



A Proclamation by the Governor

WHEREAS, under the provisions of Article II, Section 1 of the Constitution of the State of Washington, there was submitted to the electorate of the State of Washington for their approval or rejection at the state general election held on the 8th day of November, 2016, an initiative to the people, identified as Initiative Measure No. 1491 and entitled:

Initiative Measure No. 1491 concerns court-issued extreme risk protection orders temporarily preventing access to firearms.

This measure would allow police, family, or household members to obtain court orders temporarily preventing firearms access by persons exhibiting mental illness, violent or other behavior indicating they may harm themselves or others.

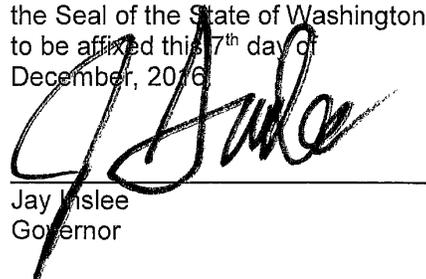
WHEREAS, Kim Wyman, as Secretary of State, has on the 7th day of December, 2016, canvassed the votes cast on this measure at the state general election and certified that 2,234,799 votes were cast in favor of Initiative Measure No. 1491 and 985,658 votes were cast against Initiative Measure No. 1491; and

WHEREAS, as appears from this certification, a majority of the votes cast on this proposition at the state general election were in favor of its adoption;

NOW, THEREFORE, I, Jay Inslee, Governor of the State of Washington, do hereby proclaim that the proposed law as set forth in Initiative Measure No. 1491 was approved by the voters of the State of Washington.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed this 7th day of December, 2016.


Jay Inslee
Governor

ATTEST:


Kim Wyman
Secretary of State

INITIATIVE 1491

To the People

Chapter 3, Laws of 2017

FIREARMS--EXTREME RISK PROTECTION ORDERS

EFFECTIVE DATE: December 8, 2016

Approved by the
People of the State of Washington
in the General Election on
November 8, 2016

ORIGINALLY FILED

March 2, 2016

Secretary of State

1 AN ACT Relating to extreme risk protection orders; adding a new
2 chapter to Title 7 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** INTENT. (1) This act is designed to
5 temporarily prevent individuals who are at high risk of harming
6 themselves or others from accessing firearms by allowing family,
7 household members, and police to obtain a court order when there is
8 demonstrated evidence that the person poses a significant danger,
9 including danger as a result of a dangerous mental health crisis or
10 violent behavior.

11 (2) Every year, over one hundred thousand people are victims of
12 gunshot wounds and more than thirty thousand of those victims lose
13 their lives. Over the last five years for which data is available,
14 one hundred sixty-four thousand eight hundred twenty-one people in
15 America were killed with firearms—an average of ninety-one deaths
16 each day.

17 (3) Studies show that individuals who engage in certain dangerous
18 behaviors are significantly more likely to commit violence toward
19 themselves or others in the near future. These behaviors, which can
20 include other acts or threats of violence, self-harm, or the abuse of

1 drugs or alcohol, are warning signs that the person may soon commit
2 an act of violence.

3 (4) Individuals who pose a danger to themselves or others often
4 exhibit signs that alert family, household members, or law
5 enforcement to the threat. Many mass shooters displayed warning signs
6 prior to their killings, but federal and state laws provided no clear
7 legal process to suspend the shooters' access to guns, even
8 temporarily.

9 (5) In enacting this initiative, it is the purpose and intent of
10 the people to reduce gun deaths and injuries, while respecting
11 constitutional rights, by providing a court procedure for family,
12 household members, and law enforcement to obtain an order temporarily
13 restricting a person's access to firearms. Court orders are intended
14 to be limited to situations in which the person poses a significant
15 danger of harming themselves or others by possessing a firearm and
16 include standards and safeguards to protect the rights of respondents
17 and due process of law.

18 NEW SECTION. **Sec. 2.** SHORT TITLE. This act may be known and
19 cited as the extreme risk protection order act.

20 NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions in this
21 section apply throughout this chapter unless the context clearly
22 requires otherwise.

23 (1) "Extreme risk protection order" means an ex parte temporary
24 order or a final order granted under this chapter.

25 (2) "Family or household member" means, with respect to a
26 respondent, any: (a) Person related by blood, marriage, or adoption
27 to the respondent; (b) Dating partners of the respondent; (c) Person
28 who has a child in common with the respondent, regardless of whether
29 such person has been married to the respondent or has lived together
30 with the respondent at any time; (d) Person who resides or has
31 resided with the respondent within the past year; (e) Domestic
32 partner of the respondent; (f) Person who has a biological or legal
33 parent-child relationship with the respondent, including stepparents
34 and stepchildren and grandparents and grandchildren; and (g) Person
35 who is acting or has acted as the respondent's legal guardian.

36 (3) "Petitioner" means the person who petitions for an order
37 under this chapter.

1 (4) "Respondent" means the person who is identified as the
2 respondent in a petition filed under this chapter.

3 NEW SECTION. **Sec. 4.** PETITION FOR AN EXTREME RISK PROTECTION
4 ORDER. There shall exist an action known as a petition for an extreme
5 risk protection order.

6 (1) A petition for an extreme risk protection order may be filed
7 by (a) a family or household member of the respondent or (b) a law
8 enforcement officer or agency.

9 (2) An action under this chapter must be filed in the county
10 where the petitioner resides or the county where the respondent
11 resides.

12 (3) A petition must:

13 (a) Allege that the respondent poses a significant danger of
14 causing personal injury to self or others by having in his or her
15 custody or control, purchasing, possessing, or receiving a firearm,
16 and be accompanied by an affidavit made under oath stating the
17 specific statements, actions, or facts that give rise to a reasonable
18 fear of future dangerous acts by the respondent;

19 (b) Identify the number, types, and locations of any firearms the
20 petitioner believes to be in the respondent's current ownership,
21 possession, custody, or control;

22 (c) Identify whether there is a known existing protection order
23 governing the respondent, under chapter 7.90, 7.92, 10.14, 9A.46,
24 10.99, 26.50, or 26.52 RCW or under any other applicable statute; and

25 (d) Identify whether there is a pending lawsuit, complaint,
26 petition, or other action between the parties to the petition under
27 the laws of Washington.

28 (4) The court administrator shall verify the terms of any
29 existing order governing the parties. The court may not delay
30 granting relief because of the existence of a pending action between
31 the parties or the necessity of verifying the terms of an existing
32 order. A petition for an extreme risk protection order may be granted
33 whether or not there is a pending action between the parties.

34 (5) If the petitioner is a law enforcement officer or agency, the
35 petitioner shall make a good faith effort to provide notice to a
36 family or household member of the respondent and to any known third
37 party who may be at risk of violence. The notice must state that the
38 petitioner intends to petition the court for an extreme risk
39 protection order or has already done so, and include referrals to

1 appropriate resources, including mental health, domestic violence,
2 and counseling resources. The petitioner must attest in the petition
3 to having provided such notice, or attest to the steps that will be
4 taken to provide such notice.

5 (6) If the petition states that disclosure of the petitioner's
6 address would risk harm to the petitioner or any member of the
7 petitioner's family or household, the petitioner's address may be
8 omitted from all documents filed with the court. If the petitioner
9 has not disclosed an address under this subsection, the petitioner
10 must designate an alternative address at which the respondent may
11 serve notice of any motions. If the petitioner is a law enforcement
12 officer or agency, the address of record must be that of the law
13 enforcement agency.

14 (7) Within ninety days of receipt of the master copy from the
15 administrative office of the courts, all court clerk's offices shall
16 make available the standardized forms, instructions, and
17 informational brochures required by section 16 of this act. Any
18 assistance or information provided by clerks under this section does
19 not constitute the practice of law and clerks are not responsible for
20 incorrect information contained in a petition.

21 (8) No fees for filing or service of process may be charged by a
22 court or any public agency to petitioners seeking relief under this
23 chapter. Petitioners shall be provided the necessary number of
24 certified copies, forms, and instructional brochures free of charge.

25 (9) A person is not required to post a bond to obtain relief in
26 any proceeding under this section.

27 (10) The superior courts of the state of Washington have
28 jurisdiction over proceedings under this chapter. Additionally,
29 district and municipal courts have limited jurisdiction over issuance
30 and enforcement of ex parte extreme risk protection orders issued
31 under section 6 of this act. The district or municipal court shall
32 set the full hearing provided for in section 5 of this act in
33 superior court and transfer the case. If the notice and order are not
34 served on the respondent in time for the full hearing, the issuing
35 court has concurrent jurisdiction with the superior court to extend
36 the ex parte extreme risk protection order.

37 NEW SECTION. **Sec. 5.** EXTREME RISK PROTECTION ORDER HEARINGS AND
38 ISSUANCE. (1) Upon receipt of the petition, the court shall order a

1 hearing to be held not later than fourteen days from the date of the
2 order and issue a notice of hearing to the respondent for the same.

3 (a) The court may schedule a hearing by telephone pursuant to
4 local court rule, to reasonably accommodate a disability, or in
5 exceptional circumstances to protect a petitioner from potential
6 harm. The court shall require assurances of the petitioner's identity
7 before conducting a telephonic hearing.

8 (b) The court clerk shall cause a copy of the notice of hearing
9 and petition to be forwarded on or before the next judicial day to
10 the appropriate law enforcement agency for service upon the
11 respondent.

12 (c) Personal service of the notice of hearing and petition shall
13 be made upon the respondent by a law enforcement officer not less
14 than five court days prior to the hearing. Service issued under this
15 section takes precedence over the service of other documents, unless
16 the other documents are of a similar emergency nature. If timely
17 personal service cannot be made, the court shall set a new hearing
18 date and shall either require additional attempts at obtaining
19 personal service or permit service by publication or mail as provided
20 in section 8 of this act. The court shall not require more than two
21 attempts at obtaining personal service and shall permit service by
22 publication or mail after two attempts at obtaining personal service
23 unless the petitioner requests additional time to attempt personal
24 service. If the court issues an order permitting service by
25 publication or mail, the court shall set the hearing date not later
26 than twenty-four days from the date the order issues.

27 (d) The court may, as provided in section 6 of this act, issue an
28 ex parte extreme risk protection order pending the hearing ordered
29 under this subsection (1). Such ex parte order must be served
30 concurrently with the notice of hearing and petition.

31 (2) Upon hearing the matter, if the court finds by a
32 preponderance of the evidence that the respondent poses a significant
33 danger of causing personal injury to self or others by having in his
34 or her custody or control, purchasing, possessing, or receiving a
35 firearm, the court shall issue an extreme risk protection order for a
36 period of one year.

37 (3) In determining whether grounds for an extreme risk protection
38 order exist, the court may consider any relevant evidence including,
39 but not limited to, any of the following:

1 (a) A recent act or threat of violence by the respondent against
2 self or others, whether or not such violence or threat of violence
3 involves a firearm;

4 (b) A pattern of acts or threats of violence by the respondent
5 within the past twelve months including, but not limited to, acts or
6 threats of violence by the respondent against self or others;

7 (c) Any dangerous mental health issues of the respondent;

8 (d) A violation by the respondent of a protection order or a no-
9 contact order issued under chapter 7.90, 7.92, 10.14, 9A.46, 10.99,
10 26.50, or 26.52 RCW;

11 (e) A previous or existing extreme risk protection order issued
12 against the respondent;

13 (f) A violation of a previous or existing extreme risk protection
14 order issued against the respondent;

15 (g) A conviction of the respondent for a crime that constitutes
16 domestic violence as defined in RCW 10.99.020;

17 (h) The respondent's ownership, access to, or intent to possess
18 firearms;

19 (i) The unlawful or reckless use, display, or brandishing of a
20 firearm by the respondent;

21 (j) The history of use, attempted use, or threatened use of
22 physical force by the respondent against another person, or the
23 respondent's history of stalking another person;

24 (k) Any prior arrest of the respondent for a felony offense or
25 violent crime;

26 (l) Corroborated evidence of the abuse of controlled substances
27 or alcohol by the respondent; and

28 (m) Evidence of recent acquisition of firearms by the respondent.

29 (4) The court may:

30 (a) Examine under oath the petitioner, the respondent, and any
31 witnesses they may produce, or, in lieu of examination, consider
32 sworn affidavits of the petitioner, the respondent, and any witnesses
33 they may produce; and

34 (b) Ensure that a reasonable search has been conducted for
35 criminal history records related to the respondent.

36 (5) In a hearing under this chapter, the rules of evidence apply
37 to the same extent as in a domestic violence protection order
38 proceeding under chapter 26.50 RCW.

1 (6) During the hearing, the court shall consider whether a mental
2 health evaluation or chemical dependency evaluation is appropriate,
3 and may order such evaluation if appropriate.

4 (7) An extreme risk protection order must include:

5 (a) A statement of the grounds supporting the issuance of the
6 order;

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

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

9 (d) Whether a mental health evaluation or chemical dependency
10 evaluation of the respondent is required;

11 (e) The address of the court in which any responsive pleading
12 should be filed;

13 (f) A description of the requirements for relinquishment of
14 firearms under section 10 of this act; and

15 (g) The following statement: "To the subject of this protection
16 order: This order will last until the date and time noted above. If
17 you have not done so already, you must surrender to the (insert name
18 of local law enforcement agency) all firearms in your custody,
19 control, or possession and any concealed pistol license issued to you
20 under RCW 9.41.070 immediately. You may not have in your custody or
21 control, purchase, possess, receive, or attempt to purchase or
22 receive, a firearm while this order is in effect. You have the right
23 to request one hearing to terminate this order every twelve-month
24 period that this order is in effect, starting from the date of this
25 order and continuing through any renewals. You may seek the advice of
26 an attorney as to any matter connected with this order."

27 (8) When the court issues an extreme risk protection order, the
28 court shall inform the respondent that he or she is entitled to
29 request termination of the order in the manner prescribed by section
30 9 of this act. The court shall provide the respondent with a form to
31 request a termination hearing.

32 (9) If the court declines to issue an extreme risk protection
33 order, the court shall state the particular reasons for the court's
34 denial.

35 NEW SECTION. **Sec. 6.** EX PARTE EXTREME RISK PROTECTION ORDERS.

36 (1) A petitioner may request that an ex parte extreme risk protection
37 order be issued before a hearing for an extreme risk protection
38 order, without notice to the respondent, by including in the petition
39 detailed allegations based on personal knowledge that the respondent

1 poses a significant danger of causing personal injury to self or
2 others in the near future by having in his or her custody or control,
3 purchasing, possessing, or receiving a firearm.

4 (2) In considering whether to issue an ex parte extreme risk
5 protection order under this section, the court shall consider all
6 relevant evidence, including the evidence described in section 5(3)
7 of this act.

8 (3) If a court finds there is reasonable cause to believe that
9 the respondent poses a significant danger of causing personal injury
10 to self or others in the near future by having in his or her custody
11 or control, purchasing, possessing, or receiving a firearm, the court
12 shall issue an ex parte extreme risk protection order.

13 (4) The court shall hold an ex parte extreme risk protection
14 order hearing in person or by telephone on the day the petition is
15 filed or on the judicial day immediately following the day the
16 petition is filed.

17 (5) In accordance with section 5(1) of this act, the court shall
18 schedule a hearing within fourteen days of the issuance of an ex
19 parte extreme risk protection order to determine if a one-year
20 extreme risk protection order should be issued under this chapter.

21 (6) An ex parte extreme risk protection order shall include:

22 (a) A statement of the grounds asserted for the order;

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

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

25 (d) The address of the court in which any responsive pleading
26 should be filed;

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

28 (f) A description of the requirements for surrender of firearms
29 under section 10 of this act; and

30 (g) The following statement: "To the subject of this protection
31 order: This order is valid until the date and time noted above. You
32 are required to surrender all firearms in your custody, control, or
33 possession. You may not have in your custody or control, purchase,
34 possess, receive, or attempt to purchase or receive, a firearm while
35 this order is in effect. You must surrender to the (insert name of
36 local law enforcement agency) all firearms in your custody, control,
37 or possession and any concealed pistol license issued to you under
38 RCW 9.41.070 immediately. A hearing will be held on the date and at
39 the time noted above to determine if an extreme risk protection order
40 should be issued. Failure to appear at that hearing may result in a

1 court making an order against you that is valid for one year. You may
2 seek the advice of an attorney as to any matter connected with this
3 order."

4 (7) Any ex parte extreme risk protection order issued expires
5 upon the hearing on the extreme risk protection order.

6 (8) An ex parte extreme risk protection order shall be served by
7 a law enforcement officer in the same manner as provided for in
8 section 5 of this act for service of the notice of hearing and
9 petition, and shall be served concurrently with the notice of hearing
10 and petition.

11 (9) If the court declines to issue an ex parte extreme risk
12 protection order, the court shall state the particular reasons for
13 the court's denial.

14 NEW SECTION. **Sec. 7.** SERVICE OF EXTREME RISK PROTECTION ORDERS.

15 (1) An extreme risk protection order issued under section 5 of this
16 act must be personally served upon the respondent, except as
17 otherwise provided in this chapter.

18 (2) The law enforcement agency with jurisdiction in the area in
19 which the respondent resides shall serve the respondent personally,
20 unless the petitioner elects to have the respondent served by a
21 private party.

22 (3) If service by a law enforcement agency is to be used, the
23 clerk of the court shall cause a copy of the order issued under this
24 chapter to be forwarded on or before the next judicial day to the law
25 enforcement agency specified in the order for service upon the
26 respondent. Service of an order issued under this chapter takes
27 precedence over the service of other documents, unless the other
28 documents are of a similar emergency nature.

29 (4) If the law enforcement agency cannot complete service upon
30 the respondent within ten days, the law enforcement agency shall
31 notify the petitioner. The petitioner shall provide information
32 sufficient to permit such notification.

33 (5) If an order entered by the court recites that the respondent
34 appeared in person before the court, the necessity for further
35 service is waived and proof of service of that order is not
36 necessary.

37 (6) If the court previously entered an order allowing service of
38 the notice of hearing and petition, or an ex parte extreme risk
39 protection order, by publication or mail under section 8 of this act,

1 or if the court finds there are now grounds to allow such alternate
2 service, the court may permit service by publication or mail of the
3 extreme risk protection order issued under this chapter as provided
4 in section 8 of this act. The court order must state whether the
5 court permitted service by publication or service by mail.

6 (7) Returns of service under this chapter must be made in
7 accordance with the applicable court rules.

8 NEW SECTION. **Sec. 8.** SERVICE BY PUBLICATION OR MAIL. (1) The
9 court may order service by publication or service by mail under the
10 circumstances permitted for such service in RCW 7.90.052, 7.90.053,
11 26.50.123, or 26.50.085, except any summons must be essentially in
12 the following form:

13 In the court of the state of Washington
14 for the county of
15, Petitioner
16 vs. No.
17, Respondent

18 The state of Washington to (respondent):
19 You are hereby summoned to appear on the
20 day of, (year), at a.m./p.m., and
21 respond to the petition. If you fail to respond, an extreme
22 risk protection order may be issued against you pursuant
23 to the provisions of the extreme risk protection order act,
24 chapter 7--- RCW (the new chapter created in section 18
25 of this act), for one year from the date you are required to
26 appear. (An ex parte extreme risk protection order has
27 been issued against you, restraining you from having in
28 your custody or control, purchasing, possessing, or
29 receiving any firearms. You must surrender to the (insert
30 name of local law enforcement agency) all firearms in
31 your custody, control, or possession and any concealed
32 pistol license issued to you under RCW 9.41.070 within
33 forty-eight hours. A copy of the notice of hearing,
34 petition, and ex parte extreme risk protection order has
35 been filed with the clerk of this court.) (A copy of the
36 notice of hearing and petition has been filed with the
37 clerk of this court.)

(2) If the court orders service by publication or mail for notice of an extreme risk protection order hearing, it shall also reissue the ex parte extreme risk protection order, if issued, to expire on the date of the extreme risk protection order hearing.

(3) Following completion of service by publication or by mail for notice of an extreme risk protection order hearing, if the respondent fails to appear at the hearing, the court may issue an extreme risk protection order as provided in section 5 of this act.

NEW SECTION. **Sec. 9.** TERMINATION AND RENEWAL OF ORDERS. (1) The respondent may submit one written request for a hearing to terminate an extreme risk protection order issued under this chapter every twelve-month period that the order is in effect, starting from the date of the order and continuing through any renewals.

(a) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with RCW 4.28.080. The hearing shall occur no sooner than fourteen days and no later than thirty days from the date of service of the request upon the petitioner.

(b) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The court may consider any relevant evidence, including evidence of the considerations listed in section 5(3) of this act.

(c) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

(2) The court must notify the petitioner of the impending expiration of an extreme risk protection order. Notice must be received by the petitioner one hundred five calendar days before the date the order expires.

(3) A family or household member of a respondent or a law enforcement officer or agency may by motion request a renewal of an extreme risk protection order at any time within one hundred five calendar days before the expiration of the order.

1 (a) Upon receipt of the motion to renew, the court shall order
2 that a hearing be held not later than fourteen days from the date the
3 order issues.

4 (i) The court may schedule a hearing by telephone in the manner
5 prescribed by section 5(1)(a) of this act.

6 (ii) The respondent shall be personally served in the same manner
7 prescribed by section 5(1) (b) and (c) of this act.

8 (b) In determining whether to renew an extreme risk protection
9 order issued under this section, the court shall consider all
10 relevant evidence presented by the petitioner and follow the same
11 procedure as provided in section 5 of this act.

12 (c) If the court finds by a preponderance of the evidence that
13 the requirements for issuance of an extreme risk protection order as
14 provided in section 5 of this act continue to be met, the court shall
15 renew the order. However, if, after notice, the motion for renewal is
16 uncontested and the petitioner seeks no modification of the order,
17 the order may be renewed on the basis of the petitioner's motion or
18 affidavit stating that there has been no material change in relevant
19 circumstances since entry of the order and stating the reason for the
20 requested renewal.

21 (d) The renewal of an extreme risk protection order has a
22 duration of one year, subject to termination as provided in
23 subsection (1) of this section or further renewal by order of the
24 court.

25 NEW SECTION. **Sec. 10.** SURRENDER OF FIREARMS. (1) Upon issuance
26 of any extreme risk protection order under this chapter, including an
27 ex parte extreme risk protection order, the court shall order the
28 respondent to surrender to the local law enforcement agency all
29 firearms in the respondent's custody, control, or possession and any
30 concealed pistol license issued under RCW 9.41.070.

31 (2) The law enforcement officer serving any extreme risk
32 protection order under this chapter, including an ex parte extreme
33 risk protection order, shall request that the respondent immediately
34 surrender all firearms in his or her custody, control, or possession
35 and any concealed pistol license issued under RCW 9.41.070, and
36 conduct any search permitted by law for such firearms. The law
37 enforcement officer shall take possession of all firearms belonging
38 to the respondent that are surrendered, in plain sight, or discovered
39 pursuant to a lawful search. Alternatively, if personal service by a

1 law enforcement officer is not possible, or not required because the
2 respondent was present at the extreme risk protection order hearing,
3 the respondent shall surrender the firearms in a safe manner to the
4 control of the local law enforcement agency within forty-eight hours
5 of being served with the order by alternate service or within forty-
6 eight hours of the hearing at which the respondent was present.

7 (3) At the time of surrender, a law enforcement officer taking
8 possession of a firearm or concealed pistol license shall issue a
9 receipt identifying all firearms that have been surrendered and
10 provide a copy of the receipt to the respondent. Within seventy-two
11 hours after service of the order, the officer serving the order shall
12 file the original receipt with the court and shall ensure that his or
13 her law enforcement agency retains a copy of the receipt.

14 (4) Upon the sworn statement or testimony of the petitioner or of
15 any law enforcement officer alleging that the respondent has failed
16 to comply with the surrender of firearms as required by an order
17 issued under this chapter, the court shall determine whether probable
18 cause exists to believe that the respondent has failed to surrender
19 all firearms in his or her possession, custody, or control. If
20 probable cause exists, the court shall issue a warrant describing the
21 firearms and authorizing a search of the locations where the firearms
22 are reasonably believed to be and the seizure of any firearms
23 discovered pursuant to such search.

24 (5) If a person other than the respondent claims title to any
25 firearms surrendered pursuant to this section, and he or she is
26 determined by the law enforcement agency to be the lawful owner of
27 the firearm, the firearm shall be returned to him or her, provided
28 that:

29 (a) The firearm is removed from the respondent's custody,
30 control, or possession and the lawful owner agrees to store the
31 firearm in a manner such that the respondent does not have access to
32 or control of the firearm; and

33 (b) The firearm is not otherwise unlawfully possessed by the
34 owner.

35 (6) Upon the issuance of a one-year extreme risk protection
36 order, the court shall order a new hearing date and require the
37 respondent to appear not later than three judicial days from the
38 issuance of the order. The court shall require a showing that the
39 person subject to the order has surrendered any firearms in his or
40 her custody, control, or possession. The court may dismiss the

1 hearing upon a satisfactory showing that the respondent is in
2 compliance with the order.

3 (7) All law enforcement agencies must develop policies and
4 procedures by June 1, 2017, regarding the acceptance, storage, and
5 return of firearms required to be surrendered under this chapter.

6 NEW SECTION. **Sec. 11.** RETURN AND DISPOSAL OF FIREARMS. (1) If
7 an extreme risk protection order is terminated or expires without
8 renewal, a law enforcement agency holding any firearm that has been
9 surrendered pursuant to this chapter shall return any surrendered
10 firearm requested by a respondent only after confirming, through a
11 background check, that the respondent is currently eligible to own or
12 possess firearms under federal and state law and after confirming
13 with the court that the extreme risk protection order has terminated
14 or has expired without renewal.

15 (2) A law enforcement agency must, if requested, provide prior
16 notice of the return of a firearm to a respondent to family or
17 household members of the respondent in the manner provided in RCW
18 9.41.340 and 9.41.345.

19 (3) Any firearm surrendered by a respondent pursuant to section
20 10 of this act that remains unclaimed by the lawful owner shall be
21 disposed of in accordance with the law enforcement agency's policies
22 and procedures for the disposal of firearms in police custody.

23 NEW SECTION. **Sec. 12.** REPORTING OF ORDERS. (1) The clerk of the
24 court shall enter any extreme risk protection order or ex parte
25 extreme risk protection order issued under this chapter into a
26 statewide judicial information system on the same day such order is
27 issued.

28 (2) The clerk of the court shall forward a copy of an order
29 issued under this chapter the same day such order is issued to the
30 appropriate law enforcement agency specified in the order. Upon
31 receipt of the copy of the order, the law enforcement agency shall
32 enter the order into the national instant criminal background check
33 system, any other federal or state computer-based systems used by law
34 enforcement or others to identify prohibited purchasers of firearms,
35 and any computer-based criminal intelligence information system
36 available in this state used by law enforcement agencies to list
37 outstanding warrants. The order must remain in each system for the
38 period stated in the order, and the law enforcement agency shall only

1 expunge orders from the systems that have expired or terminated.
2 Entry into the computer-based criminal intelligence information
3 system constitutes notice to all law enforcement agencies of the
4 existence of the order. The order is fully enforceable in any county
5 in the state.

6 (3) The issuing court shall, within three judicial days after
7 issuance of an extreme risk protection order or ex parte extreme risk
8 protection order, forward a copy of the respondent's driver's license
9 or identicard, or comparable information, along with the date of
10 order issuance, to the department of licensing. Upon receipt of the
11 information, the department of licensing shall determine if the
12 respondent has a concealed pistol license. If the respondent does
13 have a concealed pistol license, the department of licensing shall
14 immediately notify the license issuing authority which, upon receipt
15 of such notification, shall immediately revoke the license.

16 (4) If an extreme risk protection order is terminated before its
17 expiration date, the clerk of the court shall forward the same day a
18 copy of the termination order to the department of licensing and the
19 appropriate law enforcement agency specified in the termination
20 order. Upon receipt of the order, the law enforcement agency shall
21 promptly remove the order from any computer-based system in which it
22 was entered pursuant to subsection (2) of this section.

23 NEW SECTION. **Sec. 13.** PENALTIES. (1) Any person who files a
24 petition under this chapter knowing the information in such petition
25 to be materially false, or with intent to harass the respondent, is
26 guilty of a gross misdemeanor.

27 (2) Any person who has in his or her custody or control,
28 purchases, possesses, or receives a firearm with knowledge that he or
29 she is prohibited from doing so by an order issued under this chapter
30 is guilty of a gross misdemeanor, and further is prohibited from
31 having in his or her custody or control, purchasing, possessing, or
32 receiving, or attempting to purchase or receive, a firearm for a
33 period of five years from the date the existing order expires.
34 However, such person is guilty of a class C felony if the person has
35 two or more previous convictions for violating an order issued under
36 this chapter.

37 NEW SECTION. **Sec. 14.** LAW ENFORCEMENT RETAINS OTHER AUTHORITY.
38 This chapter does not affect the ability of a law enforcement officer

1 to remove a firearm or concealed pistol license from any person or
2 conduct any search and seizure for firearms pursuant to other lawful
3 authority.

4 NEW SECTION. **Sec. 15.** LIABILITY. Except as provided in section
5 13 of this act, this chapter does not impose criminal or civil
6 liability on any person or entity for acts or omissions related to
7 obtaining an extreme risk protection order or ex parte extreme risk
8 protection including, but not limited to, reporting, declining to
9 report, investigating, declining to investigate, filing, or declining
10 to file a petition under this chapter.

11 NEW SECTION. **Sec. 16.** INSTRUCTIONAL AND INFORMATIONAL MATERIAL.

12 (1) The administrative office of the courts shall develop and prepare
13 instructions and informational brochures, standard petitions and
14 extreme risk protection order forms, and a court staff handbook on
15 the extreme risk protection order process. The standard petition and
16 order forms must be used after June 1, 2017, for all petitions filed
17 and orders issued under this chapter. The instructions, brochures,
18 forms, and handbook shall be prepared in consultation with interested
19 persons, including representatives of gun violence prevention groups,
20 judges, and law enforcement personnel. Materials must be based on
21 best practices and available electronically online to the public.

22 (a) The instructions must be designed to assist petitioners in
23 completing the petition, and must include a sample of a standard
24 petition and order for protection forms.

25 (b) The instructions and standard petition must include a means
26 for the petitioner to identify, with only lay knowledge, the firearms
27 the respondent may own, possesses, receive, or have in his or her
28 custody or control. The instructions must provide pictures of types
29 of firearms that the petitioner may choose from to identify the
30 relevant firearms, or an equivalent means to allow petitioners to
31 identify firearms without requiring specific or technical knowledge
32 regarding the firearms.

33 (c) The informational brochure must describe the use of and the
34 process for obtaining, modifying, and terminating an extreme risk
35 protection order under this chapter, and provide relevant forms.

36 (d) The extreme risk protection order form must include, in a
37 conspicuous location, notice of criminal penalties resulting from
38 violation of the order, and the following statement: "You have the

1 sole responsibility to avoid or refrain from violating this order's
2 provisions. Only the court can change the order and only upon written
3 application."

4 (e) The court staff handbook must allow for the addition of a
5 community resource list by the court clerk.

6 (2) All court clerks may create a community resource list of
7 crisis intervention, mental health, substance abuse, interpreter,
8 counseling, and other relevant resources serving the county in which
9 the court is located. The court may make the community resource list
10 available as part of or in addition to the informational brochures
11 described in subsection (1) of this section.

12 (3) The administrative office of the courts shall distribute a
13 master copy of the petition and order forms, instructions, and
14 informational brochures to all court clerks and shall distribute a
15 master copy of the petition and order forms to all superior,
16 district, and municipal courts. Distribution of all documents shall,
17 at a minimum, be in an electronic format or formats accessible to all
18 courts and court clerks in the state.

19 (4) For purposes of this section, "court clerks" means court
20 administrators in courts of limited jurisdiction and elected court
21 clerks.

22 (5) The administrative office of the courts shall determine the
23 significant non-English speaking or limited English speaking
24 populations in the state. The administrator shall then arrange for
25 translation of the instructions and informational brochures required
26 by this section, which shall contain a sample of the standard
27 petition and order for protection forms, into the languages spoken by
28 those significant non-English speaking populations and shall
29 distribute a master copy of the translated instructions and
30 informational brochures to all court clerks by December 1, 2017.

31 (6) The administrative office of the courts shall update the
32 instructions, brochures, standard petition and extreme risk
33 protection order forms, and court staff handbook as necessary,
34 including when changes in the law make an update necessary.

35 NEW SECTION. **Sec. 17.** SEVERABILITY. If any provision of this
36 act or its application to any person or circumstance is held invalid,
37 the remainder of the act or the application of the provision to other
38 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 18.** Sections 1 through 16 of this act
2 constitute a new chapter in Title 7 RCW.