

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1642**

Chapter 173, Laws of 2007

60th Legislature  
2007 Regular Session

NO-CONTACT ORDERS--CRIMINAL VIOLATIONS

EFFECTIVE DATE: 07/22/07

Passed by the House February 28, 2007  
Yeas 97 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 10, 2007  
Yeas 49 Nays 0

BRAD OWEN

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**President of the Senate**

Approved April 21, 2007, 10:49 a.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1642** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

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**Chief Clerk**

FILED

April 23, 2007

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1642**

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Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Pedersen, Lantz, Williams, Moeller, Wood, Kirby, O'Brien, Chase, Ormsby and Green)

READ FIRST TIME 02/16/07.

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

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

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

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

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

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

3 (i) The restraint provisions(~~(, or of)~~) prohibiting acts or threats  
4 of violence against, or stalking of, a protected party, or restraint  
5 provisions prohibiting contact with a protected party;

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

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

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

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

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

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

1 (4) Any assault that is a violation of an order issued under this  
2 chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of  
3 a valid foreign protection order as defined in RCW 26.52.020, and that  
4 does not amount to assault in the first or second degree under RCW  
5 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in  
6 violation of such an order that is reckless and creates a substantial  
7 risk of death or serious physical injury to another person is a class  
8 C felony.

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

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

Passed by the House February 28, 2007.

Passed by the Senate April 10, 2007.

Approved by the Governor April 21, 2007.

Filed in Office of Secretary of State April 23, 2007.