

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5134

Chapter 184, Laws of 1999

56th Legislature
1999 Regular Session

FOREIGN PROTECTION ORDER FULL FAITH AND CREDIT ACT

EFFECTIVE DATE: 7/25/99

Passed by the Senate April 21, 1999
YEAS 44 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 8, 1999
YEAS 96 NAYS 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved May 5, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5134** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

May 5, 1999 - 4:14 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5134

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Wojahn, Long, Patterson, Roach, Costa, Thibaudeau, Goings, McAuliffe, Kline, Brown, McCaslin, Heavey, Johnson, Prentice, Snyder and Kohl-Welles)

Read first time 02/25/1999.

1 AN ACT Relating to full faith and credit for foreign protection
2 orders; amending RCW 26.10.220, 26.26.138, 26.50.010, and 10.31.100;
3 adding a new chapter to Title 26 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** CITATION. This act may be known and cited
6 as the foreign protection order full faith and credit act.

7 NEW SECTION. **Sec. 2.** LEGISLATIVE INTENT. The problem of women
8 fleeing across state lines to escape their abusers is epidemic in the
9 United States. In 1994, Congress enacted the violence against women
10 act (VAWA) as Title IV of the violent crime control and law enforcement
11 act (P.L. 103-322). The VAWA provides for improved prevention and
12 prosecution of violent crimes against women and children. Section 2265
13 of the VAWA (Title IV, P.L. 103-322) provides for nation-wide
14 enforcement of civil and criminal protection orders in state and tribal
15 courts throughout the country.

16 The legislature finds that existing statutes may not provide an
17 adequate mechanism for victims, police, prosecutors, and courts to
18 enforce a foreign protection order in our state. It is the intent of

1 the legislature that the barriers faced by persons entitled to
2 protection under a foreign protection order will be removed and that
3 violations of foreign protection orders be criminally prosecuted in
4 this state.

5 NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions in this
6 section apply throughout this chapter unless the context clearly
7 requires otherwise.

8 (1) "Domestic or family violence" includes, but is not limited to,
9 conduct when committed by one family member against another that is
10 classified in the jurisdiction where the conduct occurred as a domestic
11 violence crime or a crime committed in another jurisdiction that under
12 the laws of this state would be classified as domestic violence under
13 RCW 10.99.020.

14 (2) "Family or household members" means spouses, former spouses,
15 persons who have a child in common regardless of whether they have been
16 married or have lived together at any time, adult persons related by
17 blood or marriage, adult persons who are presently residing together or
18 who have resided together in the past, persons sixteen years of age or
19 older who are presently residing together or who have resided together
20 in the past and who have or have had a dating relationship, persons
21 sixteen years of age or older with whom a person sixteen years of age
22 or older has or has had a dating relationship, and persons who have a
23 biological or legal parent-child relationship, including stepparents
24 and stepchildren and grandparents and grandchildren.

25 (3) "Foreign protection order" means an injunction or other order
26 related to domestic or family violence, harassment, sexual abuse, or
27 stalking, for the purpose of preventing violent or threatening acts or
28 harassment against, or contact or communication with or physical
29 proximity to another person issued by a court of another state,
30 territory, or possession of the United States, the Commonwealth of
31 Puerto Rico, or the District of Columbia, or any United States military
32 tribunal, or a tribal court, in a civil or criminal action.

33 (4) "Harassment" includes, but is not limited to, conduct that is
34 classified in the jurisdiction where the conduct occurred as harassment
35 or a crime committed in another jurisdiction that under the laws of
36 this state would be classified as harassment under RCW 9A.46.040.

37 (5) "Judicial day" does not include Saturdays, Sundays, or legal
38 holidays in Washington state.

1 (6) "Person entitled to protection" means a person, regardless of
2 whether the person was the moving party in the foreign jurisdiction,
3 who is benefited by the foreign protection order.

4 (7) "Person under restraint" means a person, regardless of whether
5 the person was the responding party in the foreign jurisdiction, whose
6 ability to contact or communicate with another person, or to be
7 physically close to another person, is restricted by the foreign
8 protection order.

9 (8) "Sexual abuse" includes, but is not limited to, conduct that is
10 classified in the jurisdiction where the conduct occurred as a sex
11 offense or a crime committed in another jurisdiction that under the
12 laws of this state would be classified as a sex offense under RCW
13 9.94A.030.

14 (9) "Stalking" includes, but is not limited to, conduct that is
15 classified in the jurisdiction where the conduct occurred as stalking
16 or a crime committed in another jurisdiction that under the laws of
17 this state would be classified as stalking under RCW 9A.46.110.

18 (10) "Washington court" includes the superior, district, and
19 municipal courts of the state of Washington.

20 NEW SECTION. **Sec. 4.** VALID FOREIGN PROTECTION ORDERS. A foreign
21 protection order is valid if the issuing court had jurisdiction over
22 the parties and matter under the law of the state, territory,
23 possession, tribe, or United States military tribunal. There is a
24 presumption in favor of validity where an order appears authentic on
25 its face.

26 A person under restraint must be given reasonable notice and the
27 opportunity to be heard before the order of the foreign state,
28 territory, possession, tribe, or United States military tribunal was
29 issued, provided, in the case of ex parte orders, notice and
30 opportunity to be heard was given as soon as possible after the order
31 was issued, consistent with due process.

32 NEW SECTION. **Sec. 5.** FILING OF FOREIGN PROTECTION ORDERS. (1) A
33 person entitled to protection who has a valid foreign protection order
34 may file that order by presenting a certified, authenticated, or
35 exemplified copy of the foreign protection order to a clerk of the
36 court of a Washington court in which the person entitled to protection
37 resides or to a clerk of the court of a Washington court where the

1 person entitled to protection believes enforcement may be necessary.
2 Any out-of-state department, agency, or court responsible for
3 maintaining protection order records, may by facsimile or electronic
4 transmission send a reproduction of the foreign protection order to the
5 clerk of the court of Washington as long as it contains a facsimile or
6 digital signature by any person authorized to make such transmission.

7 (2) Filing of a foreign protection order with a court and entry of
8 the foreign protection order into any computer-based criminal
9 intelligence information system available in this state used by law
10 enforcement agencies to list outstanding warrants are not prerequisites
11 for enforcement of the foreign protection order.

12 (3) The court shall accept the filing of a foreign protection order
13 without a fee or cost.

14 (4) The clerk of the court shall provide information to a person
15 entitled to protection of the availability of domestic violence, sexual
16 abuse, and other services to victims in the community where the court
17 is located and in the state.

18 (5) The clerk of the court shall assist the person entitled to
19 protection in completing an information form that must include, but
20 need not be limited to, the following:

21 (a) The name of the person entitled to protection and any other
22 protected parties;

23 (b) The name and address of the person who is subject to the
24 restraint provisions of the foreign protection order;

25 (c) The date the foreign protection order was entered;

26 (d) The date the foreign protection order expires;

27 (e) The relief granted under (specify the
28 relief awarded and citations thereto, and designate which of the
29 violations are arrestable offenses);

30 (f) The judicial district and contact information for court
31 administration for the court in which the foreign protection order was
32 entered;

33 (g) The social security number, date of birth, and description of
34 the person subject to the restraint provisions of the foreign
35 protection order;

36 (h) Whether the person who is subject to the restraint provisions
37 of the foreign protection order is believed to be armed and dangerous;

1 (i) Whether the person who is subject to the restraint provisions
2 of the foreign protection order was served with the order, and if so,
3 the method used to serve the order;

4 (j) The type and location of any other legal proceedings between
5 the person who is subject to the restraint provisions and the person
6 entitled to protection.

7 An inability to answer any of the above questions does not preclude
8 the filing or enforcement of a foreign protection order.

9 (6) The clerk of the court shall provide the person entitled to
10 protection with a copy bearing proof of filing with the court.

11 (7) Any assistance provided by the clerk under this section does
12 not constitute the practice of law. The clerk is not liable for any
13 incomplete or incorrect information that he or she is provided.

14 NEW SECTION. **Sec. 6.** TRANSMITTAL OF FILED FOREIGN PROTECTION
15 ORDERS TO LAW ENFORCEMENT AGENCY. (1) The clerk of the court shall
16 forward a copy of a foreign protection order that is filed under this
17 chapter on or before the next judicial day to the county sheriff along
18 with the completed information form. The clerk may forward the foreign
19 protection order to the county sheriff by facsimile or electronic
20 transmission.

21 Upon receipt of a filed foreign protection order, the county
22 sheriff shall immediately enter the foreign protection order into any
23 computer-based criminal intelligence information system available in
24 this state used by law enforcement agencies to list outstanding
25 warrants. The foreign protection order must remain in the computer for
26 the period stated in the order. The county sheriff shall only expunge
27 from the computer-based criminal intelligence information system
28 foreign protection orders that are expired, vacated, or superseded.
29 Entry into the law enforcement information system constitutes notice to
30 all law enforcement agencies of the existence of the foreign protection
31 order. The foreign protection order is fully enforceable in any county
32 in the state.

33 (2) The information entered into the computer-based criminal
34 intelligence information system must include, if available, notice to
35 law enforcement whether the foreign protection order was served and the
36 method of service.

1 NEW SECTION. **Sec. 7.** PEACE OFFICER IMMUNITY. A peace officer or
2 a peace officer's legal advisor may not be held criminally or civilly
3 liable for making an arrest under this chapter if the peace officer or
4 the peace officer's legal advisor acted in good faith and without
5 malice.

6 NEW SECTION. **Sec. 8.** FEES NOT PERMITTED. A public agency may not
7 charge a fee for filing or preparation of certified, authenticated, or
8 exemplified copies to a person entitled to protection who seeks relief
9 under this chapter or to a foreign prosecutor or a foreign law
10 enforcement agency seeking to enforce a protection order entered by a
11 Washington court. A person entitled to protection and foreign
12 prosecutors or law enforcement agencies must be provided the necessary
13 number of certified, authenticated, or exemplified copies at no cost.

14 NEW SECTION. **Sec. 9.** VIOLATION OF FOREIGN ORDERS. (1) Whenever
15 a foreign protection order is granted to a person entitled to
16 protection and the person under restraint knows of the foreign
17 protection order, a violation of a provision prohibiting the person
18 under restraint from contacting or communicating with another person,
19 or of a provision excluding the person under restraint from a
20 residence, workplace, school, or day care, or a violation of any
21 provision for which the foreign protection order specifically indicates
22 that a violation will be a crime, is a gross misdemeanor except as
23 provided in subsections (3) and (4) of this section. Upon conviction,
24 and in addition to any other penalties provided by law, the court may
25 require the person under restraint to submit to electronic monitoring.
26 The court shall specify who will provide the electronic monitoring
27 services, and the terms under which the monitoring will be performed.
28 The order also may include a requirement that the person under
29 restraint pay the costs of the monitoring. The court shall consider
30 the ability of the convicted person to pay for electronic monitoring.

31 (2) A peace officer shall arrest without a warrant and take into
32 custody a person when the peace officer has probable cause to believe
33 that a foreign protection order has been issued of which the person
34 under restraint has knowledge and the person under restraint has
35 violated a provision of the foreign protection order that prohibits the
36 person under restraint from contacting or communicating with another
37 person, or a provision that excludes the person under restraint from a

1 residence, workplace, school, or day care, or a violation of any
2 provision for which the foreign protection order specifically indicates
3 that a violation will be a crime. Presence of the order in the law
4 enforcement computer-based criminal intelligence information system is
5 not the only means of establishing knowledge of the order.

6 (3) An assault that is a violation of a valid foreign protection
7 order that does not amount to assault in the first or second degree
8 under RCW 9A.36.011 or 9A.36.021 is a class C felony, and conduct in
9 violation of a valid foreign protection 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 (4) A violation of a valid foreign protection order is a class C
13 felony if the offender has at least two previous convictions for
14 violating the provisions of a no-contact order issued under chapter
15 10.99 RCW, a domestic violence protection order issued under chapter
16 26.09, 26.10, 26.26, or 26.50 RCW, or a federal or out-of-state order
17 that is comparable to a no-contact or protection order issued under
18 Washington law. The previous convictions may involve the same person
19 entitled to protection or other person entitled to protection
20 specifically protected by the no-contact orders or protection orders
21 the offender violated.

22 NEW SECTION. **Sec. 10.** CHILD CUSTODY DISPUTES. (1) Any disputes
23 regarding provisions in foreign protection orders dealing with custody
24 of children, residential placement of children, or visitation with
25 children shall be resolved judicially. The proper venue and
26 jurisdiction for such judicial proceedings shall be determined in
27 accordance with chapter 26.27 RCW and in accordance with the parental
28 kidnapping prevention act, 28 U.S.C. 1738A.

29 (2) A peace officer shall not remove a child from his or her
30 current placement unless:

31 (a) A writ of habeas corpus to produce the child has been issued by
32 a superior court of this state; or

33 (b) There is probable cause to believe that the child is abused or
34 neglected and the child would be injured or could not be taken into
35 custody if it were necessary to first obtain a court order pursuant to
36 RCW 13.34.050.

1 **Sec. 11.** RCW 26.10.220 and 1996 c 248 s 10 are each amended to
2 read as follows:

3 (1) Whenever a restraining order is issued under this chapter, and
4 the person to be restrained knows of the order, a violation of the
5 provisions restricting the person from acts or threats of violence or
6 of a provision restraining the person from going onto the grounds of or
7 entering the residence, workplace, school, or day care of another is a
8 gross misdemeanor.

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

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

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

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

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

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

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

23 (b) Obtaining a certified copy of the order, certified to be an
24 accurate copy of the original by a notary public or by the clerk of the
25 court.

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

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

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

32 (c) The person to be arrested has violated the terms of the order
33 restraining the person from acts or threats of violence or restraining
34 the person from going onto the grounds of or entering the residence,
35 workplace, school, or day care of another.

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

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

4 **Sec. 12.** RCW 26.26.138 and 1996 c 248 s 11 are each amended to
5 read as follows:

6 (1) Whenever a restraining order is issued under this chapter, and
7 the person to be restrained knows of the order, a violation of the
8 provisions restricting the person from acts or threats of violence or
9 of a provision restraining the person from going onto the grounds of or
10 entering the residence, workplace, school, or day care of another is a
11 gross misdemeanor.

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

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

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

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

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

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

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

26 (b) Obtaining a certified copy of the order, certified to be an
27 accurate copy of the original by a notary public or by the clerk of the
28 court.

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

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

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

35 (c) The person to be arrested has violated the terms of the order
36 restraining the person from acts or threats of violence or restraining
37 the person from going onto the grounds of or entering the residence,
38 workplace, school, or day care of another.

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

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

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

8 As used in this chapter, the following terms shall have the
9 meanings given them:

10 (1) "Domestic violence" means: (a) Physical harm, bodily injury,
11 assault, or the infliction of fear of imminent physical harm, bodily
12 injury or assault, between family or household members; (b) sexual
13 assault of one family or household member by another; or (c) stalking
14 as defined in RCW 9A.46.110 of one family or household member by
15 another family or household member.

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

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

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

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

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

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

5 **Sec. 14.** RCW 10.31.100 and 1997 c 66 s 10 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 26.26 RCW, or chapter 26.50 RCW
27 restraining the person and the person has violated the terms of the
28 order restraining the person from acts or threats of violence or
29 restraining the person from going onto the grounds of or entering a
30 residence, workplace, school, or day care or, in the case of an order
31 issued under RCW 26.44.063, imposing any other restrictions or
32 conditions upon the person; or

33 (b) A foreign protection order, as defined in section 3 of this
34 act, has been issued of which the person under restraint has knowledge
35 and the person under restraint has violated a provision of the foreign
36 protection order prohibiting the person under restraint from contacting
37 or communicating with another person, or of a provision excluding the
38 person under restraint from a residence, workplace, school, or day

1 care, or a violation of any provision for which the foreign protection
2 order specifically indicates that a violation will be a crime; or

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

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

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

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

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

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

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

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

36 (4) A law enforcement officer investigating at the scene of a motor
37 vehicle accident may arrest the driver of a motor vehicle involved in
38 the accident if the officer has probable cause to believe that the

1 driver has committed in connection with the accident a violation of any
2 traffic law or regulation.

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

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

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

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

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

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

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

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

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

36 NEW SECTION. **Sec. 15.** Sections 1 through 10 and 16 of this act
37 constitute a new chapter in Title 26 RCW.

1 NEW SECTION. **Sec. 16.** CAPTIONS NOT LAW. Captions used in this
2 chapter are not part of the law.

3 NEW SECTION. **Sec. 17.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

 Passed the Senate April 21, 1999.

 Passed the House April 8, 1999.

 Approved by the Governor May 5, 1999.

 Filed in Office of Secretary of State May 5, 1999.