
SENATE BILL 5250

State of Washington 64th Legislature 2015 Regular Session

By Senators Dammeier, Darneille, O'Ban, McAuliffe, and Chase

Read first time 01/16/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to violations of a temporary protection order;
2 and amending RCW 26.50.110.

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

4 **Sec. 1.** RCW 26.50.110 and 2013 c 84 s 31 are each amended to
5 read as follows:

6 (1)(a) Whenever an order is granted under this chapter, chapter
7 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW,
8 or there is a valid foreign protection order as defined in RCW
9 26.52.020, and the respondent or person to be restrained knows of the
10 order, a violation of any of the following provisions of the order is
11 a gross misdemeanor, except as provided in subsections (4) and (5) of
12 this section:

13 (i) The restraint provisions prohibiting acts or threats of
14 violence against, or stalking of, a protected party, or restraint
15 provisions prohibiting contact with a protected party;

16 (ii) A provision excluding the person from a residence,
17 workplace, school, or day care;

18 (iii) A provision prohibiting a person from knowingly coming
19 within, or knowingly remaining within, a specified distance of a
20 location;

1 (iv) A provision prohibiting interfering with the protected
2 party's efforts to remove a pet owned, possessed, leased, kept, or
3 held by the petitioner, respondent, or a minor child residing with
4 either the petitioner or the respondent; or

5 (v) A provision of a foreign protection order specifically
6 indicating that a violation will be a crime.

7 (b) Upon conviction, and in addition to any other penalties
8 provided by law, the court may require that the respondent submit to
9 electronic monitoring. The court shall specify who shall provide the
10 electronic monitoring services, and the terms under which the
11 monitoring shall be performed. The order also may include a
12 requirement that the respondent pay the costs of the monitoring. The
13 court shall consider the ability of the convicted person to pay for
14 electronic monitoring.

15 (2) A peace officer shall arrest without a warrant and take into
16 custody a person whom the peace officer has probable cause to believe
17 has violated an order issued under this chapter, chapter 7.92, 7.90,
18 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, any temporary
19 order for protection granted under chapter 7.40 RCW pursuant to
20 chapter 74.34 RCW, or a valid foreign protection order as defined in
21 RCW 26.52.020, that restrains the person or excludes the person from
22 a residence, workplace, school, or day care, or prohibits the person
23 from knowingly coming within, or knowingly remaining within, a
24 specified distance of a location, if the person restrained knows of
25 the order. Presence of the order in the law enforcement computer-
26 based criminal intelligence information system is not the only means
27 of establishing knowledge of the order.

28 (3) A violation of an order issued under this chapter, chapter
29 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW,
30 or of a valid foreign protection order as defined in RCW 26.52.020,
31 shall also constitute contempt of court, and is subject to the
32 penalties prescribed by law.

33 (4) Any assault that is a violation of an order issued under this
34 chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10,
35 26.26, or 74.34 RCW, or of a valid foreign protection order as
36 defined in RCW 26.52.020, and that does not amount to assault in the
37 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
38 felony, and any conduct in violation of such an order that is
39 reckless and creates a substantial risk of death or serious physical
40 injury to another person is a class C felony.

1 (5) A violation of a court order issued under this chapter,
2 chapter 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or
3 74.34 RCW, or of a valid foreign protection order as defined in RCW
4 26.52.020, is a class C felony if the offender has at least two
5 previous convictions for violating the provisions of an order issued
6 under this chapter, chapter 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10,
7 26.26, or 74.34 RCW, or a valid foreign protection order as defined
8 in RCW 26.52.020. The previous convictions may involve the same
9 victim or other victims specifically protected by the orders the
10 offender violated.

11 (6) Upon the filing of an affidavit by the petitioner or any
12 peace officer alleging that the respondent has violated an order
13 granted under this chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99,
14 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection
15 order as defined in RCW 26.52.020, the court may issue an order to
16 the respondent, requiring the respondent to appear and show cause
17 within fourteen days why the respondent should not be found in
18 contempt of court and punished accordingly. The hearing may be held
19 in the court of any county or municipality in which the petitioner or
20 respondent temporarily or permanently resides at the time of the
21 alleged violation.

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