
SUBSTITUTE HOUSE BILL 1857

State of Washington

64th Legislature

2015 Regular Session

By House Judiciary (originally sponsored by Representatives Jinkins, Ormsby, Kagi, Walkinshaw, Senn, Fitzgibbon, Robinson, Pollet, Farrell, Tarleton, and Goodman)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to creating an extreme risk protective order;
2 amending RCW 9.41.047; adding new sections to chapter 10.79 RCW;
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.** The public has expressed an overwhelming
6 interest in making sure firearms and dangerous weapons are kept out
7 of the hands of those individuals who might use them to cause great
8 harm. The legislature finds it has a public duty to enact common
9 sense measures ensuring that where an individual may be an extreme
10 risk to himself, herself, or another, the situation is not further
11 exacerbated by access to firearms and dangerous weapons. To that end,
12 it is the legislature's intent to empower family members and members
13 of law enforcement with the ability to seek a protection order to
14 temporarily prevent an individual from possessing, accessing, or
15 purchasing firearms and dangerous weapons while that individual poses
16 a significant danger of harm.

17 NEW SECTION. **Sec. 2.** For the purposes of this chapter "family
18 or household member" means spouses, domestic partners, former
19 spouses, former domestic partners, persons who have a child in common
20 regardless of whether they have been married or have lived together

1 at any time, adult persons related by blood or marriage, adult
2 persons who are presently residing together or who have resided
3 together in the past year, persons sixteen years of age or older who
4 are presently residing together or who have resided together in the
5 past year and who have or have had a dating relationship, persons
6 sixteen years of age or older with whom a person sixteen years of age
7 or older has or has had a dating relationship, and persons who have a
8 biological or legal parent-child relationship, including stepparents
9 and stepchildren and grandparents and grandchildren.

10 NEW SECTION. **Sec. 3.** (1) A family or household member of a
11 person or a law enforcement officer may file a petition requesting
12 that the court issue an emergency extreme risk protection order on an
13 ex parte basis, pending a full hearing, enjoining the subject of the
14 petition from having in his or her custody or control, purchasing,
15 possessing, or receiving, or attempting to purchase or receive, a
16 firearm or dangerous weapon.

17 (2) A court may issue an emergency extreme risk protection order
18 if the petition, supported by a written affidavit signed by the
19 petitioner under oath, or an oral statement taken under section 4 of
20 this act, and any additional information provided to the court, shows
21 there is a substantial likelihood that both of the following are
22 true:

23 (a) The subject of the petition poses a significant danger, in
24 the near future, of personal injury to himself, herself, or another
25 by having in his or her custody or control, purchasing, possessing,
26 or receiving a firearm or dangerous weapon as determined by
27 considering the factors listed in section 4 of this act; and

28 (b) An emergency extreme risk protection order is necessary to
29 prevent personal injury to the subject of the petition or another
30 because less restrictive alternatives either have been tried and
31 found to be ineffective, or are inadequate or inappropriate for the
32 circumstances of the subject of the petition.

33 (3) An affidavit supporting a petition for an emergency extreme
34 risk protection order must set forth the facts tending to establish
35 the grounds of the petition, or the reason for believing that they
36 exist.

37 (4) An emergency extreme risk protection order must be issued or
38 denied on the same day the petition is submitted to the court, unless
39 the petition is filed too late in the day to permit effective review,

1 in which case the order must be issued or denied on the next day of
2 judicial business in sufficient time for the order to be filed that
3 day with the clerk of the court. The court may hold the emergency
4 hearing in person or by telephone.

5 (5) When the petitioner for an emergency extreme risk protection
6 order is a law enforcement officer, the law enforcement officer shall
7 make a good faith effort to provide notice to a family or household
8 member of the subject of the petition, or to a known third party, who
9 may be at risk of violence or stalking. The notice must include that
10 the law enforcement officer intends to petition the court for an
11 emergency extreme risk protection order, and referral to relevant
12 domestic violence or stalking advocacy or counseling resources, if
13 appropriate.

14 (6) Every person who files a petition for an emergency extreme
15 risk protection order, knowing the information in the petition to be
16 false, is guilty of false swearing under RCW 9A.72.040.

17 (7) Every person who purchases or possesses a firearm or
18 dangerous weapon with knowledge that he or she is prohibited from
19 doing so by an emergency extreme risk protection order is guilty of a
20 misdemeanor and is prohibited from having in his or her custody or
21 control, purchasing, possessing, or receiving, or attempting to
22 purchase or receive, a firearm or dangerous weapon for a one-year
23 period, to commence upon the expiration of the existing order.

24 NEW SECTION. **Sec. 4.** (1) The court, before issuing an emergency
25 extreme risk protection order, may examine under penalty of perjury
26 the petitioner and any witness the petitioner may produce.

27 (2) In lieu of examining the petitioner and any witness the
28 petitioner may produce, the court may consider a written affidavit
29 submitted by the petitioner and any witness, signed under penalty of
30 perjury.

31 (3) In determining whether grounds for an emergency extreme risk
32 protection order exist, the court shall consider all evidence of the
33 following:

34 (a) A recent threat of violence or act of violence by the subject
35 of the petition directed toward himself, herself, or another;

36 (b) A violation of a protection order or no-contact order issued
37 under chapter 7.90, 7.92, 10.14, 9A.46, 10.99, or 26.50 RCW;

38 (c) A pattern of violent acts or violent threats within the past
39 twelve months including, but not limited to, threats of violence or

1 acts of violence by the subject of the petition directed toward
2 himself, herself, or another; and

3 (d) A conviction for a crime that constitutes domestic violence
4 as defined in RCW 10.99.020.

5 (4) In determining whether grounds for an emergency extreme risk
6 protection order exist, the court may consider any other evidence of
7 an increased risk for violence including, but not limited to,
8 evidence of any of the following:

9 (a) The unlawful and reckless use, display, or brandishing of a
10 firearm by the subject of the petition;

11 (b) The history of use, attempted use, or threatened use of
12 physical force by the subject of the petition against another person;

13 (c) Any prior arrest of the subject of the petition for a felony
14 offense;

15 (d) Evidence of the abuse of controlled substances or alcohol;
16 and

17 (e) Evidence of recent acquisition of firearms, ammunition, or
18 other dangerous weapons.

19 (5) For purposes of this section, "recent" means within the six
20 months prior to the date the petition was filed.

21 (6) If the court determines that grounds to issue an emergency
22 extreme risk protection order exist, it shall issue an emergency
23 extreme risk protection order prohibiting the subject of the petition
24 from having in his or her custody or control, purchasing, possessing,
25 or receiving, or attempting to purchase or receive, a firearm or
26 dangerous weapon, expiring no later than fourteen days from the date
27 of the order.

28 (7) Within fourteen days after the date of issuance of the order,
29 before the court that issued the order or another court in the same
30 jurisdiction, the court shall hold a hearing pursuant to section 6 of
31 this act to determine if an extreme risk protection order should be
32 issued under this chapter.

33 NEW SECTION. **Sec. 5.** (1) An emergency extreme risk protection
34 order issued under this chapter must include all of the following:

35 (a) A statement of the grounds supporting the issuance of the
36 order;

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

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

1 (d) The address of the superior court in which any responsive
2 pleading should be filed;

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

4 (f) The following statement:

5 "To the subject of this protection order: This order is valid
6 until the expiration date and time noted above. You are required to
7 surrender all firearms and dangerous weapons that you own or possess
8 and you may not have in your custody or control, purchase, possess,
9 or receive, or attempt to purchase or receive, a firearm or dangerous
10 weapon while this order is in effect. A hearing will be held on the
11 date and at the time noted above to determine if a more permanent
12 extreme risk protection order should be issued. Failure to appear at
13 that hearing may result in a court making an order against you that
14 is valid for one year. You may seek the advice of an attorney as to
15 any matter connected with this order. The attorney should be
16 consulted promptly so that the attorney may assist you in any matter
17 connected with this order."

18 (2) An emergency extreme risk protection order must be personally
19 served on the subject of the protection order by a law enforcement
20 officer, or any person who is at least eighteen years of age and not
21 a party to the action, if the subject of the protection order can
22 reasonably be located.

23 (3) The clerk of the court shall enter an emergency extreme risk
24 protection order issued under this section into a statewide judicial
25 information system within one judicial day after issuance.

26 (4) If the court declines to issue an emergency extreme risk
27 protection order, the court shall state the particular reasons for
28 the court's denial. The court's denial of a motion for an emergency
29 extreme risk protection order must be filed with the court.

30 NEW SECTION. **Sec. 6.** (1) A family or household member of a
31 person or a law enforcement officer may request that a court, after
32 notice and a hearing, issue an extreme risk protection order
33 enjoining the subject of the petition from having in his or her
34 custody or control, purchasing, possessing, or receiving, or
35 attempting to purchase or receive, a firearm or dangerous weapon for
36 a period of one year.

37 (2) In determining whether to issue an extreme risk protection
38 order pursuant to a petition filed under subsection (1) of this

1 section or pursuant to a hearing scheduled after the issuance of an
2 emergency extreme risk protection order, the court must consider:

3 (a) A recent threat of violence or act of violence by the subject
4 of the petition directed toward himself, herself, or another;

5 (b) Any violation of a protection order or no-contact order
6 issued under chapter 7.90, 7.92, 10.14, 9A.46, 10.99, or 26.50 RCW;

7 (c) A pattern of violent acts or violent threats within the past
8 twelve months including, but not limited to, threats of violence or
9 acts of violence by the subject of the petition directed toward
10 himself, herself, or another; and

11 (d) A conviction for a crime that constitutes domestic violence
12 as defined in RCW 10.99.020.

13 (3) The court may also consider any other evidence of an
14 increased risk of violence including:

15 (a) The unlawful and reckless use, display, or brandishing of a
16 firearm by the subject of the petition;

17 (b) The history of use, attempted use, or threatened use of
18 physical force by the subject of the petition against another person;

19 (c) Any prior arrest of the subject of the petition for a felony
20 offense;

21 (d) Evidence of the abuse of controlled substances or alcohol;
22 and

23 (e) Evidence of recent acquisition of firearms, ammunition, or
24 other dangerous weapons.

25 (4) For purposes of this section, "recent" means within the six
26 months prior to the date the petition was filed.

27 (5) The petitioner has the burden of proving, by clear, cogent,
28 and convincing evidence, that:

29 (a) The subject of the petition, or a person subject to an
30 emergency extreme risk protection order, poses a significant danger
31 of personal injury to himself, herself, or another by having in his
32 or her custody or control, purchasing, possessing, or receiving a
33 firearm or dangerous weapon; and

34 (b) An extreme risk protection order is necessary to prevent
35 personal injury to the subject of the petition or the person subject
36 to an emergency extreme risk protection order, or another, because
37 less restrictive alternatives either have been tried and found to be
38 ineffective, or are inadequate or inappropriate for the circumstances
39 of the subject of the petition or the person subject to an emergency
40 extreme risk protection order.

1 (6) If the court finds there is clear, cogent, and convincing
2 evidence to issue an extreme risk protection order, the court shall
3 issue an extreme risk protection order prohibiting the subject of the
4 petition from having in his or her custody or control, purchasing,
5 possessing, or receiving, or attempting to purchase or receive, a
6 firearm or dangerous weapon.

7 (7) If the court finds there is not clear, cogent, and convincing
8 evidence to support the issuance of an extreme risk protection order,
9 the court shall dissolve any emergency extreme risk protection order
10 then in effect.

11 (8) The extreme risk protection order issued under this chapter
12 has a duration of one year, subject to termination by further order
13 of the court.

14 (9) When the petitioner for an extreme risk protection order is a
15 law enforcement officer, the law enforcement officer shall make a
16 good faith effort to provide notice to a family or household member
17 of the subject of the petition, or to a known third party, who may be
18 at risk of violence or stalking. The notice must include that the law
19 enforcement officer intends to petition the court for an extreme risk
20 protection order, and referral to relevant domestic violence or
21 stalking advocacy or counseling resources, if appropriate.

22 (10) Every person who files a petition for an extreme risk
23 protection order issued after notice and a hearing, knowing the
24 information in the petition to be false, is guilty of false swearing
25 under RCW 9A.72.040.

26 (11) Every person who purchases or possesses a firearm or
27 dangerous weapon with knowledge that he or she is prohibited from
28 doing so by an extreme risk protection order issued after notice and
29 a hearing is guilty of a misdemeanor and is prohibited from having in
30 his or her custody or control, purchasing, possessing, or receiving,
31 or attempting to purchase or receive, a firearm or dangerous weapon
32 for a five-year period, to commence upon expiration of the existing
33 extreme risk protection order.

34 NEW SECTION. **Sec. 7.** (1) An extreme risk protection order must
35 include all of the following:

36 (a) A statement of the grounds supporting the issuance of the
37 order;

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

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

1 (d) The address of the superior court for the county in which the
2 subject of the petition resides; and

3 (e) The following statement:

4 "To the subject of this protection order: This order will last
5 until the date and time noted above. If you have not done so already,
6 you must surrender all firearms or dangerous weapons that you own or
7 possess. You may not have in your custody or control, purchase,
8 possess, or receive, or attempt to purchase or receive, a firearm or
9 dangerous weapon while this order is in effect. You have the right to
10 request one hearing to terminate this order at any time during its
11 effective period. You may seek the advice of an attorney as to any
12 matter connected with this order."

13 (2) When the court issues an extreme risk protection order, the
14 court shall inform the subject of the protection order that he or she
15 is entitled to one hearing to request a termination of the order and
16 shall provide the subject of the protection order with a form to
17 request a hearing.

18 (3) If a person subject to an extreme risk protection order was
19 not present in court at the time the order was issued or renewed, the
20 extreme risk protection order must be personally served on the
21 subject of the protection order by a law enforcement officer or any
22 person who is at least eighteen years of age and not a party to the
23 action, if the subject of the protection order can reasonably be
24 located. The person's presence in court constitutes proof of service
25 of notice of the terms of the order.

26 NEW SECTION. **Sec. 8.** (1) A person subject to an extreme risk
27 protection order may submit one written request per year at any time
28 during the effective period of the order for a hearing to terminate
29 the order.

30 (2) If the court finds there is no longer clear, cogent, and
31 convincing evidence to believe that section 6(5) of this act is true,
32 the court must terminate the order.

33 NEW SECTION. **Sec. 9.** (1) A family or household member of a
34 person or a law enforcement officer may request a renewal of an
35 extreme risk protection order at any time within the three months
36 before the expiration of the order.

37 (2) A court may, after notice and a hearing, renew an extreme
38 risk protection order if the court finds there is clear, cogent, and

1 convincing evidence that section 6(5) of this act continues to be
2 true.

3 (3) In determining whether to renew an extreme risk protection
4 order issued under this chapter, the court shall consider evidence of
5 the facts identified in section 6 (2) through (4) of this act.

6 (4) If the renewal petition is supported by clear, cogent, and
7 convincing evidence, the court shall renew the extreme risk
8 protection order issued under this chapter.

9 (5) The renewal of an extreme risk protection order has a
10 duration of one additional year, subject to termination by further
11 order of the court under section 8 of this act and further renewal by
12 order of the court under this section.

13 NEW SECTION. **Sec. 10.** (1) A person subject to an extreme risk
14 protection order may not have in his or her custody or control,
15 purchase, possess, or receive, or attempt to purchase or receive, any
16 firearms or dangerous weapons while the order is in effect.

17 (2) An extreme risk protection order must:

18 (a) Require the person to surrender any firearm or dangerous
19 weapon in his or her possession, custody, or control;

20 (b) Require the person to surrender any concealed pistol license
21 issued under RCW 9.41.070;

22 (c) Prohibit the person from obtaining or possessing a firearm or
23 dangerous weapon; and

24 (d) Prohibit the person from obtaining or possessing a concealed
25 pistol license issued under RCW 9.41.070.

26 (3)(a) The court may require the subject of an extreme risk
27 protection order to surrender any firearm or dangerous weapon in his
28 or her immediate possession or control or subject to his or her
29 immediate possession or control to the sheriff of the county having
30 jurisdiction of the proceeding or the chief of police of the
31 municipality having jurisdiction.

32 (b) All law enforcement agencies must develop policies and
33 procedures by January 1, 2016, regarding the acceptance, storage, and
34 return of firearms or dangerous weapons required to be surrendered
35 under this section.

36 (4)(a) A person ordered to surrender firearms, dangerous weapons,
37 and his or her concealed pistol license under this section must file
38 with the clerk of the court a proof of surrender and receipt form or

1 a declaration of nonsurrender form within five judicial days of the
2 entry of the order.

3 (b) By December 1, 2015, the administrative office of the courts
4 shall develop a proof of surrender and receipt pattern form to be
5 used to document that a respondent has complied with a requirement to
6 surrender firearms, dangerous weapons, and his or her concealed
7 pistol license, as ordered under this section, and a declaration of
8 nonsurrender pattern form to document compliance when the respondent
9 has no firearms, dangerous weapons, or concealed pistol license.

10 (5) If a person other than the subject of the protection order
11 claims title to any firearms or dangerous weapons surrendered
12 pursuant to this section, and the person is determined by the law
13 enforcement agency to be the lawful owner of the firearm or firearms,
14 or dangerous weapon, the firearm or firearms, or dangerous weapon
15 shall be returned to the lawful owner, provided that the lawful owner
16 agrees to maintain the firearm or firearms or dangerous weapon, while
17 not in the lawful owner's direct custody or control, locked and
18 separate from ammunition, and to ensure that the person subject to
19 the protection order does not gain access, possession, custody, or
20 control of the firearm or firearms, or dangerous weapon.

21 NEW SECTION. **Sec. 11.** (1) The clerk of the court shall enter an
22 extreme risk protection order issued under this chapter into a
23 statewide judicial information system within one judicial day after
24 issuance.

25 (2) The clerk of the court shall forward a copy of an extreme
26 risk protection order on or before the next judicial day to the
27 appropriate law enforcement agency specified in the order. Upon
28 receipt of the copy of the order, the law enforcement agency shall
29 enter the order into any computer-based criminal intelligence
30 information system available in this state used by law enforcement
31 agencies to list outstanding warrants. The order must remain in the
32 computer-based criminal intelligence information system for the
33 period stated in the order, and the law enforcement agency shall only
34 expunge orders from the system that are expired or terminated. Entry
35 into the computer-based criminal intelligence information system
36 constitutes notice to all law enforcement agencies of the existence
37 of the order. The order is fully enforceable in any county in the
38 state.

1 (3) If an extreme risk protection order is terminated before its
2 expiration date, the clerk of the court shall forward on or before
3 the next judicial day a copy of the termination order to the
4 department of licensing and the appropriate law enforcement agency
5 specified in the termination order. Upon receipt of the order, the
6 law enforcement agency shall promptly remove the order from the
7 computer-based criminal intelligence information system.

8 NEW SECTION. **Sec. 12.** (1) A law enforcement agency or law
9 enforcement officer may not be held liable in any civil action for
10 requesting, serving, or enforcing in good faith any type of extreme
11 risk protection order or warrant, or for any other act or omission
12 under this chapter, absent circumstances evidencing gross negligence.

13 (2) A law enforcement agency or law enforcement officer is not
14 required to apply for any type of extreme risk protection order in
15 any case including, but not limited to, a case in which the agency or
16 officer concludes, after investigation, that the criteria for
17 issuance of an extreme risk protection order are not satisfied.

18 **Sec. 13.** RCW 9.41.047 and 2011 c 193 s 2 are each amended to
19 read as follows:

20 (1)(a) At the time a person is convicted or found not guilty by
21 reason of insanity of an offense making the person ineligible to
22 possess a firearm, or at the time a person is committed by court
23 order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or
24 chapter 10.77 RCW for mental health treatment, or at the time the
25 court enters any type of extreme risk protection order under chapter
26 26.--- RCW (the new chapter created in section 16 of this act), the
27 convicting ((~~or~~)), committing, or issuing court shall notify the
28 person, orally and in writing, that the person must immediately
29 surrender any concealed pistol license and that the person may not
30 possess a firearm unless his or her right to do so is restored by a
31 court of record. For purposes of this section a convicting court
32 includes a court in which a person has been found not guilty by
33 reason of insanity.

34 (b) The convicting ((~~or~~)), committing, or issuing court shall
35 forward within three judicial days after conviction ((~~or~~)), entry of
36 the commitment order, or issuance of any type of extreme risk
37 protection order a copy of the person's driver's license or
38 identicard, or comparable information, along with the date of

1 conviction (~~(or)~~), commitment, or issuance, to the department of
2 licensing. When a person is committed by court order under RCW
3 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for
4 mental health treatment, the committing court also shall forward,
5 within three judicial days after entry of the commitment order, a
6 copy of the person's driver's license, or comparable information,
7 along with the date of commitment, to the national instant criminal
8 background check system index, denied persons file, created by the
9 federal Brady handgun violence prevention act (P.L. 103-159).

10 (2) Upon receipt of the information provided for by subsection
11 (1) of this section, the department of licensing shall determine if
12 the convicted or committed person, or person subject to any type of
13 extreme risk protection order, has a concealed pistol license. If the
14 person does have a concealed pistol license, the department of
15 licensing shall immediately notify the license-issuing authority
16 which, upon receipt of such notification, shall immediately revoke
17 the license.

18 (3)(a) A person who is prohibited from possessing a firearm, by
19 reason of having been involuntarily committed for mental health
20 treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
21 chapter 10.77 RCW, or equivalent statutes of another jurisdiction
22 may, upon discharge, petition the superior court to have his or her
23 right to possess a firearm restored.

24 (b) The petition must be brought in the superior court that
25 ordered the involuntary commitment or the superior court of the
26 county in which the petitioner resides.

27 (c) Except as provided in (d) of this subsection, the court shall
28 restore the petitioner's right to possess a firearm if the petitioner
29 proves by a preponderance of the evidence that:

30 (i) The petitioner is no longer required to participate in court-
31 ordered inpatient or outpatient treatment;

32 (ii) The petitioner has successfully managed the condition
33 related to the commitment;

34 (iii) The petitioner no longer presents a substantial danger to
35 himself or herself, or the public; and

36 (iv) The symptoms related to the commitment are not reasonably
37 likely to recur.

38 (d) If a preponderance of the evidence in the record supports a
39 finding that the person petitioning the court has engaged in violence
40 and that it is more likely than not that the person will engage in

1 violence after his or her right to possess a firearm is restored, the
2 person shall bear the burden of proving by clear, cogent, and
3 convincing evidence that he or she does not present a substantial
4 danger to the safety of others.

5 (e) When a person's right to possess a firearm has been restored
6 under this subsection, the court shall forward, within three judicial
7 days after entry of the restoration order, notification that the
8 person's right to possess a firearm has been restored to the
9 department of licensing, the department of social and health
10 services, and the national instant criminal background check system
11 index, denied persons file.

12 (4) No person who has been found not guilty by reason of insanity
13 may petition a court for restoration of the right to possess a
14 firearm unless the person meets the requirements for the restoration
15 of the right to possess a firearm under RCW 9.41.040(4).

16 NEW SECTION. **Sec. 14.** A new section is added to chapter 10.79
17 RCW to read as follows:

18 A court may issue a warrant to search for and seize firearms or
19 dangerous weapons that are owned by, in the possession of, or in the
20 custody or control of a person subject to any type of extreme risk
21 protection order as provided in chapter 26.--- RCW (the new chapter
22 created in section 16 of this act), if:

23 (1) The subject of the protection order has been served with the
24 order; and

25 (2) The subject of the protection order has failed to surrender
26 any firearm or dangerous weapon subject to the order as required
27 under chapter 26.--- RCW (the new chapter created in section 16 of
28 this act).

29 NEW SECTION. **Sec. 15.** A new section is added to chapter 10.79
30 RCW to read as follows:

31 (1) A law enforcement officer conducting a search and seizure
32 pursuant to section 14 of this act must take custody of any firearm
33 or dangerous weapon that is in the custody, control, or possession of
34 a person who is subject to any type of extreme risk protection order
35 or that is owned by the subject of the protection order.

36 (2) Any firearm or dangerous weapon found at a location subject
37 to a search and seizure warrant issued pursuant to section 14 of this

1 act that is owned by a person other than the subject of the
2 protection order may not be seized if:

3 (a) The firearm or dangerous weapon is removed from the subject
4 of the protection order's custody, control, or possession and stored
5 in a manner such that the subject of the protection order does not
6 have access to or control of the firearm or dangerous weapon; and

7 (b) The firearm or dangerous weapon is not otherwise unlawfully
8 possessed by the owner.

9 (3) A locked firearm storage safe or case that is owned by a
10 person other than the subject of the protection order may not be
11 searched except in the owner's presence and with his or her consent
12 or with a separately obtained search warrant.

13 NEW SECTION. **Sec. 16.** Sections 1 through 12 of this act
14 constitute a new chapter in Title 26 RCW.

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