbook shall be prepared in
35 consultation with interested persons, including a representative of the
36 state domestic violence coalition, judges, and law enforcement
37 personnel.

1 (a) The instructions shall be designed to assist petitioners in
2 completing the petition, and shall include a sample of standard
3 petition and order for protection forms.

4 (b) The informational brochure shall describe the use of and the
5 process for obtaining, modifying, and terminating a domestic violence
6 protection order as provided under this chapter, ((a)) an
7 antiharassment no-contact order as provided ((by RCW 10.99.040)) under
8 chapter 9A.46 RCW, a domestic violence no-contact order as provided
9 under chapter 10.99 RCW, a restraining order as provided ((by RCW
10 26.09.060)) under chapter 26.09, 26.10, 26.26, and 26.44 RCW, ((and))
11 an antiharassment protection order as provided by chapter 10.14 RCW,
12 and a foreign protection order as defined in chapter 26.52 RCW.

13 (c) The order for protection form shall include, in a conspicuous
14 location, notice of criminal penalties resulting from violation of the
15 order, and the following statement: "You can be arrested even if the
16 person or persons who obtained the order invite or allow you to violate
17 the order's prohibitions. The respondent has the sole responsibility
18 to avoid or refrain from violating the order's provisions. Only the
19 court can change the order upon written application."

20 (d) The court staff handbook shall allow for the addition of a
21 community resource list by the court clerk.

22 (2) All court clerks shall obtain a community resource list from a
23 domestic violence program, defined in RCW 70.123.020, serving the
24 county in which the court is located. The community resource list
25 shall include the names and telephone numbers of domestic violence
26 programs serving the community in which the court is located, including
27 law enforcement agencies, domestic violence agencies, sexual assault
28 agencies, legal assistance programs, interpreters, multicultural
29 programs, and batterers' treatment programs. The court shall make the
30 community resource list available as part of or in addition to the
31 informational brochures described in subsection (1) of this section.

32 (3) The administrator for the courts shall distribute a master copy
33 of the petition and order forms, instructions, and informational
34 brochures to all court clerks and shall distribute a master copy of the
35 petition and order forms to all superior, district, and municipal
36 courts.

37 (4) For purposes of this section, "court clerks" means court
38 administrators in courts of limited jurisdiction and elected court
39 clerks.

1 (5) The administrator for the courts shall determine the
2 significant non-English-speaking or limited English-speaking
3 populations in the state. The administrator shall then arrange for
4 translation of the instructions and informational brochures required by
5 this section, which shall contain a sample of the standard petition and
6 order for protection forms, into the languages spoken by those
7 significant non-English-speaking populations and shall distribute a
8 master copy of the translated instructions and informational brochures
9 to all court clerks by January 1, 1997.

10 (6) The administrator for the courts shall update the instructions,
11 brochures, standard petition and order for protection forms, and court
12 staff handbook when changes in the law make an update necessary.

13 **Sec. 20.** RCW 26.50.060 and 1999 c 147 s 2 are each amended to read
14 as follows:

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

17 (a) Restrain the respondent from committing acts of domestic
18 violence;

19 (b) Exclude the respondent from coming within a specified distance
20 of no more than one thousand feet from the dwelling ((which)) that the
21 parties share, from the residence, workplace, or school of the
22 petitioner, ((or)) from the day care or school of ((a)) any child, or
23 from any other location;

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

28 (d) Order the respondent to participate in a domestic violence
29 perpetrator treatment program approved under RCW 26.50.150;

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

34 (f) Require the respondent to pay the administrative court costs
35 and service fees, as established by the county or municipality
36 incurring the expense and to reimburse the petitioner for costs
37 incurred in bringing the action, including ((a)) reasonable
38 ((attorney's)) attorneys' fees;

1 (g) Restrain the respondent from having any contact with the victim
2 of domestic violence or the victim's children or members of the
3 victim's household;

4 (h) Restrain the respondent from coming within a specified distance
5 of not less than one hundred or more than five hundred feet of the
6 victim or the victim's children or members of the victim's household;

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

13 ~~((i))~~ (j) Consider the provisions of RCW 9.41.800;

14 ~~((j))~~ (k) Order possession and use of essential personal effects.
15 The court shall list the essential personal effects with sufficient
16 specificity to make it clear which property is included; and

17 ~~((k))~~ (l) Order use of a vehicle.

18 (2) If a ~~((restraining))~~ protection order restrains the respondent
19 from contacting the respondent's minor children the restraint shall be
20 for a fixed period not to exceed one year. This limitation is not
21 applicable to orders for protection issued under chapter 26.09, 26.10,
22 or 26.26 RCW. With regard to other relief, if the petitioner has
23 petitioned for relief on his or her own behalf or on behalf of the
24 petitioner's family or household members or minor children, and the
25 court finds that the respondent is likely to resume acts of domestic
26 violence against the petitioner or the petitioner's family or household
27 members or minor children when the order expires, the court may either
28 grant relief for a fixed period or enter a permanent order of
29 protection.

30 If the petitioner has petitioned for relief on behalf of the
31 respondent's minor children, the court shall advise the petitioner that
32 if the petitioner wants to continue protection for a period beyond one
33 year the petitioner may either petition for renewal pursuant to the
34 provisions of this chapter or may seek relief pursuant to the
35 provisions of chapter 26.09 or 26.26 RCW.

36 (3) If the court grants an order for a fixed time period, the
37 petitioner may apply for renewal of the order by filing a petition for
38 renewal at any time within the three months before the order expires.
39 The petition for renewal shall state the reasons why the petitioner

1 seeks to renew the protection order. Upon receipt of the petition for
2 renewal the court shall order a hearing which shall be not later than
3 fourteen days from the date of the order. Except as provided in RCW
4 26.50.085, personal service shall be made on the respondent not less
5 than five days before the hearing. If timely service cannot be made
6 the court shall set a new hearing date and shall either require
7 additional attempts at obtaining personal service or permit service by
8 publication as provided in RCW 26.50.085 or by mail as provided in RCW
9 26.50.123. If the court permits service by publication or mail, the
10 court shall set the new hearing date not later than twenty-four days
11 from the date of the order. If the order expires because timely
12 service cannot be made the court shall grant an ex parte order of
13 protection as provided in RCW 26.50.070. The court shall grant the
14 petition for renewal unless the respondent proves by a preponderance of
15 the evidence that the respondent will not resume acts of domestic
16 violence against the petitioner or the petitioner's children or family
17 or household members when the order expires. The court may renew the
18 protection order for another fixed time period or may enter a permanent
19 order as provided in this section. The court may award court costs,
20 service fees, and reasonable attorneys' fees as provided in subsection
21 (1)(f) of this section.

22 (4) In providing relief under this chapter, the court may realign
23 the designation of the parties as "petitioner" and "respondent" where
24 the court finds that the original petitioner is the abuser and the
25 original respondent is the victim of domestic violence and may issue an
26 ex parte temporary order for protection in accordance with RCW
27 26.50.070 on behalf of the victim until the victim is able to prepare
28 a petition for an order for protection in accordance with RCW
29 26.50.030.

30 (5) Except as provided in subsection (4) of this section, no order
31 for protection shall grant relief to any party except upon notice to
32 the respondent and hearing pursuant to a petition or counter-petition
33 filed and served by the party seeking relief in accordance with RCW
34 26.50.050.

35 (6) The court order shall specify the date the order expires if
36 any. The court order shall also state whether the court issued the
37 protection order following personal service, service by publication, or
38 service by mail and whether the court has approved service by
39 publication or mail of an order issued under this section.

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

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

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

12 (a) Restraining any party from committing acts of domestic
13 violence;

14 (b) Restraining any party from ~~((going onto))~~ being present within
15 a specified distance of no more than one thousand feet from the grounds
16 ~~((of or entering))~~ or the dwelling that the parties share, from the
17 residence, workplace, ~~((or))~~ school of the other, or from any other
18 location, or from the day care or school of a child until further order
19 of the court;

20 (c) Restraining any party from interfering with the other's custody
21 of the minor children or from removing the children from the
22 jurisdiction of the court;

23 (d) Restraining any party from having any contact with the victim
24 of domestic violence or the victim's children or members of the
25 victim's household;

26 (e) Restraining any party from coming within a specified distance
27 of not less than one hundred or more than five hundred feet of a
28 specified party; and

29 ~~((e))~~ (f) Considering the provisions of RCW 9.41.800.

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

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

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

1 the court has permitted service by publication under RCW 26.50.085 or
2 by mail under RCW 26.50.123. The ex parte order may be reissued. A
3 full hearing, as provided in this chapter, shall be set for not later
4 than fourteen days from the issuance of the temporary order or not
5 later than twenty-four days if service by publication or by mail is
6 permitted. Except as provided in RCW 26.50.050, 26.50.085, and
7 26.50.123, the respondent shall be personally served with a copy of the
8 ex parte order along with a copy of the petition and notice of the date
9 set for the hearing.

10 (5) Any order issued under this section shall contain the date and
11 time of issuance and the expiration date and shall be entered into a
12 state-wide judicial information system by the clerk of the court within
13 one judicial day after issuance.

14 (6) If the court declines to issue an ex parte temporary order for
15 protection the court shall state the particular reasons for the court's
16 denial. The court's denial of a motion for an ex parte order of
17 protection shall be filed with the court.

18 **Sec. 22.** RCW 26.50.110 and 1996 c 248 s 16 are each amended to
19 read as follows:

20 (1) Whenever an order for protection is granted under this chapter
21 and the respondent or person to be restrained knows of the order, a
22 violation of the restraint provisions or of a provision excluding the
23 person from a residence, workplace, school, ~~((or))~~ day care, or other
24 location is a gross misdemeanor except as provided in subsections (4)
25 and (5) of this section. Upon conviction, and in addition to any other
26 penalties provided by law, the court may require that the respondent
27 submit to electronic monitoring. The court shall specify who shall
28 provide the electronic monitoring services, and the terms under which
29 the monitoring shall be performed. The order also may include a
30 requirement that the respondent pay the costs of the monitoring. The
31 court shall consider the ability of the convicted person to pay for
32 electronic monitoring.

33 (2) A peace officer shall arrest without a warrant and take into
34 custody a person whom the peace officer has probable cause to believe
35 has violated an order issued under this chapter that restrains the
36 person or excludes the person from a residence, workplace, school, or
37 day care, or prohibits the person from coming within a specified
38 distance of a location or another person, if the person restrained

1 knows of the order. Presence of the order in the law enforcement
2 computer-based criminal intelligence information system is not the only
3 means of establishing knowledge of the order.

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

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

12 (5) A violation of a court order issued under this chapter is a
13 class C felony if the offender has at least two previous convictions
14 for violating the provisions of a no-contact order issued under chapter
15 10.99 RCW, a domestic violence (~~(protection)~~) restraining order issued
16 under chapter 26.09, 26.10, (~~(or)~~) 26.26, or 26.44 RCW (~~(or)~~), a
17 domestic violence protection order issued under this chapter, a foreign
18 protection order as defined in chapter 26.52 RCW, or any federal or
19 out-of-state order that is comparable to a no-contact or protection
20 order issued under Washington law. The previous convictions may
21 involve the same victim or other victims specifically protected by the
22 no-contact orders or protection orders the offender violated.

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

32 **Sec. 23.** RCW 26.50.160 and 1995 c 246 s 18 are each amended to
33 read as follows:

34 To prevent the issuance of competing protection orders in different
35 courts and to give courts needed information for issuance of orders,
36 the judicial information system shall be available in each district,
37 municipal, and superior court by July 1, 1997, and shall include a data
38 base containing the following information:

1 (1) The names of the parties and the cause number for every order
2 of protection issued under this title, every criminal no-contact order
3 issued under chapters 9A.46 and 10.99 RCW, every antiharassment order
4 issued under chapter 10.14 RCW, every dissolution action under chapter
5 26.09 RCW, every third-party custody action under chapter 26.10 RCW,
6 ((and)) every parentage action under chapter 26.10 RCW, every
7 restraining order under chapters 26.26 and 26.44 RCW, and every foreign
8 protection order filed under chapter 26.52 RCW;

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

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

13 NEW SECTION. Sec. 24. RCW 10.14.130 (Exclusion of certain
14 actions) and 1987 c 280 s 13 are each repealed.

15 NEW SECTION. Sec. 25. If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

--- END ---