
HOUSE BILL 1225

State of Washington

66th Legislature

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By Representatives Jinkins, Peterson, Thai, Morgan, Macri, Senn, Appleton, Frame, Kloba, Doglio, Pollet, Hudgins, Valdez, Lovick, Lekanoff, Walen, Bergquist, Stanford, Slatter, Tarleton, Wylie, Tharinger, Fey, Gregerson, and Goodman

Read first time 01/17/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to establishing policies and requirements
2 regarding law enforcement response to domestic violence incidents to
3 enhance the safety of domestic violence victims, families, and
4 officers; amending RCW 10.99.030 and 9.41.345; and adding new
5 sections to chapter 10.99 RCW.

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

7 **Sec. 1.** RCW 10.99.030 and 2016 c 136 s 5 are each amended to
8 read as follows:

9 ~~(1) ((All training relating to the handling of domestic violence~~
10 ~~complaints by law enforcement officers shall stress enforcement of~~
11 ~~criminal laws in domestic situations, availability of community~~
12 ~~resources, and protection of the victim. Law enforcement agencies and~~
13 ~~community organizations with expertise in the issue of domestic~~
14 ~~violence shall cooperate in all aspects of such training.~~

15 ~~(2) The criminal justice training commission shall implement by~~
16 ~~January 1, 1997, a course of instruction for the training of law~~
17 ~~enforcement officers in Washington in the handling of domestic~~
18 ~~violence complaints. The basic law enforcement curriculum of the~~
19 ~~criminal justice training commission shall include at least twenty~~
20 ~~hours of basic training instruction on the law enforcement response~~
21 ~~to domestic violence. The course of instruction, the learning and~~

1 performance objectives, and the standards for the training shall be
2 developed by the commission and focus on enforcing the criminal laws,
3 safety of the victim, and holding the perpetrator accountable for the
4 violence. The curriculum shall include training on the extent and
5 prevalence of domestic violence, the importance of criminal justice
6 intervention, techniques for responding to incidents that minimize
7 the likelihood of officer injury and that promote victim safety,
8 investigation and interviewing skills, evidence gathering and report
9 writing, assistance to and services for victims and children,
10 verification and enforcement of court orders, liability, and any
11 additional provisions that are necessary to carry out the intention
12 of this subsection.

13 ~~(3) The criminal justice training commission shall develop and~~
14 ~~update annually an in-service training program to familiarize law~~
15 ~~enforcement officers with the domestic violence laws. The program~~
16 ~~shall include techniques for handling incidents of domestic violence~~
17 ~~that minimize the likelihood of injury to the officer and that~~
18 ~~promote the safety of all parties. The commission shall make the~~
19 ~~training program available to all law enforcement agencies in the~~
20 ~~state.~~

21 ~~(4) Development of the training in subsections (2) and (3) of~~
22 ~~this section shall be conducted in conjunction with agencies having a~~
23 ~~primary responsibility for serving victims of domestic violence with~~
24 ~~emergency shelter and other services, and representatives to the~~
25 ~~statewide organization providing training and education to these~~
26 ~~organizations and to the general public.~~

27 ~~(5))~~ The primary duty of peace officers, when responding to a
28 domestic violence situation, is to enforce the laws allegedly
29 violated and to protect the complaining party.

30 ~~((6))~~ (2)(a) When a peace officer responds to a domestic
31 violence call and has probable cause to believe that a crime has been
32 committed, the peace officer shall exercise arrest powers with
33 reference to the criteria in RCW 10.31.100. The officer shall notify
34 the victim of the victim's right to initiate a criminal proceeding in
35 all cases where the officer has not exercised arrest powers or
36 decided to initiate criminal proceedings by citation or otherwise.
37 The parties in such cases shall also be advised of the importance of
38 preserving evidence.

1 (b) A peace officer responding to a domestic violence call shall
2 take a complete offense report including the officer's disposition of
3 the case.

4 ~~((7))~~ (3)(a) A peace officer who responds to a domestic
5 violence call and has probable cause to believe that a crime has been
6 committed shall remove all firearms and ammunition the peace officer
7 has reasonable grounds to believe were used or threatened to be used
8 in the commission of the offense and, to reduce the risk of harm, as
9 part of their community caretaking function, shall also remove all
10 firearms and ammunition to which the alleged abuser has access,
11 whether or not they were used or threatened to be used in the
12 commission of the offense, until a judicial officer has heard the
13 matter.

14 (b) The peace officer shall separate the parties and then inquire
15 of the victim: (i) If there are any firearms or ammunition in the
16 home that are owned or possessed by either party; (ii) if the alleged
17 abuser has access to any other firearms located off-site; and (iii)
18 whether the alleged abuser has an active concealed pistol license, so
19 that there is a complete record for future court proceedings. The
20 inquiry should make clear to the victim that the peace officer is not
21 asking only about whether a firearm was used at the time of the
22 incident but also under other circumstances, such as whether the
23 alleged abuser has kept a firearm in plain sight in a manner that is
24 coercive, has threatened use of firearms in the past, or has
25 additional firearms in a vehicle or other location. Law enforcement
26 personnel should be advised that use of a firearms pictures tool may
27 help with descriptions.

28 (c) The peace officer shall document all information about
29 firearms and concealed pistol licenses in the incident report. The
30 incident report must be coded to indicate the presence of or access
31 to firearms so that personal recognizance screeners, prosecutors, and
32 judicial officers address the heightened risk to victim, family, and
33 peace officer safety due to the alleged abuser's access to firearms.

34 (d) A law enforcement agency shall comply with the provisions of
35 RCW 9.41.340 and 9.41.345 before the return of any firearm or
36 ammunition seized under this subsection to the owner or individual
37 from who the firearm or ammunition was obtained.

38 (4) When a peace officer responds to a domestic violence call,
39 the officer shall advise victims of all reasonable means to prevent
40 further abuse, including advising each person of the availability of

1 a shelter or other services in the community, and giving each person
2 immediate notice of the legal rights and remedies available. The
3 notice shall include handing each person a copy of the following
4 statement:

5 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
6 city or county prosecuting attorney to file a criminal
7 complaint. You also have the right to file a petition in
8 superior, district, or municipal court requesting an order
9 for protection from domestic abuse which could include any of
10 the following: (a) An order restraining your abuser from
11 further acts of abuse; (b) an order directing your abuser to
12 leave your household; (c) an order preventing your abuser
13 from entering your residence, school, business, or place of
14 employment; (d) an order awarding you or the other parent
15 custody of or visitation with your minor child or children;
16 ~~((and))~~ (e) an order restraining your abuser from molesting
17 or interfering with minor children in your custody; and (f)
18 an order requiring your abuser to turn in any firearms and
19 concealed pistol license in the abuser's possession or
20 control to law enforcement and prohibiting the abuser from
21 possessing or accessing firearms or a concealed pistol
22 license for the duration of the civil order. The forms you
23 need to obtain a protection order are available in any
24 municipal, district, or superior court.

25 Information about shelters and alternatives to domestic
26 violence is available from a statewide twenty-four-hour toll-
27 free hotline at (include appropriate phone number). The
28 battered women's shelter and other resources in your area
29 are (include local information)"

30 ~~((+8))~~ (5) The peace officer may offer, arrange, or facilitate
31 transportation for the victim to a hospital for treatment of injuries
32 or to a place of safety or shelter.

33 ~~((+9) The law enforcement agency shall forward the offense report~~
34 ~~to the appropriate prosecutor within ten days of making such report~~
35 ~~if there is probable cause to believe that an offense has been~~
36 ~~committed, unless the case is under active investigation. Upon~~
37 ~~receiving the offense report, the prosecuting agency may, in its~~
38 ~~discretion, choose not to file the information as a domestic violence~~

1 offense, if the offense was committed against a sibling, parent,
2 stepparent, or grandparent.

3 (10) Each law enforcement agency shall make as soon as
4 practicable a written record and shall maintain records of all
5 incidents of domestic violence reported to it.

6 (11) Records kept pursuant to subsections (6) and (10) of this
7 section shall be made identifiable by means of a departmental code
8 for domestic violence.

9 (12) Commencing January 1, 1994, records of incidents of domestic
10 violence shall be submitted, in accordance with procedures described
11 in this subsection, to the Washington association of sheriffs and
12 police chiefs by all law enforcement agencies. The Washington
13 criminal justice training commission shall amend its contract for
14 collection of statewide crime data with the Washington association of
15 sheriffs and police chiefs:

16 (a) To include a table, in the annual report of crime in
17 Washington produced by the Washington association of sheriffs and
18 police chiefs pursuant to the contract, showing the total number of
19 actual offenses and the number and percent of the offenses that are
20 domestic violence incidents for the following crimes: (i) Criminal
21 homicide, with subtotals for murder and nonnegligent homicide and
22 manslaughter by negligence; (ii) forcible rape, with subtotals for
23 rape by force and attempted forcible rape; (iii) robbery, with
24 subtotals for firearm, knife or cutting instrument, or other
25 dangerous weapon, and strongarm robbery; (iv) assault, with subtotals
26 for firearm, knife or cutting instrument, other dangerous weapon,
27 hands, feet, aggravated, and other nonaggravated assaults; (v)
28 burglary, with subtotals for forcible entry, nonforcible unlawful
29 entry, and attempted forcible entry; (vi) larceny theft, except motor
30 vehicle theft; (vii) motor vehicle theft, with subtotals for autos,
31 trucks and buses, and other vehicles; (viii) arson; and (ix)
32 violations of the provisions of a protection order or no-contact
33 order restraining the person from going onto the grounds of or
34 entering a residence, workplace, school, or day care, provided that
35 specific appropriations are subsequently made for the collection and
36 compilation of data regarding violations of protection orders or no-
37 contact orders;

38 (b) To require that the table shall continue to be prepared and
39 contained in the annual report of crime in Washington until that time
40 as comparable or more detailed information about domestic violence

1 incidents is available through the Washington state incident based
2 reporting system and the information is prepared and contained in the
3 annual report of crime in Washington; and

4 ~~(c) To require that, in consultation with interested persons, the
5 Washington association of sheriffs and police chiefs prepare and
6 disseminate procedures to all law enforcement agencies in the state
7 as to how the agencies shall code and report domestic violence
8 incidents to the Washington association of sheriffs and police
9 chiefs.)~~

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.99
11 RCW to read as follows:

12 (1) All training relating to the handling of domestic violence
13 complaints by law enforcement officers must stress enforcement of
14 criminal laws in domestic situations, availability of community
15 resources, and protection of the victim. Law enforcement agencies and
16 community organizations with expertise in the issue of domestic
17 violence shall cooperate in all aspects of such training.

18 (2) The criminal justice training commission shall implement by
19 the effective date of this section, a course of instruction for the
20 training of law enforcement officers in Washington in the handling of
21 domestic violence complaints. The basic law enforcement curriculum of
22 the criminal justice training commission must include at least twenty
23 hours of basic training instruction on the law enforcement response
24 to domestic violence. The course of instruction, the learning and
25 performance objectives, and the standards for the training must be
26 developed by the commission and focus on enforcing the criminal laws,
27 safety of the victim, and holding the perpetrator accountable for the
28 violence. The curriculum must include training on the extent and
29 prevalence of domestic violence, the importance of criminal justice
30 intervention, techniques for responding to incidents that minimize
31 the likelihood of officer injury and that promote victim safety,
32 investigation and interviewing skills, evidence gathering and report
33 writing, assistance to and services for victims and children,
34 verification and enforcement of court orders, liability, and any
35 additional provisions that are necessary to carry out the intention
36 of this subsection.

37 (3) The criminal justice training commission shall develop and
38 update annually an in-service training program to familiarize law
39 enforcement officers with domestic violence laws. The program must

1 include techniques for handling incidents of domestic violence that
2 minimize the likelihood of injury to the officer and that promote the
3 safety of all parties. The commission shall make the training program
4 available to all law enforcement agencies in the state.

5 (4) Development of the training in subsections (2) and (3) of
6 this section must be conducted in conjunction with agencies having a
7 primary responsibility for serving victims of domestic violence with
8 emergency shelter and other services, and representatives to the
9 statewide organization providing training and education to these
10 organizations and to the general public.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.99
12 RCW to read as follows:

13 (1) A law enforcement agency shall forward the offense report
14 regarding any incident of domestic violence to the appropriate
15 prosecutor within ten days of making such report if there is probable
16 cause to believe that an offense has been committed, unless the case
17 is under active investigation. Upon receiving the offense report, the
18 prosecuting agency may, in its discretion, choose not to file the
19 information as a domestic violence offense, if the offense was
20 committed against a sibling, parent, stepparent, or grandparent.

21 (2) Each law enforcement agency shall make as soon as practicable
22 a written record and shall maintain records of all incidents of
23 domestic violence reported to it.

24 (3) Records kept pursuant to RCW 10.99.030 and this section must
25 be made identifiable by means of a departmental code for domestic
26 violence.

27 (4) Commencing on the effective date of this section, records of
28 incidents of domestic violence must be submitted, in accordance with
29 procedures described in this subsection, to the Washington
30 association of sheriffs and police chiefs by all law enforcement
31 agencies. The criminal justice training commission shall amend its
32 contract for collection of statewide crime data with the Washington
33 association of sheriffs and police chiefs:

34 (a) To include a table, in the annual report of crime in
35 Washington produced by the Washington association of sheriffs and
36 police chiefs pursuant to the contract, showing the total number of
37 actual offenses and the number and percent of the offenses that are
38 domestic violence incidents for the following crimes: (i) Criminal
39 homicide, with subtotals for murder and nonnegligent homicide and

1 manslaughter by negligence; (ii) forcible rape, with subtotals for
2 rape by force and attempted forcible rape; (iii) robbery, with
3 subtotals for firearm, knife or cutting instrument, or other
4 dangerous weapon, and strongarm robbery; (iv) assault, with subtotals
5 for firearm, knife or cutting instrument, other dangerous weapon,
6 hands, feet, aggravated, and other nonaggravated assaults; (v)
7 burglary, with subtotals for forcible entry, nonforcible unlawful
8 entry, and attempted forcible entry; (vi) larceny theft, except motor
9 vehicle theft; (vii) motor vehicle theft, with subtotals for autos,
10 trucks and buses, and other vehicles; (viii) arson; and (ix)
11 violations of the provisions of a protection order or no-contact
12 order restraining the person from going onto the grounds of or
13 entering a residence, workplace, school, or day care, provided that
14 specific appropriations are subsequently made for the collection and
15 compilation of data regarding violations of protection orders or no-
16 contact orders;

17 (b) To require that the table shall continue to be prepared and
18 contained in the annual report of crime in Washington until that time
19 as comparable or more detailed information about domestic violence
20 incidents is available through the Washington state incident-based
21 reporting system and the information is prepared and contained in the
22 annual report of crime in Washington; and

23 (c) To require that, in consultation with interested persons, the
24 Washington association of sheriffs and police chiefs prepare and
25 disseminate procedures to all law enforcement agencies in the state
26 as to how the agencies shall code and report domestic violence
27 incidents to the Washington association of sheriffs and police
28 chiefs.

29 **Sec. 4.** RCW 9.41.345 and 2018 c 226 s 1 are each amended to read
30 as follows:

31 (1) Before a law enforcement agency returns a privately owned
32 firearm, the law enforcement agency must:

33 (a) Confirm that the individual to whom the firearm will be
34 returned is the individual from whom the firearm was obtained or an
35 authorized representative of that person;

36 (b) Confirm that the individual to whom the firearm will be
37 returned is eligible to possess a firearm pursuant to RCW 9.41.040;

38 (c) Ensure that the firearm is not otherwise required to be held
39 in custody or otherwise prohibited from being released; and

1 (d) Ensure that twenty-four hours have elapsed from the time the
2 firearm was obtained by law enforcement, unless the firearm was
3 seized in connection with a domestic violence call pursuant to RCW
4 10.99.030, in which case the law enforcement agency must ensure that
5 five business days have elapsed from the time the firearm was
6 obtained.

7 (2) (a) Once the requirements in subsections (1) and (3) of this
8 section have been met, a law enforcement agency must release a
9 firearm to the individual from whom it was obtained or an authorized
10 representative of that person upon request without unnecessary delay.

11 (b) (i) If a firearm cannot be returned because it is required to
12 be held in custody or is otherwise prohibited from being released, a
13 law enforcement agency must provide written notice to the individual
14 from whom it was obtained within five business days of the individual
15 requesting return of his or her firearm and specify the reason the
16 firearm must be held in custody.

17 (ii) Notification may be made via email, text message, mail
18 service, or personal service. For methods other than personal
19 service, service shall be considered complete once the notification
20 is sent.

21 (3) If a family or household member has requested to be notified
22 pursuant to RCW 9.41.340, a law enforcement agency must:

23 (a) Provide notice to the family or household member within one
24 business day of verifying that the requirements in subsection (1) of
25 this section have been met; and

26 (b) Hold the firearm in custody for seventy-two hours from the
27 time notification has been provided.

28 (4) (a) A law enforcement agency may not return a concealed pistol
29 license that has been surrendered to or impounded by the law
30 enforcement agency for any reason to the licensee until the law
31 enforcement agency determines the licensee is eligible to possess a
32 firearm under state and federal law and meets the other eligibility
33 requirements for a concealed pistol license under RCW 9.41.070.

34 (b) A law enforcement agency must release a concealed pistol
35 license to the licensee without unnecessary delay, and in no case
36 longer than five business days, after the law enforcement agency
37 determines the requirements of (a) of this subsection have been met.

38 (5) The provisions of chapter 130, Laws of 2015 and subsection
39 (4) of this section shall not apply to circumstances where a law
40 enforcement officer has momentarily obtained a firearm or concealed

1 pistol license from an individual and would otherwise immediately
2 return the firearm or concealed pistol license to the individual
3 during the same interaction.

--- **END** ---