

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1316**

Chapter 248, Laws of 2015

64th Legislature  
2015 Regular Session

TEMPORARY PROTECTION ORDERS--VIOLATIONS

EFFECTIVE DATE: 7/24/2015

Passed by the House March 2, 2015  
Yeas 97 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 21, 2015  
Yeas 48 Nays 0

BRAD OWEN

**President of the Senate**

Approved May 14, 2015 10:55 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1316** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

**Chief Clerk**

FILED

May 14, 2015

**Secretary of State  
State of Washington**

---

**SUBSTITUTE HOUSE BILL 1316**

---

Passed Legislature - 2015 Regular Session

**State of Washington                      64th Legislature                      2015 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Stambaugh, Jinkins, Nealey, Hurst, Kilduff, Reykdal, Wilson, and Sawyer)

READ FIRST TIME 02/09/15.

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 any temporary order for protection granted under chapter 7.40 RCW  
9 pursuant to chapter 74.34 RCW, or there is a valid foreign protection  
10 order as defined in RCW 26.52.020, and the respondent or person to be  
11 restrained knows of the order, a violation of any of the following  
12 provisions of the order is a gross misdemeanor, except as provided in  
13 subsections (4) and (5) of this section:

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

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

19            (iii) A provision prohibiting a person from knowingly coming  
20 within, or knowingly remaining within, a specified distance of a  
21 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.

Passed by the House March 2, 2015.

Passed by the Senate April 21, 2015.

Approved by the Governor May 14, 2015.

Filed in Office of Secretary of State May 14, 2015.

--- END ---