
SUBSTITUTE HOUSE BILL 1143

State of Washington**68th Legislature****2023 Regular Session**

By House Civil Rights & Judiciary (originally sponsored by Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Macri, Lekanoff, Duerr, Pollet, Davis, Kloba, Fosse, and Ormsby; by request of Office of the Governor)

READ FIRST TIME 01/31/23.

1 AN ACT Relating to enhancing requirements for the purchase or
2 transfer of firearms by requiring a permit to purchase firearms,
3 firearms safety training, and a 10-day waiting period, prohibiting
4 firearms transfers prior to completion of a background check, and
5 updating and creating consistency in firearms transfer and background
6 check procedures; amending RCW 9.41.090, 43.43.590, 9.41.047,
7 9.41.049, 9.41.092, 9.41.094, 9.41.097, 9.41.0975, 9.41.110,
8 9.41.1135, 9.41.129, 9.41.345, 9.41.270, 9.41.280, 9.41.282,
9 9.41.284, 9.41.800, 9.41.801, 9.41.802, 9.41.804, 9.41.815,
10 7.105.305, 7.105.330, 7.105.335, 7.105.340, 7.105.350, 7.105.570,
11 10.31.100, 10.99.033, 10.99.040, 11.130.257, 26.09.060, 71.05.182,
12 and 72.23.080; reenacting and amending RCW 7.105.310 and 10.99.030;
13 adding new sections to chapter 9.41 RCW; adding a new section to
14 chapter 43.43 RCW; repealing 2019 c 244 s 1; and providing an
15 effective date.

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

17 **Sec. 1.** RCW 9.41.090 and 2019 c 3 s 3 are each amended to read
18 as follows:

19 (1) In addition to the other requirements of this chapter, no
20 dealer may deliver a (~~pistol~~) firearm to the purchaser thereof
21 until:

1 (a) The purchaser produces a valid (~~concealed pistol license and~~
2 ~~the dealer has recorded the purchaser's name, license number, and~~
3 ~~issuing agency, such record to be made in triplicate and processed as~~
4 ~~provided in subsection (6) of this section. For purposes of this~~
5 ~~subsection (1) (a), a "valid concealed pistol license" does not~~
6 ~~include a temporary emergency license, and does not include any~~
7 ~~license issued before July 1, 1996, unless the issuing agency~~
8 ~~conducted a records search for disqualifying crimes under RCW~~
9 ~~9.41.070 at the time of issuance)) permit to purchase firearms issued
10 under section 2 of this act;~~

11 (b) The dealer is notified (~~in writing by (i) the chief of~~
12 ~~police or the sheriff of the jurisdiction in which the purchaser~~
13 ~~resides that the purchaser is eligible to possess a pistol under RCW~~
14 ~~9.41.040 and that the application to purchase is approved by the~~
15 ~~chief of police or sheriff; or (ii) the state)) by the Washington
16 state patrol firearms background check program that the purchaser is
17 eligible to possess a firearm under RCW 9.41.040 (~~, as provided in~~
18 ~~subsection (3) (b) of this section; or~~); and~~

19 (c) The requirements (~~or~~) and time periods in RCW 9.41.092 have
20 been satisfied.

21 (2) (~~In addition to the other requirements of this chapter, no~~
22 ~~dealer may deliver a semiautomatic assault rifle to the purchaser~~
23 ~~thereof until:~~

24 ~~(a) The purchaser provides proof that he or she has completed a~~
25 ~~recognized firearm safety training program within the last five years~~
26 ~~that, at a minimum, includes instruction on:~~

27 ~~(i) Basic firearms safety rules;~~

28 ~~(ii) Firearms and children, including secure gun storage and~~
29 ~~talking to children about gun safety;~~

30 ~~(iii) Firearms and suicide prevention;~~

31 ~~(iv) Secure gun storage to prevent unauthorized access and use;~~

32 ~~(v) Safe handling of firearms; and~~

33 ~~(vi) State and federal firearms laws, including prohibited~~
34 ~~firearms transfers.~~

35 The training must be sponsored by a federal, state, county, or
36 municipal law enforcement agency, a college or university, a
37 nationally recognized organization that customarily offers firearms
38 training, or a firearms training school with instructors certified by
39 a nationally recognized organization that customarily offers firearms
40 training. The proof of training shall be in the form of a

1 ~~certification that states under the penalty of perjury the training~~
2 ~~included the minimum requirements; and~~

3 ~~(b) The dealer is notified in writing by (i) the chief of police~~
4 ~~or the sheriff of the jurisdiction in which the purchaser resides~~
5 ~~that the purchaser is eligible to possess a firearm under~~
6 ~~RCW 9.41.040 and that the application to purchase is approved by the~~
7 ~~chief of police or sheriff; or (ii) the state that the purchaser is~~
8 ~~eligible to possess a firearm under RCW 9.41.040, as provided in~~
9 ~~subsection (3) (b) of this section; or~~

10 ~~(c) The requirements or time periods in RCW 9.41.092 have been~~
11 ~~satisfied.~~

12 ~~(3) (a) Except as provided in (b) of this subsection, in))~~ In
13 determining whether the purchaser meets the requirements of RCW
14 9.41.040, the ((chief of police or sheriff, or the designee of
15 either,)) Washington state patrol firearms background check program
16 shall check with the ((national crime information center, including
17 the)) national instant criminal background check system, provided for
18 by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et
19 seq.), the Washington state patrol electronic database, the health
20 care authority electronic database, the administrative office of the
21 courts, LInX-NW, and with other agencies or resources as appropriate,
22 to determine whether the applicant is ineligible under RCW 9.41.040
23 to possess a firearm.

24 ~~((b) The state, through the legislature or initiative process,~~
25 ~~may enact a statewide firearms background check system equivalent to,~~
26 ~~or more comprehensive than, the check required by (a) of this~~
27 ~~subsection to determine that a purchaser is eligible to possess a~~
28 ~~firearm under RCW 9.41.040. Once a state system is established, a~~
29 ~~dealer shall use the state system and national instant criminal~~
30 ~~background check system, provided for by the Brady handgun violence~~
31 ~~prevention act (18 U.S.C. Sec. 921 et seq.), to make criminal~~
32 ~~background checks of applicants to purchase firearms.~~

33 ~~(4) In any case under this section where the applicant has an~~
34 ~~outstanding warrant for his or her arrest from any court of competent~~
35 ~~jurisdiction for a felony or misdemeanor, the dealer shall hold the~~
36 ~~delivery of the pistol or semiautomatic assault rifle until the~~
37 ~~warrant for arrest is served and satisfied by appropriate court~~
38 ~~appearance. The local jurisdiction for purposes of the sale, or the~~
39 ~~state pursuant to subsection (3) (b) of this section, shall confirm~~
40 ~~the existence of outstanding warrants within seventy-two hours after~~

1 notification of the application to purchase a pistol or semiautomatic
2 assault rifle is received. The local jurisdiction shall also
3 immediately confirm the satisfaction of the warrant on request of the
4 dealer so that the hold may be released if the warrant was for an
5 offense other than an offense making a person ineligible under RCW
6 9.41.040 to possess a firearm.

7 (5) In any case where the chief or sheriff of the local
8 jurisdiction, or the state pursuant to subsection (3) (b) of this
9 section, has reasonable grounds based on the following circumstances:

10 (a) Open criminal charges, (b) pending criminal proceedings, (c)
11 pending commitment proceedings, (d) an outstanding warrant for an
12 offense making a person ineligible under RCW 9.41.040 to possess a
13 firearm, or (e) an arrest for an offense making a person ineligible
14 under RCW 9.41.040 to possess a firearm, if the records of
15 disposition have not yet been reported or entered sufficiently to
16 determine eligibility to purchase a firearm, the local jurisdiction
17 or the state may hold the sale and delivery of the pistol or
18 semiautomatic assault rifle up to thirty days in order to confirm
19 existing records in this state or elsewhere. After thirty days, the
20 hold will be lifted unless an extension of the thirty days is
21 approved by a local district court, superior court, or municipal
22 court for good cause shown. A dealer shall be notified of each hold
23 placed on the sale by local law enforcement or the state and of any
24 application to the court for additional hold period to confirm
25 records or confirm the identity of the applicant.

26 (6)) (3)(a) At the time of applying for the purchase of a
27 ((pistol or semiautomatic assault rifle)) firearm, the purchaser
28 shall sign ((in triplicate)) and deliver to the dealer an application
29 containing:

30 (i) His or her full name, residential address, date and place of
31 birth, race, and gender;

32 (ii) The date and hour of the application;

33 (iii) The applicant's driver's license number or state
34 identification card number;

35 (iv) The identification number of the applicant's permit to
36 purchase firearms;

37 (v) A description of the ((pistol or semiautomatic assault
38 rifle)) firearm including the make, model, caliber and manufacturer's
39 number if available at the time of applying for the purchase of ((a
40 pistol or semiautomatic assault rifle)) the firearm. If the

1 manufacturer's number is not available at the time of applying for
2 the purchase of a (~~(pistol or semiautomatic assault rifle)~~) firearm,
3 the application may be processed, but delivery of the (~~(pistol or~~
4 ~~semiautomatic assault rifle)~~) firearm to the purchaser may not occur
5 unless the manufacturer's number is recorded on the application by
6 the dealer and transmitted to the (~~(chief of police of the~~
7 ~~municipality or the sheriff of the county in which the purchaser~~
8 ~~resides, or the state pursuant to subsection (3)(b) of this section)~~)
9 Washington state patrol firearms background check program; and

10 (~~(v)~~) (vi) A statement that the purchaser is eligible to
11 purchase and possess a firearm under state and federal law(~~;~~ and
12 ~~(vi) If purchasing a semiautomatic assault rifle, a statement by~~
13 ~~the applicant under penalty of perjury that the applicant has~~
14 ~~completed a recognized firearm safety training program within the~~
15 ~~last five years, as required by subsection (2) of this section)).~~

16 (b) The (~~(application)~~) dealer shall (~~(contain)~~) provide the
17 applicant with information that contains two warnings substantially
18 stated as follows:

19 (i) CAUTION: Although state and local laws do not differ, federal
20 law and state law on the possession of firearms differ. If you are
21 prohibited by federal law from possessing a firearm, you may be
22 prosecuted in federal court. State permission to purchase a firearm
23 is not a defense to a federal prosecution; and

24 (ii) CAUTION: The presence of a firearm in the home has been
25 associated with an increased risk of death to self and others,
26 including an increased risk of suicide, death during domestic
27 violence incidents, and unintentional deaths to children and others.

28 The purchaser shall be given a copy of the department of fish and
29 wildlife pamphlet on the legal limits of the use of firearms and
30 firearms safety.

31 (c) The dealer shall, by the end of the business day, (~~(sign and~~
32 ~~attach his or her address and deliver a copy of the application and~~
33 ~~such other documentation as required under subsections (1) and (2) of~~
34 ~~this section to the chief of police of the municipality or the~~
35 ~~sheriff of the county of which the purchaser is a resident, or the~~
36 ~~state pursuant to subsection (3)(b) of this section)~~) transmit the
37 information from the application through secure automated firearms e-
38 check (SAFE) to the Washington state patrol firearms background check

1 program. The ~~((triplimate))~~ original application shall be retained by
2 the dealer for six years.

3 (d) The dealer shall deliver the ~~((pistol—or—semiautomatic~~
4 ~~assault—rifle))~~ firearm to the purchaser ~~((following))~~ once the
5 requirements and period of time specified in this chapter ~~((unless~~
6 ~~the dealer is notified of an investigative hold under subsection (5)~~
7 ~~of this section in writing by the chief of police of the~~
8 ~~municipality, the sheriff of the county, or the state, whichever is~~
9 ~~applicable, or of the denial of the purchaser's application to~~
10 ~~purchase and the grounds thereof))~~ are satisfied. The application
11 shall not be denied unless the purchaser is not eligible to purchase
12 or possess the firearm under state or federal law or does not have a
13 valid permit to purchase firearms issued under section 2 of this act.

14 ~~((d))~~ (e) The ~~((chief of police of the municipality or the~~
15 ~~sheriff of the county, or the state pursuant to subsection (3)(b) of~~
16 ~~this section,))~~ Washington state patrol firearms background check
17 program shall retain or destroy applications to purchase a ~~((pistol~~
18 ~~or semiautomatic assault rifle))~~ firearm in accordance with the
19 requirements of 18 U.S.C. Sec. 922.

20 ~~((7)(a))~~ To help offset the administrative costs of implementing
21 this section as it relates to new requirements for semiautomatic
22 assault rifles, the department of licensing may require the dealer to
23 charge each semiautomatic assault rifle purchaser or transferee a fee
24 not to exceed twenty-five dollars, except that the fee may be
25 adjusted at the beginning of each biennium to levels not to exceed
26 the percentage increase in the consumer price index for all urban
27 consumers, CPI-W, or a successor index, for the previous biennium as
28 calculated by the United States department of labor.

29 ~~(b)~~ The fee under ~~(a)~~ of this subsection shall be no more than is
30 necessary to fund the following:

31 ~~(i)~~ The state for the cost of meeting its obligations under this
32 section;

33 ~~(ii)~~ The health care authority, mental health institutions, and
34 other health care facilities for state-mandated costs resulting from
35 the reporting requirements imposed by RCW 9.41.097(1); and

36 ~~(iii)~~ Local law enforcement agencies for state-mandated local
37 costs resulting from the requirements set forth under RCW 9.41.090
38 and this section.

1 ~~(8))~~ (4) A person who knowingly makes a false statement
2 regarding identity or eligibility requirements on the application to
3 purchase a firearm is guilty of false swearing under RCW 9A.72.040.

4 ~~((9))~~ (5) This section does not apply to sales to licensed
5 dealers for resale or to the sale of antique firearms.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
7 to read as follows:

8 (1) A person may apply for a permit to purchase firearms with the
9 Washington state patrol firearms background check program.

10 (2) An applicant for a permit to purchase firearms must submit to
11 the Washington state patrol firearms background check program:

12 (a) A completed permit application as provided in subsection (3)
13 of this section;

14 (b) A complete set of fingerprints taken by the local law
15 enforcement agency in the jurisdiction in which the applicant
16 resides;

17 (c) A certificate of completion of a certified firearms safety
18 training program within the last five years, or proof that the
19 applicant is exempt from the training requirement, as provided in
20 section 3 of this act; and

21 (d) The permit application fee as provided in subsection (11) of
22 this section.

23 (3) An application for a permit to purchase firearms must include
24 the applicant's:

25 (a) Full name and place and date of birth;

26 (b) Residential address and mailing address if different from the
27 residential address;

28 (c) Driver's license number or state identification card number;

29 (d) Physical description;

30 (e) Race and gender;

31 (f) Telephone number and email address, at the option of the
32 applicant; and

33 (g) Signature.

34 (4) The application must contain questions about the applicant's
35 eligibility to possess firearms under state and federal law and
36 whether the applicant is a United States citizen. If the applicant is
37 not a United States citizen, the applicant must provide the
38 applicant's country of citizenship, United States-issued alien number
39 or admission number, and the basis on which the applicant claims to

1 be exempt from federal prohibitions on firearm possession by aliens.
2 The applicant shall not be required to produce a birth certificate or
3 other evidence of citizenship. A person who is not a citizen of the
4 United States shall, if applicable, meet the additional requirements
5 of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173
6 upon application.

7 (5) A signed application for a permit to purchase firearms shall
8 constitute a waiver of confidentiality and written request that the
9 health care authority, mental health institutions, and other health
10 care facilities release information relevant to the applicant's
11 eligibility for a permit to purchase firearms to an inquiring court
12 or the Washington state patrol firearms background check program.

13 (6) The Washington state patrol firearms background check program
14 shall issue a permit to purchase firearms to an eligible applicant,
15 or deny the application, within 30 days of the date the application
16 was filed, or within 60 days of when the application was filed if the
17 applicant does not have a valid permanent Washington driver's license
18 or Washington state identification card or has not been a resident of
19 the state for the previous consecutive 90 days.

20 (7) (a) An application for a permit to purchase firearms shall not
21 be denied unless the applicant:

22 (i) Is prohibited from purchasing or possessing a firearm under
23 state or federal law;

24 (ii) Is subject to a court order or injunction regarding firearms
25 pursuant to chapter 7.105 RCW, or RCW 9A.44.210, 9A.46.080,
26 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, or
27 26.26A.470, or any of the former RCW 10.14.080, 26.10.115, 26.50.060,
28 and 26.50.070, or local law enforcement reasonably believes based on
29 open cases or investigations that the applicant may soon be subject
30 to a court order or injunction regarding firearms identified in this
31 subsection;

32 (iii) Is free on bond or personal recognizance pending trial,
33 appeal, or sentencing for a felony offense;

34 (iv) Has an outstanding warrant for his or her arrest from any
35 court of competent jurisdiction for a felony or misdemeanor; or

36 (v) Has failed to produce a certificate of completion of a
37 certified firearms safety training program within the last five
38 years, or proof that the applicant is exempt from the training
39 requirement.

1 (b) If an application for a permit to purchase firearms is
2 denied, the Washington state patrol firearms background check program
3 shall send the applicant a written notice of the denial stating the
4 specific grounds on which the permit to purchase firearms is denied.
5 If the applicant provides an email address at the time of
6 application, the Washington state patrol firearms background check
7 program may send the denial notice to the applicant's email address.

8 (8) In determining whether the applicant is eligible for a permit
9 to purchase firearms, the Washington state patrol firearms background
10 check program shall check with the national instant criminal
11 background check system, the Washington state patrol electronic
12 database, the health care authority electronic database, the
13 administrative office of the courts, LInX-NW, local law enforcement
14 in the jurisdiction where the individual resides to ensure there are
15 no active cases or open investigations regarding the applicant that
16 may result in the entry of a court order or injunction regarding
17 firearms as specified in subsection (7)(a)(ii) of this section, and
18 with other agencies or resources as appropriate.

19 (9) The Washington state patrol firearms background check program
20 shall develop procedures to verify on an annual basis that persons
21 who have been issued a permit to purchase firearms remain eligible to
22 possess firearms under state and federal law and continue to meet
23 other eligibility requirements for issuance of a permit to possess
24 firearms. If a person is determined to be ineligible, the Washington
25 state patrol firearms background check program shall revoke the
26 permit under subsection (14) of this section.

27 (10) The permit to purchase firearms must be in a form prescribed
28 by the Washington state patrol firearms background check program and
29 must contain a unique permit number, expiration date, and the name,
30 date of birth, residential address, brief description, and signature
31 of the licensee.

32 (11)(a) A permit to purchase firearms is valid for a period of
33 five years. A person may renew a permit to purchase firearms by
34 applying for renewal in accordance with the requirements of this
35 section within 90 days before or after the expiration date of the
36 permit. A set of fingerprints is not required for a renewal
37 application if the original set has been retained by the Washington
38 state patrol firearms background check program. A renewed permit to
39 purchase firearms takes effect on the expiration date of the prior
40 permit to purchase firearms and is valid for a period of five years.

1 (b) (i) The Washington state patrol firearms background check
2 program shall establish fees for applications for original and
3 renewal permits to purchase firearms, and a late penalty for late
4 renewal of a permit to purchase firearms. The fees shall be set in an
5 amount that will cover the costs incurred in administering the permit
6 to purchase firearms program, but shall not exceed \$25. The
7 Washington state patrol firearms background check program shall
8 transmit the fees collected to the state treasurer for deposit in the
9 state firearms background check system account created in RCW
10 43.43.590.

11 (ii) Beginning five years after the effective date of this
12 section, permit fees under this subsection may be adjusted on a
13 biennial basis in an amount that does not exceed the average biennial
14 increase in the cost of providing the service based on a biennial
15 cost study performed by the Washington state patrol firearms
16 background check program.

17 (iii) In addition to the permit application fee, an applicant for
18 an original permit must pay the fingerprint processing fee under RCW
19 43.43.742.

20 (12) The Washington state patrol firearms background check
21 program shall mail a renewal notice to the holder of a permit to
22 purchase firearms approximately 90 days before the expiration date of
23 the permit at the address listed on the application, or to the permit
24 holder's new address if the permit holder has notified the Washington
25 state patrol firearms background check program of a change of
26 address. If the permit holder provides an email address at the time
27 of application, the Washington state patrol firearms background check
28 program may send the renewal notice to the permit holder's email
29 address. The notice must contain the date the permit to purchase
30 firearms will expire, the amount of the renewal fee, the penalty for
31 late renewal, and instructions on how to renew the permit to purchase
32 firearms.

33 (13) A permit to purchase firearms issued under this section does
34 not authorize the holder of the permit to carry a concealed pistol.

35 (14) The Washington state patrol firearms background check
36 program shall revoke a permit to purchase firearms on the occurrence
37 of any act or condition that would prevent the issuance of a permit
38 to purchase firearms. The Washington state patrol firearms background
39 check program shall send the permit holder a written notice of the
40 revocation stating the specific grounds on which the permit is

1 revoked and that the person must surrender his or her permit to
2 purchase firearms to the Washington state patrol within 48 hours of
3 receipt of the notification.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.41 RCW
5 to read as follows:

6 (1) An applicant for a permit to purchase firearms must provide a
7 certificate of completion of a certified firearms safety training
8 program within the last five years that, at a minimum, includes
9 instruction on:

- 10 (a) Basic firearms safety rules;
- 11 (b) Firearms and children, including secure gun storage and
12 talking to children about gun safety;
- 13 (c) Firearms and suicide prevention;
- 14 (d) Secure gun storage to prevent unauthorized access and use;
- 15 (e) Safe handling of firearms;
- 16 (f) State and federal firearms laws, including prohibited
17 firearms transfers and locations where firearms are prohibited;
- 18 (g) State laws pertaining to the use of deadly force for self-
19 defense;
- 20 (h) Techniques for avoiding a criminal attack and how to manage a
21 violent confrontation, including conflict resolution; and
- 22 (i) Live-fire shooting exercises on a firing range that include a
23 demonstration by the applicant of the safe handling of, and shooting
24 proficiency with, firearms.

25 (2) The training must be sponsored by a federal, state, county,
26 or municipal law enforcement agency, a college or university, a
27 nationally recognized organization that customarily offers firearms
28 training, or a firearms training school with instructors certified by
29 a nationally recognized organization that customarily offers firearms
30 training. The certificate of training shall be in the form and manner
31 of documentation developed by the Washington state patrol under
32 section 5 of this act.

33 (3) The training may include stories provided by individuals with
34 lived experience in the topics listed in subsection (1)(a) through
35 (g) of this section or an understanding of the legal and social
36 impacts of discharging a firearm.

37 (4) The firearms safety training requirement of this section does
38 not apply to:

- 39 (a) A person who is a:

1 (i) General authority Washington peace officer as defined in RCW
2 10.93.020;

3 (ii) Limited authority Washington peace officer as defined in RCW
4 10.93.020 who as a normal part of their duties has arrest powers and
5 carries a firearm;

6 (iii) Specially commissioned Washington peace officer as defined
7 in RCW 10.93.020 who as a normal part of their duties has arrest
8 powers and carries a firearm; or

9 (iv) Federal peace officer as defined in RCW 10.93.020 who as a
10 normal part of their duties has arrest powers and carries a firearm;
11 or

12 (b) A person who is an active duty member of the armed forces of
13 the United States, an active member of the national guard, or an
14 active member of the armed forces reserves who, as part of the
15 applicant's service, has completed, within the last five years, a
16 course of training in firearms proficiency or familiarization that
17 included training on the safe handling and shooting proficiency with
18 firearms.

19 **Sec. 4.** RCW 43.43.590 and 2020 c 28 s 3 are each amended to read
20 as follows:

21 The state firearms background check system account is created in
22 the custody of the state treasurer. All receipts under RCW 43.43.580
23 and section 2 of this act must be deposited into the account.
24 Expenditures from the account may be used only for the creation,
25 operation, and maintenance of the automated firearms background check
26 system under RCW 43.43.580, and for costs incurred in administering
27 the permit to purchase firearms program under section 2 of this act.
28 Only the chief of the Washington state patrol or the chief's designee
29 may authorize expenditures from the account. The account is subject
30 to allotment procedures under chapter 43.88 RCW, but an appropriation
31 is not required for expenditures.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.43
33 RCW to read as follows:

34 The Washington state patrol shall establish a program to provide
35 certifications for firearms safety training programs that meet the
36 requirements of section 3 of this act. The Washington state patrol
37 shall develop the form and manner of documentation for applicants for
38 permits to purchase firearms to provide proof of completion of a

1 certified firearms safety training program, and for use as proof of
2 qualifying for an exemption from the firearms safety training
3 requirement.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 9.41 RCW
5 to read as follows:

6 A local law enforcement agency taking fingerprints pursuant to
7 section 2 of this act may charge a reasonable fee to recover as
8 nearly as practicable the direct and indirect costs to the local law
9 enforcement agency of taking and transmitting the fingerprints.

10 **Sec. 7.** RCW 9.41.047 and 2020 c 302 s 60 are each amended to
11 read as follows:

12 (1)(a) At the time a person is convicted or found not guilty by
13 reason of insanity of an offense making the person ineligible to
14 possess a firearm, or at the time a person is committed by court
15 order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or
16 chapter 10.77 RCW for mental health treatment, or at the time that
17 charges are dismissed based on incompetency to stand trial under RCW
18 10.77.088 and the court makes a finding that the person has a history
19 of one or more violent acts, the convicting or committing court, or
20 court that dismisses charges, shall notify the person, orally and in
21 writing, that the person must immediately surrender any concealed
22 pistol license or permit to purchase firearms and that the person may
23 not possess a firearm unless his or her right to do so is restored by
24 a court of record. For purposes of this section a convicting court
25 includes a court in which a person has been found not guilty by
26 reason of insanity.

27 (b) The court shall forward within three judicial days after
28 conviction, entry of the commitment order, or dismissal of charges, a
29 copy of the person's driver's license or identicard, or comparable
30 information such as their name, address, and date of birth, along
31 with the date of conviction or commitment, or date charges are
32 dismissed, to the department of licensing and to the Washington state
33 patrol firearms background check program. When a person is committed
34 by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
35 or chapter 10.77 RCW, for mental health treatment, or when a person's
36 charges are dismissed based on incompetency to stand trial under RCW
37 10.77.088 and the court makes a finding that the person has a history
38 of one or more violent acts, the court also shall forward, within

1 three judicial days after entry of the commitment order, or dismissal
2 of charges, a copy of the person's driver's license, or comparable
3 information, along with the date of commitment or date charges are
4 dismissed, to the national instant criminal background check system
5 index, denied persons file, created by the federal Brady handgun
6 violence prevention act (P.L. 103-159). The petitioning party shall
7 provide the court with the information required. If more than one
8 commitment order is entered under one cause number, only one
9 notification to the department of licensing, the Washington state
10 patrol firearms background check program, and the national instant
11 criminal background check system is required.

12 (2)(a) Upon receipt of the information provided for by subsection
13 (1) of this section, the department of licensing shall determine if
14 the convicted or committed person, or the person whose charges are
15 dismissed based on incompetency to stand trial, has a concealed
16 pistol license. If the person does have a concealed pistol license,
17 the department of licensing shall immediately notify the license-
18 issuing authority which, upon receipt of such notification, shall
19 immediately revoke the license.

20 (b) Upon receipt of the information provided for by subsection
21 (1) of this section, the Washington state patrol firearms background
22 check program shall determine if the convicted or committed person,
23 or the person whose charges are dismissed based on incompetency to
24 stand trial, has a permit to purchase firearms. If the person does
25 have a permit to purchase firearms, the Washington state patrol
26 firearms background check program shall immediately revoke the
27 permit.

28 (3)(a) A person who is prohibited from possessing a firearm, by
29 reason of having been involuntarily committed for mental health
30 treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
31 chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or
32 by reason of having been detained under RCW 71.05.150 or 71.05.153,
33 or because the person's charges were dismissed based on incompetency
34 to stand trial under RCW 10.77.088 and the court made a finding that
35 the person has a history of one or more violent acts, may, upon
36 discharge, petition the superior court to have his or her right to
37 possess a firearm restored.

38 (b) The petition must be brought in the superior court that
39 ordered the involuntary commitment or dismissed the charges based on

1 incompetency to stand trial or the superior court of the county in
2 which the petitioner resides.

3 (c) Except as provided in (d) and (e) of this subsection, the
4 court shall restore the petitioner's right to possess a firearm if
5 the petitioner proves by a preponderance of the evidence that:

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

8 (ii) The petitioner has successfully managed the condition
9 related to the commitment or detention or incompetency;

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

12 (iv) The symptoms related to the commitment or detention or
13 incompetency are not reasonably likely to recur.

14 (d) If a preponderance of the evidence in the record supports a
15 finding that the person petitioning the court has engaged in violence
16 and that it is more likely than not that the person will engage in
17 violence after his or her right to possess a firearm is restored, the
18 person shall bear the burden of proving by clear, cogent, and
19 convincing evidence that he or she does not present a substantial
20 danger to the safety of others.

21 (e) If the petitioner seeks restoration after having been
22 detained under RCW 71.05.150 or 71.05.153, the state shall bear the
23 burden of proof to show, by a preponderance of the evidence, that the
24 petitioner does not meet the restoration criteria in (c) of this
25 subsection.

26 (f) When a person's right to possess a firearm has been restored
27 under this subsection, the court shall forward, within three judicial
28 days after entry of the restoration order, notification that the
29 person's right to possess a firearm has been restored to the
30 department of licensing and the Washington state patrol firearms
31 background check program, with a copy of the person's driver's
32 license or identicard, or comparable identification such as their
33 name, address, and date of birth, and to the health care authority,
34 and the national instant criminal background check system index,
35 denied persons file. In the case of a person whose right to possess a
36 firearm has been suspended for six months as provided in RCW
37 71.05.182, the Washington state patrol firearms background check
38 program shall lift the suspension and restore the person's permit to
39 purchase firearms, and the department of licensing shall forward
40 notification of the restoration order to the licensing authority,

1 which, upon receipt of such notification, shall immediately lift the
2 suspension, restoring the person's concealed pistol license.

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

7 **Sec. 8.** RCW 9.41.049 and 2020 c 302 s 61 are each amended to
8 read as follows:

9 (1) When a designated crisis responder files a petition for
10 initial detention under RCW 71.05.150 or 71.05.153 on the grounds
11 that the person presents a likelihood of serious harm, the petition
12 shall include a copy of the person's driver's license or identicard
13 or comparable information such as their name, address, and date of
14 birth. If the person is not subsequently committed for involuntary
15 treatment under RCW 71.05.240, the court shall forward within three
16 business days of the probable cause hearing a copy of the person's
17 driver's license or identicard, or comparable information, along with
18 the date of release from the facility, to the department of licensing
19 and to the state patrol, who shall forward the information to the
20 national instant criminal background check system index, denied
21 persons file, created by the federal Brady handgun violence
22 prevention act (P.L. 103-159). Upon expiration of the six-month
23 period during which the person's right to possess a firearm is
24 suspended as provided in RCW 71.05.182, the Washington state patrol
25 shall forward to the national instant criminal background check
26 system index, denied persons file, notice that the person's right to
27 possess a firearm has been restored.

28 (2) (a) Upon receipt of the information provided for by subsection
29 (1) of this section, the department of licensing shall determine if
30 the detained person has a concealed pistol license. If the person
31 does have a concealed pistol license, the department of licensing
32 shall immediately notify the license-issuing authority, which, upon
33 receipt of such notification, shall immediately suspend the license
34 for a period of six months from the date of the person's release from
35 the facility.

36 (b) Upon receipt of the information provided for by subsection
37 (1) of this section, the Washington state patrol firearms background
38 check program shall determine if the detained person has a permit to
39 purchase firearms. If the person does have a permit to purchase

1 firearms, the Washington state patrol firearms background check
2 program shall immediately suspend the permit for a period of six
3 months from the date of the person's release from the facility.

4 (3) A person who is prohibited from possessing a firearm by
5 reason of having been detained under RCW 71.05.150 or 71.05.153 may,
6 upon discharge, petition the superior court to have his or her right
7 to possess a firearm restored before the six-month suspension period
8 has elapsed by following the procedures provided in RCW 9.41.047(3).

9 **Sec. 9.** RCW 9.41.092 and 2019 c 3 s 4 are each amended to read
10 as follows:

11 ~~((1))~~ Except as otherwise provided in this chapter ~~((and except~~
12 ~~for semiautomatic assault rifles under subsection (2) of this~~
13 ~~section)),~~ a licensed dealer may not deliver any firearm to a
14 purchaser or transferee until the earlier of:

15 ~~((a))~~ (1) The results of all required background checks are
16 known and the purchaser or transferee ~~((i))~~ (a) is not prohibited
17 from owning or possessing a firearm under federal or state law and
18 ~~((ii))~~ (b) does not have a voluntary waiver of firearm rights
19 currently in effect; ~~((or))~~ and

20 ~~((b))~~ (2) Ten business days have elapsed from the date the
21 licensed dealer requested the background check. ~~((However, for sales~~
22 ~~and transfers of pistols if the purchaser or transferee does not have~~
23 ~~a valid permanent Washington driver's license or state identification~~
24 ~~card or has not been a resident of the state for the previous~~
25 ~~consecutive ninety days, then the time period in this subsection~~
26 ~~shall be extended from ten business days to sixty days.~~

27 ~~(2) Except as otherwise provided in this chapter, a licensed~~
28 ~~dealer may not deliver a semiautomatic assault rifle to a purchaser~~
29 ~~or transferee until ten business days have elapsed from the date of~~
30 ~~the purchase application or, in the case of a transfer, ten business~~
31 ~~days have elapsed from the date a background check is initiated.))~~

32 **Sec. 10.** RCW 9.41.094 and 2019 c 3 s 7 are each amended to read
33 as follows:

34 A signed application to purchase a ~~((pistol or semiautomatic~~
35 ~~assault rifle))~~ firearm shall constitute a waiver of confidentiality
36 and written request that the health care authority, mental health
37 institutions, and other health care facilities release ~~((, to an~~
38 ~~inquiring court or law enforcement agency,))~~ information relevant to

1 the applicant's eligibility to purchase a (~~pistol or semiautomatic~~
2 ~~assault rifle~~) firearm to an inquiring court (~~(or)~~), law enforcement
3 agency, or the Washington state patrol firearms background check
4 program.

5 **Sec. 11.** RCW 9.41.097 and 2019 c 3 s 8 are each amended to read
6 as follows:

7 (1) The health care authority, mental health institutions, and
8 other health care facilities shall, upon request of a court, law
9 enforcement agency, or the state, supply such relevant information as
10 is necessary to determine the eligibility of a person to possess a
11 firearm (~~(or)~~), to be issued a concealed pistol license under RCW
12 9.41.070 or a permit to purchase firearms under section 2 of this
13 act, or to purchase a (~~pistol or semiautomatic assault rifle~~)
14 firearm under RCW 9.41.090.

15 (2) Mental health information received by: (a) The department of
16 licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing
17 authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police
18 or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law
19 enforcement agency pursuant to subsection (1) of this section; or (e)
20 the Washington state patrol firearms background check program
21 pursuant to RCW 9.41.090 or section 2 of this act, shall not be
22 disclosed except as provided in RCW 42.56.240(4).

23 **Sec. 12.** RCW 9.41.0975 and 2019 c 3 s 9 are each amended to read
24 as follows:

25 (1) The state, local governmental entities, any public or private
26 agency, and the employees of any state or local governmental entity
27 or public or private agency, acting in good faith, are immune from
28 liability:

29 (a) For failure to prevent the sale or transfer of a firearm to a
30 person whose receipt or possession of the firearm is unlawful;

31 (b) For preventing the sale or transfer of a firearm to a person
32 who may lawfully receive or possess a firearm;

33 (c) For issuing a concealed pistol license, permit to purchase
34 firearms, or alien firearm license to a person ineligible for such a
35 license;

36 (d) For failing to issue a concealed pistol license, permit to
37 purchase firearms, or alien firearm license to a person eligible for
38 such a license;

1 (e) For revoking or failing to revoke an issued concealed pistol
2 license, permit to purchase firearms, or alien firearm license;

3 (f) For errors in preparing or transmitting information as part
4 of determining a person's eligibility to receive or possess a
5 firearm, or eligibility for a concealed pistol license, permit to
6 purchase firearms, or alien firearm license;

7 (g) For issuing a dealer's license to a person ineligible for
8 such a license; or

9 (h) For failing to issue a dealer's license to a person eligible
10 for such a license.

11 (2) An application may be made to a court of competent
12 jurisdiction for a writ of mandamus:

13 (a) Directing an issuing agency to issue a concealed pistol
14 license, permit to purchase firearms, or alien firearm license
15 wrongfully refused;

16 (b) Directing ((a law enforcement agency)) the Washington state
17 patrol firearms background check program to approve an application to
18 purchase a ((pistol or semiautomatic assault rifle)) firearm
19 wrongfully denied;

20 (c) Directing that erroneous information resulting either in the
21 wrongful refusal to issue a concealed pistol license, permit to
22 purchase firearms, or alien firearm license or in the wrongful denial
23 of a purchase application for a ((pistol or semiautomatic assault
24 rifle)) firearm be corrected; or

25 (d) Directing a law enforcement agency to approve a dealer's
26 license wrongfully denied.

27 The application for the writ may be made in the county in which
28 the application for a concealed pistol license, permit to purchase
29 firearms, or alien firearm license or an application to purchase a
30 ((pistol or semiautomatic assault rifle)) firearm was made, or in
31 Thurston county, at the discretion of the petitioner. A court shall
32 provide an expedited hearing for an application brought under this
33 subsection (2) for a writ of mandamus. A person granted a writ of
34 mandamus under this subsection (2) shall be awarded reasonable
35 attorneys' fees and costs.

36 **Sec. 13.** RCW 9.41.110 and 2019 c 3 s 10 are each amended to read
37 as follows:

38 (1) No dealer may sell or otherwise transfer, or expose for sale
39 or transfer, or have in his or her possession with intent to sell, or

1 otherwise transfer, any pistol without being licensed as provided in
2 this section.

3 (2) No dealer may sell or otherwise transfer, or expose for sale
4 or transfer, or have in his or her possession with intent to sell, or
5 otherwise transfer, any firearm other than a pistol without being
6 licensed as provided in this section.

7 (3) No dealer may sell or otherwise transfer, or expose for sale
8 or transfer, or have in his or her possession with intent to sell, or
9 otherwise transfer, any ammunition without being licensed as provided
10 in this section.

11 (4) The duly constituted licensing authorities of any city, town,
12 or political subdivision of this state shall grant licenses in forms
13 prescribed by the director of licensing effective for not more than
14 one year from the date of issue permitting the licensee to sell
15 firearms within this state subject to the following conditions, for
16 breach of any of which the license shall be forfeited and the
17 licensee subject to punishment as provided in (~~RCW 9.41.010 through~~
18 ~~9.41.810~~) this chapter. A licensing authority shall forward a copy
19 of each license granted to the department of licensing. The
20 department of licensing shall notify the department of revenue of the
21 name and address of each dealer licensed under this section.

22 (5) (a) A licensing authority shall, within thirty days after the
23 filing of an application of any person for a dealer's license,
24 determine whether to grant the license. However, if the applicant
25 does not have a valid permanent Washington driver's license or
26 Washington state identification card, or has not been a resident of
27 the state for the previous consecutive ninety days, the licensing
28 authority shall have up to sixty days to determine whether to issue a
29 license. No person shall qualify for a license under this section
30 without first receiving a federal firearms license and undergoing
31 fingerprinting and a background check. In addition, no person
32 ineligible to possess a firearm under RCW 9.41.040 or ineligible for
33 a concealed pistol license under RCW 9.41.070 or permit to purchase
34 firearms under section 2 of this act shall qualify for a dealer's
35 license.

36 (b) A dealer shall require every employee who may sell a firearm
37 in the course of his or her employment to undergo fingerprinting and
38 a background check. An employee must be eligible to possess a
39 firearm, and must not have been convicted of a crime that would make
40 the person ineligible for a concealed pistol license or permit to

1 purchase firearms, before being permitted to sell a firearm. Every
2 employee shall comply with requirements concerning purchase
3 applications and restrictions on delivery of (~~pistols or~~
4 ~~semiautomatic assault rifles~~) firearms that are applicable to
5 dealers.

6 (6) (a) Except as otherwise provided in (b) of this subsection,
7 the business shall be carried on only in the building designated in
8 the license. For the purpose of this section, advertising firearms
9 for sale shall not be considered the carrying on of business.

10 (b) A dealer may conduct business temporarily at a location other
11 than the building designated in the license, if the temporary
12 location is within Washington state and is the location of a gun show
13 sponsored by a national, state, or local organization, or an
14 affiliate of any such organization, devoted to the collection,
15 competitive use, or other sporting use of firearms in the community.
16 Nothing in this subsection (6) (b) authorizes a dealer to conduct
17 business in or from a motorized or towed vehicle.

18 In conducting business temporarily at a location other than the
19 building designated in the license, the dealer shall comply with all
20 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and
21 this section. The license of a dealer who fails to comply with the
22 requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this
23 section while conducting business at a temporary location shall be
24 revoked, and the dealer shall be permanently ineligible for a
25 dealer's license.

26 (7) The license or a copy thereof, certified by the issuing
27 authority, shall be displayed on the premises in the area where
28 firearms are sold, or at the temporary location, where it can easily
29 be read.

30 (8) (a) No (~~pistol or semiautomatic assault rifle~~) firearm may
31 be sold: (i) In violation of any provisions of (~~RCW 9.41.010 through~~
32 ~~9.41.810~~) this chapter; nor (ii) (~~may a pistol or semiautomatic~~
33 ~~assault rifle be sold~~) under any circumstances unless the purchaser
34 is personally known to the dealer or shall present clear evidence of
35 his or her identity.

36 (b) A dealer who sells or delivers any firearm in violation of
37 RCW 9.41.080 is guilty of a class C felony. In addition to any other
38 penalty provided for by law, the dealer is subject to mandatory
39 permanent revocation of his or her dealer's license and permanent
40 ineligibility for a dealer's license.

1 (c) The license fee for pistols shall be one hundred twenty-five
2 dollars. The license fee for firearms other than pistols shall be one
3 hundred twenty-five dollars. The license fee for ammunition shall be
4 one hundred twenty-five dollars. Any dealer who obtains any license
5 under subsection (1), (2), or (3) of this section may also obtain the
6 remaining licenses without payment of any fee. The fees received
7 under this section shall be deposited in the state general fund.

8 (9) (a) A true record (~~(in triplicate)~~) shall be made of every
9 (~~(pistol or semiautomatic assault rifle)~~) firearm sold, in a book
10 kept for the purpose, the form of which may be prescribed by the
11 director of licensing and shall be personally signed by the purchaser
12 and by the person effecting the sale, each in the presence of the
13 other, and shall contain the date of sale, the caliber, make, model
14 and manufacturer's number of the weapon, the name, address,
15 occupation, and place of birth of the purchaser, the identification
16 number of the purchaser's permit to purchase firearms, and a
17 statement signed by the purchaser that he or she is not ineligible
18 under state or federal law to possess a firearm. The dealer shall
19 retain the transfer record for six years and shall, within seven
20 days, send a copy of the transfer record to the department of
21 licensing.

22 (b) (~~(One copy shall within six hours be sent by certified mail~~
23 ~~to the chief of police of the municipality or the sheriff of the~~
24 ~~county of which the purchaser is a resident, or the state pursuant to~~
25 ~~RCW 9.41.090; the duplicate the dealer shall within seven days send~~
26 ~~to the director of licensing; the triplicate the dealer shall~~
27 ~~retain)) The dealer shall transmit the information from the
28 application through secure automated firearms e-check (SAFE) to the
29 Washington state patrol firearms background check program. The
30 Washington state patrol firearms background check program shall
31 transmit the application information to the director of licensing
32 daily. The original application shall be retained by the dealer for
33 six years.~~

34 (10) Subsections (2) through (9) of this section shall not apply
35 to sales at wholesale.

36 (11) The dealer's licenses authorized to be issued by this
37 section are general licenses covering all sales by the licensee
38 within the effective period of the licenses. The department shall
39 provide a single application form for dealer's licenses and a single

1 license form which shall indicate the type or types of licenses
2 granted.

3 (12) Except as otherwise provided in (~~RCW 9.41.090~~) this
4 chapter, every city, town, and political subdivision of this state is
5 prohibited from requiring the purchaser to secure a permit to
6 purchase or from requiring the dealer to secure an individual permit
7 for each sale.

8 **Sec. 14.** RCW 9.41.1135 and 2020 c 28 s 4 are each amended to
9 read as follows:

10 (1) Beginning on the date that is thirty days after the
11 Washington state patrol issues a notification to dealers that a state
12 firearms background check system is established within the Washington
13 state patrol under RCW 43.43.580, a dealer shall use the Washington
14 state patrol firearms background check (~~system~~) program to conduct
15 background checks for all firearms transfers. A dealer may not sell
16 or transfer a firearm to an individual unless the dealer first
17 contacts the Washington state patrol firearms background check
18 program for a background check to determine the eligibility of the
19 purchaser or transferee to possess a firearm under state and federal
20 law and the requirements and time periods established in RCW 9.41.090
21 and 9.41.092 have been satisfied. (~~When an applicant applies for the~~
22 ~~purchase or transfer of a pistol or semiautomatic assault rifle, a~~
23 ~~dealer shall comply with all requirements of this chapter that apply~~
24 ~~to the sale or transfer of a pistol or semiautomatic rifle. The~~
25 ~~purchase or transfer of a firearm that is not a pistol or~~
26 ~~semiautomatic assault rifle must be processed in the same manner and~~
27 ~~under the same requirements of this chapter that apply to the sale or~~
28 ~~transfer of a pistol, except that the provisions of RCW 9.41.129, and~~
29 ~~the requirement in RCW 9.41.110(9)(b) concerning transmitting~~
30 ~~application records to the director of licensing, shall not apply to~~
31 ~~these transactions.))~~

32 (2) A dealer shall charge a purchaser or transferee a background
33 check fee in an amount determined by the Washington state patrol and
34 remit the proceeds from the fee to the Washington state patrol on a
35 monthly basis. The background check fee does not apply to any
36 background check conducted in connection with a pawnbroker's receipt
37 of a pawned firearm or the redemption of a pawned firearm.

38 (3) This section does not apply to sales or transfers to licensed
39 dealers or to the sale or transfer of an antique firearm.

1 **Sec. 15.** RCW 9.41.129 and 2019 c 3 s 14 are each amended to read
2 as follows:

3 The department of licensing shall keep copies or records of
4 applications for concealed pistol licenses provided for in RCW
5 9.41.070, copies or records of applications for alien firearm
6 licenses, copies or records of applications to purchase (~~(pistols or~~
7 ~~semiautomatic assault rifles)) firearms provided for in RCW 9.41.090,
8 and copies or records of (~~(pistol or semiautomatic assault rifle))~~
9 firearms transfers provided for in RCW 9.41.110. The copies and
10 records shall not be disclosed except as provided in RCW
11 42.56.240(4).~~

12 **Sec. 16.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to read
13 as follows:

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

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

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

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

23 (d) Ensure that twenty-four hours have elapsed from the time the
24 firearm was obtained by law enforcement, unless the firearm was
25 seized in connection with a domestic violence call pursuant to RCW
26 10.99.030, in which case the law enforcement agency must ensure that
27 five business days have elapsed from the time the firearm was
28 obtained.

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

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

1 (ii) Notification may be made via email, text message, mail
2 service, or personal service. For methods other than personal
3 service, service shall be considered complete once the notification
4 is sent.

5 (3) If a family or household member or intimate partner has
6 requested to be notified pursuant to RCW 9.41.340, a law enforcement
7 agency must:

8 (a) Provide notice to the family or household member or intimate
9 partner within one business day of verifying that the requirements in
10 subsection (1) of this section have been met; and

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

13 (4)(a) A law enforcement agency may not return a concealed pistol
14 license or permit to purchase firearms that has been surrendered to,
15 or impounded by, the law enforcement agency for any reason to the
16 licensee or permittee until the law enforcement agency determines the
17 licensee or permittee is eligible to possess a firearm under state
18 and federal law and meets the other eligibility requirements for a
19 concealed pistol license under RCW 9.41.070 or a permit to purchase
20 firearms under section 2 of this act.

21 (b) A law enforcement agency must release a concealed pistol
22 license or permit to purchase firearms to the licensee or permittee
23 without unnecessary delay, and in no case longer than five business
24 days, after the law enforcement agency determines the requirements of
25 (a) of this subsection have been met.

26 (5) The provisions of chapter 130, Laws of 2015 and subsection
27 (4) of this section shall not apply to circumstances where a law
28 enforcement officer has momentarily obtained a firearm ((~~or~~)),
29 concealed pistol license, or permit to purchase firearms from an
30 individual and would otherwise immediately return the firearm ((~~or~~)),
31 concealed pistol license, or permit to purchase firearms to the
32 individual during the same interaction.

33 **Sec. 17.** RCW 9.41.270 and 1994 sp.s. c 7 s 426 are each amended
34 to read as follows:

35 (1) It shall be unlawful for any person to carry, exhibit,
36 display, or draw any firearm, dagger, sword, knife or other cutting
37 or stabbing instrument, club, or any other weapon apparently capable
38 of producing bodily harm, in a manner, under circumstances, and at a

1 time and place that either manifests an intent to intimidate another
2 or that warrants alarm for the safety of other persons.

3 (2) Any person violating the provisions of subsection (1) above
4 shall be guilty of a gross misdemeanor. If any person is convicted of
5 a violation of subsection (1) of this section, the person shall lose
6 his or her concealed pistol license and permit to purchase firearms,
7 if any. The court shall send notice of the required revocation of any
8 concealed pistol license to the department of licensing, and the
9 city, town, or county which issued the license, and notice of the
10 required revocation of any permit to purchase firearms to the
11 Washington state patrol firearms background check program.

12 (3) Subsection (1) of this section shall not apply to or affect
13 the following:

14 (a) Any act committed by a person while in his or her place of
15 abode or fixed place of business;

16 (b) Any person who by virtue of his or her office or public
17 employment is vested by law with a duty to preserve public safety,
18 maintain public order, or to make arrests for offenses, while in the
19 performance of such duty;

20 (c) Any person acting for the purpose of protecting himself or
21 herself against the use of presently threatened unlawful force by
22 another, or for the purpose of protecting another against the use of
23 such unlawful force by a third person;

24 (d) Any person making or assisting in making a lawful arrest for
25 the commission of a felony; or

26 (e) Any person engaged in military activities sponsored by the
27 federal or state governments.

28 **Sec. 18.** RCW 9.41.280 and 2022 c 106 s 1 are each amended to
29 read as follows:

30 (1) It is unlawful for a person to knowingly carry onto, or to
31 possess on, public or private elementary or secondary school
32 premises, school-provided transportation, areas of facilities while
33 being used exclusively by public or private schools, or areas of
34 facilities while being used for official meetings of a school
35 district board of directors:

36 (a) Any firearm;

37 (b) Any other dangerous weapon as defined in RCW 9.41.250;

1 (c) Any device commonly known as "nun-chu-ka sticks," consisting
2 of two or more lengths of wood, metal, plastic, or similar substance
3 connected with wire, rope, or other means;

4 (d) Any device, commonly known as "throwing stars," which are
5 multipointed, metal objects designed to embed upon impact from any
6 aspect;

7 (e) Any air gun, including any air pistol or air rifle, designed
8 to propel a BB, pellet, or other projectile by the discharge of
9 compressed air, carbon dioxide, or other gas; or

10 (f)(i) Any portable device manufactured to function as a weapon
11 and which is commonly known as a stun gun, including a projectile
12 stun gun which projects wired probes that are attached to the device
13 that emit an electrical charge designed to administer to a person or
14 an animal an electric shock, charge, or impulse; or

15 (ii) Any device, object, or instrument which is used or intended
16 to be used as a weapon with the intent to injure a person by an
17 electric shock, charge, or impulse.

18 (2) Any such person violating subsection (1) of this section is
19 guilty of a misdemeanor. Second and subsequent violations of
20 subsection (1) of this section are a gross misdemeanor. If any person
21 is convicted of a violation of subsection (1)(a) of this section, the
22 person shall have his or her concealed pistol license and permit to
23 purchase firearms, if any, revoked for a period of three years.
24 Anyone convicted under this subsection is prohibited from applying
25 for a concealed pistol license or permit to purchase firearms for a
26 period of three years. The court shall send notice of the required
27 revocation of any concealed pistol license to the department of
28 licensing, and the city, town, or county which issued the license,
29 and notice of the required revocation of any permit to purchase
30 firearms to the Washington state patrol firearms background check
31 program.

32 Any violation of subsection (1) of this section by elementary or
33 secondary school students constitutes grounds for expulsion from the
34 state's public schools in accordance with RCW 28A.600.010. An
35 appropriate school authority shall promptly notify law enforcement
36 and the student's parent or guardian regarding any allegation or
37 indication of such violation.

38 Upon the arrest of a person at least twelve years of age and not
39 more than twenty-one years of age for violating subsection (1)(a) of
40 this section, the person shall be detained or confined in a juvenile

1 or adult facility for up to seventy-two hours. The person shall not
2 be released within the seventy-two hours until after the person has
3 been examined and evaluated by the designated crisis responder unless
4 the court in its discretion releases the person sooner after a
5 determination regarding probable cause or on probation bond or bail.

6 Within twenty-four hours of the arrest, the arresting law
7 enforcement agency shall refer the person to the designated crisis
8 responder for examination and evaluation under chapter 71.05 or 71.34
9 RCW and inform a parent or guardian of the person of the arrest,
10 detention, and examination. The designated crisis responder shall
11 examine and evaluate the person subject to the provisions of chapter
12 71.05 or 71.34 RCW. The examination shall occur at the facility in
13 which the person is detained or confined. If the person has been
14 released on probation, bond, or bail, the examination shall occur
15 wherever is appropriate.

16 Upon completion of any examination by the designated crisis
17 responder, the results of the examination shall be sent to the court,
18 and the court shall consider those results in making any
19 determination about the person.

20 The designated crisis responder shall, to the extent permitted by
21 law, notify a parent or guardian of the person that an examination
22 and evaluation has taken place and the results of the examination.
23 Nothing in this subsection prohibits the delivery of additional,
24 appropriate mental health examinations to the person while the person
25 is detained or confined.

26 If the designated crisis responder determines it is appropriate,
27 the designated crisis responder may refer the person to the local
28 behavioral health administrative services organization for follow-up
29 services or other community providers for other services to the
30 family and individual.

31 (3) Subsection (1) of this section does not apply to:

32 (a) Any student or employee of a private military academy when on
33 the property of the academy;

34 (b) Any person engaged in military, law enforcement, or school
35 district security activities. However, a person who is not a
36 commissioned law enforcement officer and who provides school security
37 services under the direction of a school administrator may not
38 possess a device listed in subsection (1)(f) of this section unless
39 he or she has successfully completed training in the use of such

1 devices that is equivalent to the training received by commissioned
2 law enforcement officers;

3 (c) Any person who is involved in a convention, showing,
4 demonstration, lecture, or firearms safety course authorized by
5 school authorities in which the firearms of collectors or instructors
6 are handled or displayed;

7 (d) Any person while the person is participating in a firearms or
8 air gun competition approved by the school or school district;

9 (e) Any person in possession of a pistol who has been issued a
10 license under RCW 9.41.070, or is exempt from the licensing
11 requirement by RCW 9.41.060, while:

12 (i) Picking up or dropping off a student; or

13 (ii) Attending official meetings of a school district board of
14 directors held off school district-owned or leased property;

15 (f) Any nonstudent at least eighteen years of age legally in
16 possession of a firearm or dangerous weapon that is secured within an
17 attended vehicle or concealed from view within a locked unattended
18 vehicle while conducting legitimate business at the school;

19 (g) Any nonstudent at least eighteen years of age who is in
20 lawful possession of an unloaded firearm, secured in a vehicle while
21 conducting legitimate business at the school; or

22 (h) Any law enforcement officer of the federal, state, or local
23 government agency.

24 (4) Subsections (1)(c) and (d) of this section do not apply to
25 any person who possesses nun-chu-ka sticks, throwing stars, or other
26 dangerous weapons to be used in martial arts classes authorized to be
27 conducted on the school premises.

28 (5) Subsection (1)(f)(i) of this section does not apply to any
29 person who possesses a device listed in subsection (1)(f)(i) of this
30 section, if the device is possessed and used solely for the purpose
31 approved by a school for use in a school authorized event, lecture,
32 or activity conducted on the school premises.

33 (6) Except as provided in subsection (3)(b), (c), (f), and (h) of
34 this section, firearms are not permitted in a public or private
35 school building.

36 (7) "GUN-FREE ZONE" signs shall be posted around school
37 facilities giving warning of the prohibition of the possession of
38 firearms on school grounds.

39 (8) A school district board of directors must post signs
40 providing notice of the restrictions on possession of firearms and

1 other weapons under this section at facilities being used for
2 official meetings of the school district board of directors.

3 **Sec. 19.** RCW 9.41.282 and 2020 c 189 s 1 are each amended to
4 read as follows:

5 (1) It is unlawful for a person to carry onto, or to possess on,
6 licensed child care center premises, child care center-provided
7 transportation, or areas of facilities while being used exclusively
8 by a child care center:

9 (a) Any firearm;

10 (b) Any other dangerous weapon as described in RCW 9.41.250;

11 (c) Any air gun, including any air pistol or air rifle, designed
12 to propel a BB, pellet, or other projectile by the discharge of
13 compressed air, carbon dioxide, or other gas; or

14 (d) (i) Any portable device manufactured to function as a weapon
15 and which is commonly known as a stun gun, including a projectile
16 stun gun that projects wired probes that are attached to the device
17 that emit an electrical charge designed to administer to a person or
18 an animal an electric shock, charge, or impulse; or

19 (ii) Any device, object, or instrument that is used or intended
20 to be used as a weapon with the intent to injure a person by an
21 electric shock, charge, or impulse.

22 (2) A person who violates subsection (1) of this section is
23 guilty of a gross misdemeanor. If a person is convicted of a
24 violation of subsection (1)(a) of this section, the person shall have
25 his or her concealed pistol license and permit to purchase firearms,
26 if any, revoked for a period of three years. Anyone convicted under
27 subsection (1)(a) of this section is prohibited from applying for a
28 concealed pistol license or permit to purchase firearms for a period
29 of three years from the date of conviction. The court shall order the
30 person to immediately surrender any concealed pistol license and
31 permit to purchase firearms, and within three business days
32 (~~notify~~) provide written notification to the department of
33 licensing (~~in writing~~) of the required revocation of any concealed
34 pistol license held by the person and to the Washington state patrol
35 firearms background check program of the required revocation of any
36 permit to purchase firearms. Upon receipt of the notification by the
37 court, the department of licensing shall determine if the person has
38 a concealed pistol license. If the person does have a concealed
39 pistol license, the department of licensing shall immediately notify

1 the license-issuing authority which, upon receipt of the
2 notification, shall immediately revoke the license.

3 (3) Subsection (1) of this section does not apply to:

4 (a) Family day care provider homes as defined in RCW 43.216.010;

5 (b) Any person in possession of a pistol who has been issued a
6 license under RCW 9.41.070, or is exempt from the licensing
7 requirement by RCW 9.41.060, while picking up or dropping off a child
8 at the child care center;

9 (c) Any person at least eighteen years of age legally in
10 possession of a firearm or dangerous weapon that is secured within an
11 attended vehicle or concealed from view within a locked unattended
12 vehicle while conducting legitimate business at the child care
13 center; or

14 (d) Any law enforcement officer of a federal, state, or local
15 government agency.

16 (4) Child care centers must post "GUN-FREE ZONE" signs giving
17 warning of the prohibition of the possession of firearms on center
18 premises.

19 (5) A child care center that is located on public or private
20 elementary or secondary school premises is subject to the
21 requirements of RCW 9.41.280.

22 (6) For the purposes of this section, child care center has the
23 same meaning as "child day care center" as defined in RCW 43.216.010.

24 **Sec. 20.** RCW 9.41.284 and 2022 c 106 s 3 are each amended to
25 read as follows:

26 (1) Except as provided in subsections (3) and (4) of this
27 section, it is unlawful for a person to knowingly carry onto, or to
28 possess in, a ballot counting center, a voting center, a student
29 engagement hub, or the county elections and voter registration
30 office, or areas of facilities while being used as a ballot counting
31 center, a voting center, a student engagement hub, or the county
32 elections and voter registration office:

33 (a) Any firearm;

34 (b) Any other dangerous weapon as described in RCW 9.41.250;

35 (c) Any air gun, including any air pistol or air rifle, designed
36 to propel a BB, pellet, or other projectile by the discharge of
37 compressed air, carbon dioxide, or other gas;

38 (d) (i) Any portable device manufactured to function as a weapon
39 and which is commonly known as a stun gun, including a projectile

1 stun gun that projects wired probes that are attached to the device
2 that emit an electrical charge designed to administer to a person or
3 an animal an electric shock, charge, or impulse; or

4 (ii) Any device, object, or instrument that is used or intended
5 to be used as a weapon with the intent to injure a person by an
6 electric shock, charge, or impulse; or

7 (e) Any spring blade knife as defined in RCW 9.41.250.

8 (2) A person who violates subsection (1) of this section is
9 guilty of a misdemeanor. Second and subsequent violations of this
10 section are a gross misdemeanor. If a person is convicted of a
11 violation of subsection (1)(a) of this section, the person shall have
12 his or her concealed pistol license and permit to purchase firearms,
13 if any, revoked for a period of three years. Anyone convicted under
14 subsection (1)(a) of this section is prohibited from applying for a
15 concealed pistol license or permit to purchase firearms for a period
16 of three years from the date of conviction. The court shall order the
17 person to immediately surrender any concealed pistol license and
18 permit to purchase firearms, and within three business days
19 (~~notify~~) provide written notification to the department of
20 licensing (~~in writing~~) of the required revocation of any concealed
21 pistol license held by the person and to the Washington state patrol
22 firearms background check program of the required revocation of any
23 permit to purchase firearms. Upon receipt of the notification by the
24 court, the department of licensing shall determine if the person has
25 a concealed pistol license. If the person does have a concealed
26 pistol license, the department of licensing shall immediately notify
27 the license-issuing authority which, upon receipt of the
28 notification, shall immediately revoke the license.

29 (3) Subsection (1) of this section does not apply to:

30 (a) Any law enforcement officer of a federal, state, or local
31 government agency; or

32 (b) Any security personnel hired by a county and engaged in
33 security specifically for a counting center, a voting center, a
34 student engagement hub, or the county elections and voter
35 registration office or areas of facilities used for such purposes.
36 However, a person who is not a commissioned law enforcement officer
37 and who provides elections and voter registration security services
38 under the direction of a county may not possess a firearm or device
39 listed in subsection (1)(d) of this section unless he or she has
40 successfully completed training in the use of firearms or such

1 devices that is equivalent to the training received by commissioned
2 law enforcement officers.

3 (4) Subsection (1) of this section does not prohibit concealed
4 carry of a pistol, by a person licensed to carry a concealed pistol
5 pursuant to RCW 9.41.070, in any voting center, student engagement
6 hub, county elections and voter registration office, or areas of
7 facilities while being used as a voting center, student engagement
8 hub, or county elections and voter registration office. However, no
9 weapon restricted by this section, whether concealed or openly
10 carried, may be possessed in any ballot counting center or areas of
11 facilities while being used as a ballot counting center.

12 (5) Elections officers and officials must post signs providing
13 notice of the restriction on possession of firearms and other weapons
14 at each counting center, voting center, student engagement hub, or
15 county elections and voter registration office, or areas of
16 facilities while being used as a counting center, a voting center, a
17 student engagement hub, or the county elections and voter
18 registration office.

19 (6) For the purposes of this section:

20 (a) "Ballot counting center" has the same meaning as "counting
21 center" in RCW 29A.04.019;

22 (b) "Voting center" means a voting center as described in RCW
23 29A.40.160; and

24 (c) "Student engagement hub" means a student engagement hub as
25 described in RCW 29A.40.180.

26 **Sec. 21.** RCW 9.41.800 and 2022 c 268 s 29 are each amended to
27 read as follows:

28 (1) Any court when entering an order authorized under chapter
29 7.105 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
30 26.26B.020, or 26.26A.470 shall, upon a showing by a preponderance of
31 the evidence, that a party has: Used, displayed, or threatened to use
32 a firearm or other dangerous weapon in a felony, or is ineligible to
33 possess a firearm under the provisions of RCW 9.41.040:

34 (a) Require that the party immediately surrender all firearms and
35 other dangerous weapons;

36 (b) Require that the party immediately surrender any concealed
37 pistol license issued under RCW 9.41.070 and any permit to purchase
38 firearms under section 2 of this act;

1 (c) Prohibit the party from accessing, having in his or her
2 custody or control, possessing, purchasing, receiving, or attempting
3 to purchase or receive, any firearms or other dangerous weapons;

4 (d) Prohibit the party from obtaining or possessing a concealed
5 pistol license or permit to purchase firearms;

6 (e) Other than for ex parte temporary protection orders, unless
7 the ex parte temporary protection order was reissued after the party
8 received notice and had an opportunity to be heard, direct (~~law~~
9 ~~enforcement~~) the issuing authority to revoke any concealed pistol
10 license and permit to purchase firearms issued to the party.

11 (2) During any period of time that the party is subject to a
12 court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A,
13 or 26.26B RCW that:

14 (a) Was issued after a hearing of which the party received actual
15 notice, and at which the party had an opportunity to participate,
16 whether the court then issues a full order or reissues a temporary
17 order. If the court enters an agreed order by the parties without a
18 hearing, such an order meets the requirements of this subsection;

19 (b) Restrains the party from harassing, stalking, or threatening
20 an intimate partner of the party, the protected person, or child of
21 the intimate partner, party, or protected person, or engaging in
22 other conduct that would place an intimate partner or protected
23 person in reasonable fear of bodily injury to the intimate partner,
24 protected person, or child; and

25 (c) (i) Includes a finding that the party represents a credible
26 threat to the physical safety of the intimate partner, protected
27 person, or child; or

28 (ii) By its terms, explicitly prohibits the use, attempted use,
29 or threatened use of physical force against the intimate partner,
30 protected person, or child that would reasonably be expected to cause
31 bodily injury, the court shall:

32 (A) Require that the party immediately surrender all firearms and
33 other dangerous weapons;

34 (B) Require that the party immediately surrender a concealed
35 pistol license issued under RCW 9.41.070 and a permit to purchase
36 firearms issued under section 2 of this act;

37 (C) Prohibit the party from accessing, having in his or her
38 custody or control, possessing, purchasing, receiving, or attempting
39 to purchase or receive, any firearms or other dangerous weapons; and

1 (D) Prohibit the party from obtaining or possessing a concealed
2 pistol license or permit to purchase firearms.

3 (3) The court may order temporary surrender and prohibit the
4 purchase of all firearms and other dangerous weapons, and any
5 concealed pistol license and permit to purchase firearms, without
6 notice to the other party if it finds, on the basis of the moving
7 affidavit or other evidence, that irreparable injury could result if
8 an order is not issued until the time for response has elapsed.

9 (4) In addition to the provisions of subsections (1) and (3) of
10 this section, the court may enter an order requiring a party to
11 comply with the provisions in subsection (1) of this section if it
12 finds that the possession of a firearm or other dangerous weapon by
13 any party presents a serious and imminent threat to public health or
14 safety, or to the health or safety of any individual.

15 (5) The requirements of subsections (1) and (4) of this section
16 may be for a period of time less than the duration of the order.

17 (6) The court shall require the party to surrender all firearms
18 and other dangerous weapons in his or her immediate possession or
19 control or subject to his or her immediate possession or control, and
20 any concealed pistol license issued under RCW 9.41.070 and permit to
21 purchase firearms issued under section 2 of this act, to the local
22 law enforcement agency. Law enforcement officers shall use law
23 enforcement databases to assist in locating the party in situations
24 where the protected person does not know where the party lives or
25 where there is evidence that the party is trying to evade service.

26 (7) If the court enters a protection order, restraining order, or
27 no-contact order that includes an order to surrender firearms,
28 dangerous weapons, and any concealed pistol license or permit to
29 purchase firearms under this section:

30 (a) The order must be served by a law enforcement officer; and

31 (b) Law enforcement must immediately ensure entry of the order to
32 surrender and prohibit weapons and the revocation of any concealed
33 pistol license or permit to purchase firearms is made into the
34 appropriate databases making the party ineligible to possess firearms
35 (~~and~~), a concealed pistol license, and a permit to purchase
36 firearms.

37 **Sec. 22.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to
38 read as follows:

1 (1) Because of the heightened risk of lethality to petitioners
2 when respondents to protection orders become aware of court
3 involvement and continue to have access to firearms, and the
4 frequency of noncompliance with court orders prohibiting possession
5 of firearms, law enforcement and judicial processes must emphasize
6 swift and certain compliance with court orders prohibiting access,
7 possession, and ownership of all firearms.

8 (2) A law enforcement officer serving a protection order, no-
9 contact order, or restraining order that includes an order to
10 surrender all firearms, dangerous weapons, and a concealed pistol
11 license under RCW 9.41.800 shall inform the respondent that the order
12 is effective upon service and the respondent must immediately
13 surrender all firearms and dangerous weapons in the respondent's
14 custody, control, or possession and any concealed pistol license
15 (~~issued under RCW 9.41.070~~) and permit to purchase firearms, and
16 conduct any search permitted by law for such firearms, dangerous
17 weapons, (~~and~~) concealed pistol license, and permit to purchase
18 firearms. The law enforcement officer shall take possession of all
19 firearms, dangerous weapons, and any concealed pistol license and
20 permit to purchase firearms belonging to the respondent that are
21 surrendered, in plain sight, or discovered pursuant to a lawful
22 search. If the order is entered in open court and the respondent
23 appears in person, the respondent shall be provided a copy and
24 further service is not required. If the respondent refuses to receive
25 a copy, an agent of the court may indicate on the record that the
26 respondent refused to receive a copy of the order. If the respondent
27 appears remotely for the hearing, or leaves the hearing before a
28 final ruling is issued or order signed, and the court believes the
29 respondent has sufficient notice such that additional service is not
30 necessary, the order must recite that the respondent appeared before
31 the court, has actual notice of the order, the necessity for further
32 service is waived, and proof of service of the order is not
33 necessary. The court shall enter the service and receipt into the
34 record. A copy of the order and service shall be transmitted
35 immediately to law enforcement. The respondent must immediately
36 surrender all firearms, dangerous weapons, and any concealed pistol
37 license and permit to purchase firearms in a safe manner to the
38 control of the local law enforcement agency on the day of the hearing
39 at which the respondent was present in person or remotely.
40 Alternatively, if personal service by a law enforcement officer is

1 not possible, and the respondent did not appear in person or remotely
2 at the hearing, the respondent shall surrender the firearms in a safe
3 manner to the control of the local law enforcement agency within 24
4 hours of being served with the order by alternate service.

5 (3) At the time of surrender, a law enforcement officer taking
6 possession of firearms, dangerous weapons, and any concealed pistol
7 license and permit to purchase firearms shall issue a receipt
8 identifying all firearms, dangerous weapons, and any concealed pistol
9 license and permit to purchase firearms that have been surrendered
10 and provide a copy of the receipt to the respondent. The law
11 enforcement agency shall file the original receipt with the court
12 within 24 hours after service of the order and retain a copy of the
13 receipt, electronically whenever electronic filing is available.

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 or dangerous weapons as
17 required by an order issued under RCW 9.41.800, the court shall
18 determine whether probable cause exists to believe that the
19 respondent has failed to surrender all firearms and dangerous weapons
20 in their possession, custody, or control. If probable cause exists
21 that a crime occurred, the court shall issue a warrant describing the
22 firearms or dangerous weapons and authorizing a search of the
23 locations where the firearms and dangerous weapons are reasonably
24 believed to be and the seizure of all firearms and dangerous weapons
25 discovered pursuant to such search.

26 (5) If a person other than the respondent claims title to any
27 firearms or dangerous weapons surrendered pursuant to this section,
28 and the person is determined by the law enforcement agency to be the
29 lawful owner of the firearm or dangerous weapon, the firearm or
30 dangerous weapon shall be returned to the lawful owner, provided
31 that:

32 (a) The firearm or dangerous weapon is removed from the
33 respondent's access, custody, control, or possession and the lawful
34 owner agrees by written document signed under penalty of perjury to
35 store the firearm or dangerous weapon in a manner such that the
36 respondent does not have access to or control of the firearm or
37 dangerous weapon;

38 (b) The firearm or dangerous weapon is not otherwise unlawfully
39 possessed by the owner; and

40 (c) The requirements of RCW 9.41.345 are met.

1 (6) Courts shall develop procedures to verify timely and complete
2 compliance with orders to surrender and prohibit weapons under RCW
3 9.41.800, including compliance review hearings to be held as soon as
4 possible upon receipt from law enforcement of proof of service. A
5 compliance review hearing is not required if the court can otherwise
6 enter findings on the record or enter written findings that the proof
7 of surrender or declaration of nonsurrender attested to by the person
8 subject to the order, along with verification from law enforcement
9 and any other relevant evidence, makes a sufficient showing that the
10 person has timely and completely surrendered all firearms and
11 dangerous weapons in the person's custody, control, or possession,
12 and any concealed pistol license (~~((issued under RCW 9.41.070))~~) and
13 permit to purchase firearms, to a law enforcement agency. If the
14 court does not have a sufficient record before it on which to make
15 such a finding, the court must set a review hearing to occur as soon
16 as possible at which the respondent must be present and provide proof
17 of compliance with the court's order. Courts shall make available
18 forms that petitioners may complete and submit to the court in
19 response to a respondent's declaration of whether the respondent has
20 surrendered weapons.

21 (7) (a) If a court finds at the compliance review hearing, or any
22 other hearing where compliance with the order to surrender and
23 prohibit weapons is addressed, that there is probable cause to
24 believe the respondent was aware of and failed to fully comply with
25 the order, failed to appear at the compliance review hearing, or
26 violated the order after the court entered findings of compliance,
27 pursuant to its authority under chapter 7.21 RCW, the court may
28 initiate a contempt proceeding to impose remedial sanctions on its
29 own motion, or upon the motion of the prosecutor, city attorney, or
30 the petitioner's counsel, and issue an order requiring the respondent
31 to appear, provide proof of compliance with the order, and show cause
32 why the respondent should not be held in contempt of court.

33 (b) If the respondent is not present in court at the compliance
34 review hearing or if the court issues an order to appear and show
35 cause after a compliance review hearing, the clerk of the court shall
36 electronically transmit a copy of the order to show cause to the law
37 enforcement agency where the respondent resides for personal service
38 or service in the manner provided in the civil rules of superior
39 court or applicable statute. Law enforcement shall also serve a copy

1 of the order to show cause on the petitioner, either electronically
2 or in person, at no cost.

3 (c) The order to show cause served upon the respondent shall
4 state the date, time, and location of the hearing and shall include a
5 warning that the respondent may be held in contempt of court if the
6 respondent fails to promptly comply with the terms of the order to
7 surrender and prohibit weapons and a warning that an arrest warrant
8 could be issued if the respondent fails to appear on the date and
9 time provided in the order.

10 (d) (i) At the show cause hearing, the respondent must be present
11 and provide proof of compliance with the underlying court order to
12 surrender and prohibit weapons and demonstrate why the relief
13 requested should not be granted.

14 (ii) The court shall take judicial notice of the receipt filed
15 with the court by the law enforcement agency pursuant to subsection
16 (3) of this section. The court shall also provide sufficient notice
17 to the law enforcement agency of the hearing. Upon receiving notice
18 pursuant to this subsection, a law enforcement agency must:

19 (A) Provide the court with a complete list of firearms and other
20 dangerous weapons surrendered by the respondent or otherwise
21 belonging to the respondent that are in the possession of the law
22 enforcement agency; and

23 (B) Provide the court with verification that any concealed pistol
24 license or permit to purchase firearms issued to the respondent has
25 been surrendered and the agency with authority to revoke the license
26 has been notified.

27 (iii) If the law enforcement agency has a reasonable suspicion
28 that the respondent is not in full compliance with the terms of the
29 order, the law enforcement agency must submit the basis for its
30 belief to the court, and may do so through the filing of a
31 declaration.

32 (e) If the court finds the respondent in contempt, the court may
33 impose remedial sanctions designed to ensure swift compliance with
34 the order to surrender and prohibit weapons.

35 (f) The court may order a respondent found in contempt of the
36 order to surrender and prohibit weapons to pay for any losses
37 incurred by a party in connection with the contempt proceeding,
38 including reasonable attorneys' fees, service fees, and other costs.
39 The costs of the proceeding shall not be borne by the petitioner.

1 (8) (a) To help ensure that accurate and comprehensive information
2 about firearms compliance is provided to judicial officers, a
3 representative from either the prosecuting attorney's office or city
4 attorney's office, or both, from the relevant jurisdiction may appear
5 and be heard at any hearing that concerns compliance with an order to
6 surrender and prohibit weapons issued in connection with another type
7 of protection order.

8 (b) Either the prosecuting attorney's office or city attorney's
9 office, or both, from the relevant jurisdiction may designate an
10 advocate or a staff person from their office who is not an attorney
11 to appear on behalf of their office. Such appearance does not
12 constitute the unauthorized practice of law.

13 (9) (a) An order to surrender and prohibit weapons issued pursuant
14 to RCW 9.41.800 must state that the act of voluntarily surrendering
15 firearms or weapons, or providing testimony relating to the surrender
16 of firearms or weapons, pursuant to such an order, may not be used
17 against the respondent in any criminal prosecution under this
18 chapter, chapter 7.105 RCW, or RCW 9A.56.310.

19 (b) To provide relevant information to the court to determine
20 compliance with the order, the court may allow the prosecuting
21 attorney or city attorney to question the respondent regarding
22 compliance.

23 (10) All law enforcement agencies must have policies and
24 procedures to provide for the acceptance, storage, and return of
25 firearms, dangerous weapons, ~~((and))~~ concealed pistol licenses, and
26 permits to purchase firearms that a court requires must be
27 surrendered under RCW 9.41.800. A law enforcement agency holding any
28 firearm ~~((or))~~, concealed pistol license, or permit to purchase
29 firearms that has been surrendered under RCW 9.41.800 shall comply
30 with the provisions of RCW 9.41.340 and 9.41.345 before the return of
31 the firearm ~~((or))~~, concealed pistol license, or permit to purchase
32 firearms to the owner or individual from whom it was obtained.

33 (11) The administrative office of the courts shall create a
34 statewide pattern form to assist the courts in ensuring timely and
35 complete compliance in a consistent manner with orders issued under
36 this chapter. The administrative office of the courts shall report
37 annually on the number of orders issued under this chapter by each
38 court, the degree of compliance, and the number of firearms obtained,
39 and may make recommendations regarding additional procedures to
40 enhance compliance and victim safety.

1 **Sec. 23.** RCW 9.41.802 and 2014 c 111 s 4 are each amended to
2 read as follows:

3 By December 1, 2014, 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 and permit to purchase firearms, as ordered by a court
8 under RCW 9.41.800. The administrative office of the courts must also
9 develop a declaration of nonsurrender pattern form to document
10 compliance when the respondent has no firearms, dangerous weapons,
11 (~~or~~) concealed pistol license, or permit to purchase firearms.

12 **Sec. 24.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to
13 read as follows:

14 A party ordered to surrender firearms, dangerous weapons, and his
15 or her concealed pistol license and permit to purchase firearms under
16 RCW 9.41.800 must file with the clerk of the court a proof of
17 surrender and receipt form or a declaration of nonsurrender form
18 within five judicial days of the entry of the order.

19 **Sec. 25.** RCW 9.41.815 and 2021 c 215 s 76 are each amended to
20 read as follows:

21 For the purpose of assisting courts in ensuring compliance with
22 an order to surrender and prohibit weapons or an extreme risk
23 protection order, the department of licensing, or the agency with
24 responsibility for maintaining that information should it be an
25 agency other than the department of licensing, shall make the
26 following information available to prosecuting attorneys' offices,
27 city attorneys' offices, public defender agency staff, probation
28 services personnel, and judicial officers and staff of municipal,
29 district, and superior courts for the following law enforcement
30 purposes:

31 (1) Determining whether a person is ineligible to possess
32 firearms;

33 (2) Determining a person's firearms purchase history; and

34 (3) Determining whether a person has or previously had a
35 concealed pistol license or permit to purchase firearms, or has
36 applied for a concealed pistol license or permit to purchase
37 firearms.

1 **Sec. 26.** RCW 7.105.305 and 2022 c 268 s 16 are each amended to
2 read as follows:

3 (1) Where it appears from the petition and any additional
4 evidence that the respondent has engaged in conduct against the
5 petitioner that serves as a basis for a protection order under this
6 chapter, and the petitioner alleges that serious immediate harm or
7 irreparable injury could result if an order is not issued immediately
8 without prior notice to the respondent, the court may grant an ex
9 parte temporary protection order, pending a full hearing. The court
10 has broad discretion to grant such relief as the court deems proper,
11 including the forms of relief listed in RCW 7.105.310, provided that
12 the court shall not order a form of relief listed in RCW 7.105.310 if
13 it would not be feasible or appropriate for the respondent to comply
14 with such a requirement before a full hearing may be held on the
15 petition for a protection order. If the court does not order all the
16 relief requested by the petitioner in an ex parte temporary
17 protection order, the court shall still consider ordering such relief
18 at the full hearing on the petition for a protection order. In
19 issuing the order, the court shall consider the provisions of RCW
20 9.41.800, and order the respondent to surrender, and prohibit the
21 respondent from accessing, having in his or her custody or control,
22 possessing, purchasing, attempting to purchase or receive, or
23 receiving, all firearms, dangerous weapons, and any concealed pistol
24 license and permit to purchase firearms, as required in RCW 9.41.800.

25 (2) Any order issued under this section must contain the date,
26 time of issuance, and expiration date.

27 (3) The court may issue an ex parte temporary protection order on
28 the petition with or without a hearing. If an ex parte temporary
29 protection order is denied, the court shall still set a full hearing
30 unless the court determines the petition does not contain prima facie
31 allegations to support the issuance of any type of protection order.
32 If the court declines to issue an ex parte temporary protection order
33 as requested or declines to set a hearing, the court shall state the
34 reasons in writing. The court's denial of a motion for an ex parte
35 temporary protection order shall be filed with the court.

36 (4) If a full hearing is set on a petition that is filed before
37 close of business on a judicial day, the hearing must be set not
38 later than 14 days from the date of the filing of the petition. If a
39 full hearing is set on a petition that is submitted after close of
40 business on a judicial day or is submitted on a nonjudicial day, the

1 hearing must be set not later than 14 days from the first judicial
2 day after the petition is filed, which may be extended for good
3 cause.

4 (5) If the court does not set a full hearing, the petitioner may
5 file an amended petition within 14 days of the court's denial. If the
6 court determines the amended petition does not contain prima facie
7 allegations to support the issuance of any type of protection order
8 or if the petitioner fails to file an amended petition within the
9 required time, the court may enter an order dismissing the petition.

10 (6) A petitioner may not obtain an ex parte temporary
11 antiharassment protection order against a respondent if the
12 petitioner has previously obtained two such ex parte orders against
13 the same respondent, but has failed to obtain the issuance of a civil
14 antiharassment protection order, unless good cause for such failure
15 can be shown.

16 **Sec. 27.** RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9
17 are each reenacted and amended to read as follows:

18 (1) In issuing any type of protection order, other than an ex
19 parte temporary antiharassment protection order as limited by
20 subsection (2) of this section, and other than an extreme risk
21 protection order, the court shall have broad discretion to grant such
22 relief as the court deems proper, including an order that provides
23 relief as follows:

24 (a) Restrain the respondent from committing any of the following
25 acts against the petitioner and other persons protected by the order:
26 Domestic violence; nonconsensual sexual conduct or nonconsensual
27 sexual penetration; sexual abuse; stalking; acts of abandonment,
28 abuse, neglect, or financial exploitation against a vulnerable adult;
29 and unlawful harassment;

30 (b) Restrain the respondent from making any attempts to have
31 contact, including nonphysical contact, with the petitioner or the
32 petitioner's family or household members who are minors or other
33 members of the petitioner's household, either directly, indirectly,
34 or through third parties regardless of whether those third parties
35 know of the order;

36 (c) Exclude the respondent from the residence that the parties
37 share;

1 (d) Exclude the respondent from the residence, workplace, or
2 school of the petitioner; or from the day care or school of a minor
3 child;

4 (e) Restrain the respondent from knowingly coming within, or
5 knowingly remaining within, a specified distance from a specified
6 location including, but not limited to, a residence, school, day
7 care, workplace, the protected party's person, and the protected
8 party's vehicle. The specified distance shall presumptively be at
9 least 1,000 feet, unless the court for good cause finds that a
10 shorter specified distance is appropriate;

11 (f) If the parties have children in common, make residential
12 provisions with regard to their minor children on the same basis as
13 is provided in chapter 26.09 RCW. However, parenting plans as
14 specified in chapter 26.09 RCW must not be required under this
15 chapter. The court may not delay or defer relief under this chapter
16 on the grounds that the parties could seek a parenting plan or
17 modification to a parenting plan in a different action. A protection
18 order must not be denied on the grounds that the parties have an
19 existing parenting plan in effect. A protection order may suspend the
20 respondent's contact with the parties' children under an existing
21 parenting plan, subject to further orders in a family law proceeding;

22 (g) Order the respondent to participate in a state-certified
23 domestic violence perpetrator treatment program approved under RCW
24 43.20A.735 or a state-certified sex offender treatment program
25 approved under RCW 18.155.070;

26 (h) Order the respondent to obtain a mental health or chemical
27 dependency evaluation. If the court determines that a mental health
28 evaluation is necessary, the court shall clearly document the reason
29 for this determination and provide a specific question or questions
30 to be answered by the mental health professional. The court shall
31 consider the ability of the respondent to pay for an evaluation.
32 Minors are presumed to be unable to pay. The parent or legal guardian
33 is responsible for costs unless the parent or legal guardian
34 demonstrates inability to pay;

35 (i) In cases where the petitioner and the respondent are students
36 who attend the same public or private elementary, middle, or high
37 school, the court, when issuing a protection order and providing
38 relief, shall consider, among the other facts of the case, the
39 severity of the act, any continuing physical danger, emotional
40 distress, or educational disruption to the petitioner, and the

1 financial difficulty and educational disruption that would be caused
2 by a transfer of the respondent to another school. The court may
3 order that the respondent not attend the public or private
4 elementary, middle, or high school attended by the petitioner. If a
5 minor respondent is prohibited attendance at the minor's assigned
6 public school, the school district must provide the student
7 comparable educational services in another setting. In such a case,
8 the district shall provide transportation at no cost to the
9 respondent if the respondent's parent or legal guardian is unable to
10 pay for transportation. The district shall put in place any needed
11 supports to ensure successful transition to the new school
12 environment. The court shall send notice of the restriction on
13 attending the same school as the petitioner to the public or private
14 school the respondent will attend and to the school the petitioner
15 attends;

16 (j) Require the respondent to pay the administrative court costs
17 and service fees, as established by the county or municipality
18 incurring the expense, and to reimburse the petitioner for costs
19 incurred in bringing the action, including reasonable attorneys' fees
20 or limited license legal technician fees when such fees are incurred
21 by a person licensed and practicing in accordance with state supreme
22 court admission and practice rule 28, the limited practice rule for
23 limited license legal technicians. Minors are presumed to be unable
24 to pay. The parent or legal guardian is responsible for costs unless
25 the parent or legal guardian demonstrates inability to pay;

26 (k) Restrain the respondent from harassing, following,
27 monitoring, keeping under physical or electronic surveillance, cyber
28 harassment as defined in RCW 9A.90.120, and using telephonic,
29 audiovisual, or other electronic means to monitor the actions,
30 location, or communication of the petitioner or the petitioner's
31 family or household members who are minors or other members of the
32 petitioner's household. For the purposes of this subsection,
33 "communication" includes both "wire communication" and "electronic
34 communication" as defined in RCW 9.73.260;

35 (l) Other than for respondents who are minors, require the
36 respondent to submit to electronic monitoring. The order must specify
37 who shall provide the electronic monitoring services and the terms
38 under which the monitoring must be performed. The order also may
39 include a requirement that the respondent pay the costs of the

1 monitoring. The court shall consider the ability of the respondent to
2 pay for electronic monitoring;

3 (m) Consider the provisions of RCW 9.41.800, and order the
4 respondent to surrender, and prohibit the respondent from accessing,
5 having in his or her custody or control, possessing, purchasing,
6 attempting to purchase or receive, or receiving, all firearms,
7 dangerous weapons, and any concealed pistol license and permit to
8 purchase firearms, as required in RCW 9.41.800;

9 (n) Order possession and use of essential personal effects. The
10 court shall list the essential personal effects with sufficient
11 specificity to make it clear which property is included. Personal
12 effects may include pets. The court may order that a petitioner be
13 granted the exclusive custody or control of any pet owned, possessed,
14 leased, kept, or held by the petitioner, respondent, or minor child
15 residing with either the petitioner or respondent, and may prohibit
16 the respondent from interfering with the petitioner's efforts to
17 obtain the pet. The court may also prohibit the respondent from
18 knowingly coming within, or knowingly remaining within, a specified
19 distance of specified locations where the pet is regularly found;

20 (o) Order use of a vehicle;

21 (p) Enter an order restricting the respondent from engaging in
22 abusive litigation as set forth in chapter 26.51 RCW or in frivolous
23 filings against the petitioner, making harassing or libelous
24 communications about the petitioner to third parties, or making false
25 reports to investigative agencies. A petitioner may request this
26 relief in the petition or by separate motion. A petitioner may
27 request this relief by separate motion at any time within five years
28 of the date the protection order is entered even if the order has
29 since expired. A stand-alone motion for an order restricting abusive
30 litigation may be brought by a party who meets the requirements of
31 chapter 26.51 RCW regardless of whether the party has previously
32 sought a protection order under this chapter, provided the motion is
33 made within five years of the date the order that made a finding of
34 domestic violence was entered. In cases where a finding of domestic
35 violence was entered pursuant to an order under chapter 26.09, 26.26,
36 or 26.26A RCW, a motion for an order restricting abusive litigation
37 may be brought under the family law case or as a stand-alone action
38 filed under this chapter, when it is not reasonable or practical to
39 file under the family law case;

1 (q) Restrain the respondent from committing acts of abandonment,
2 abuse, neglect, or financial exploitation against a vulnerable adult;

3 (r) Require an accounting by the respondent of the disposition of
4 the vulnerable adult's income or other resources;

5 (s) Restrain the transfer of either the respondent's or
6 vulnerable adult's property, or both, for a specified period not
7 exceeding 90 days;

8 (t) Order financial relief and restrain the transfer of jointly
9 owned assets;

10 (u) Restrain the respondent from possessing or distributing
11 intimate images, as defined in RCW 9A.86.010, depicting the
12 petitioner including, but not limited to, requiring the respondent
13 to: Take down and delete all intimate images and recordings of the
14 petitioner in the respondent's possession or control; and cease any
15 and all disclosure of those intimate images. The court may also
16 inform the respondent that it would be appropriate to ask third
17 parties in possession or control of the intimate images of this
18 protection order to take down and delete the intimate images so that
19 the order may not inadvertently be violated; or

20 (v) Order other relief as it deems necessary for the protection
21 of the petitioner and other family or household members who are
22 minors or vulnerable adults for whom the petitioner has sought
23 protection, including orders or directives to a law enforcement
24 officer, as allowed under this chapter.

25 (2) In an antiharassment protection order proceeding, the court
26 may grant the relief specified in subsection (1)(c), (f), and (t) of
27 this section only as part of a full antiharassment protection order.

28 (3) The court in granting a temporary antiharassment protection
29 order or a civil antiharassment protection order shall not prohibit
30 the respondent from exercising constitutionally protected free
31 speech. Nothing in this section prohibits the petitioner from
32 utilizing other civil or criminal remedies to restrain conduct or
33 communications not otherwise constitutionally protected.

34 (4) The court shall not take any of the following actions in
35 issuing a protection order.

36 (a) The court may not order the petitioner to obtain services
37 including, but not limited to, drug testing, victim support services,
38 a mental health assessment, or a psychological evaluation.

39 (b) The court shall not issue a full protection order to any
40 party except upon notice to the respondent and the opportunity for a

1 hearing pursuant to a petition or counter-petition filed and served
2 by the party seeking relief in accordance with this chapter. Except
3 as provided in RCW 7.105.210, the court shall not issue a temporary
4 protection order to any party unless the party has filed a petition
5 or counter-petition for a protection order seeking relief in
6 accordance with this chapter.

7 (c) Under no circumstances shall the court deny the petitioner
8 the type of protection order sought in the petition on the grounds
9 that the court finds that a different type of protection order would
10 have a less severe impact on the respondent.

11 (5) The order shall specify the date the order expires, if any.
12 For permanent orders, the court shall set the date to expire 99 years
13 from the issuance date. The order shall also state whether the court
14 issued the protection order following personal service, service by
15 electronic means, service by mail, or service by publication, and
16 whether the court has approved service by mail or publication of an
17 order issued under this section.

18 **Sec. 28.** RCW 7.105.330 and 2021 c 215 s 43 are each amended to
19 read as follows:

20 (1) In considering whether to issue a temporary extreme risk
21 protection order, the court shall consider all relevant evidence,
22 including the evidence described in RCW 7.105.215.

23 (2) If a court finds there is reasonable cause to believe that
24 the respondent poses a significant danger of causing personal injury
25 to self or others in the near future by having in the respondent's
26 custody or control, purchasing, possessing, accessing, receiving, or
27 attempting to purchase or receive, a firearm, the court shall issue a
28 temporary extreme risk protection order.

29 (3) A temporary extreme risk protection order must include:

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

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

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

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

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

36 (f) A description of the requirements for the surrender of
37 firearms under RCW 7.105.340; and

38 (g) The following statement: "To the subject of this protection
39 order: This order is valid until the date and time noted above. You

1 are required to surrender all firearms in your custody, control, or
2 possession. You may not have in your custody or control, access,
3 possess, purchase, receive, or attempt to purchase or receive, a
4 firearm, or a concealed pistol license or permit to purchase
5 firearms, while this order is in effect. You must surrender to the
6 (insert name of local law enforcement agency) all firearms in your
7 custody, control, or possession, and any concealed pistol license
8 issued to you under RCW 9.41.070 and permit to purchase firearms
9 issued to you under section 2 of this act, immediately. A hearing
10 will be held on the date and at the time noted above to determine if
11 an extreme risk protection order should be issued. Failure to appear
12 at that hearing may result in a court making an order against you
13 that is valid for one year. You may seek the advice of an attorney as
14 to any matter connected with this order."

15 (4) A temporary extreme risk protection order issued expires upon
16 the full hearing on the petition for an extreme risk protection
17 order, unless reissued by the court.

18 (5) A temporary extreme risk protection order must be served by a
19 law enforcement officer in the same manner as provided for in RCW
20 7.105.155 for service of the notice of hearing and petition, and must
21 be served concurrently with the notice of hearing and petition.

22 (6) If the court declines to issue a temporary extreme risk
23 protection order, the court shall state the particular reasons for
24 the court's denial.

25 **Sec. 29.** RCW 7.105.335 and 2021 c 215 s 44 are each amended to
26 read as follows:

27 (1) An extreme risk protection order issued after notice and a
28 hearing must include:

29 (a) A statement of the grounds supporting the issuance of the
30 order;

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

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

33 (d) Whether a behavioral health evaluation of the respondent is
34 required;

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

37 (f) A description of the requirements for the surrender of
38 firearms under RCW 7.105.340; and

1 (g) The following statement: "To the subject of this protection
2 order: This order will last until the date and time noted above. If
3 you have not done so already, you must surrender to the (insert name
4 of local law enforcement agency) all firearms in your custody,
5 control, or possession, and any concealed pistol license issued to
6 you under RCW 9.41.070 and permit to purchase firearms issued to you
7 under section 2 of this act, immediately. You may not have in your
8 custody or control, access, possess, purchase, receive, or attempt to
9 purchase or receive, a firearm, or a concealed pistol license or
10 permit to purchase firearms, while this order is in effect. You have
11 the right to request one hearing to terminate this order every 12-
12 month period that this order is in effect, starting from the date of
13 this order and continuing through any renewals. You may seek the
14 advice of an attorney as to any matter connected with this order."

15 (2) When the court issues an extreme risk protection order, the
16 court shall inform the respondent that the respondent is entitled to
17 request termination of the order in the manner prescribed by RCW
18 7.105.505. The court shall provide the respondent with a form to
19 request a termination hearing.

20 **Sec. 30.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to
21 read as follows:

22 (1) Upon the issuance of any extreme risk protection order under
23 this chapter, including a temporary extreme risk protection order,
24 the court shall:

25 (a) Order the respondent to surrender to the local law
26 enforcement agency all firearms in the respondent's custody, control,
27 or possession, and any concealed pistol license issued under RCW
28 9.41.070 and permit to purchase firearms issued under section 2 of
29 this act; and

30 (b) Other than for ex parte temporary protection orders, direct
31 law enforcement to revoke any concealed pistol license issued to the
32 respondent and the Washington state patrol firearms background check
33 program to revoke any permit to purchase firearms issued to the
34 respondent.

35 (2) The law enforcement officer serving any extreme risk
36 protection order under this chapter, including a temporary extreme
37 risk protection order, shall request that the respondent immediately
38 surrender all firearms in his or her custody, control, or possession,
39 and any concealed pistol license issued under RCW 9.41.070 and permit

1 to purchase firearms issued under section 2 of this act, and conduct
2 any search permitted by law for such firearms. The law enforcement
3 officer shall take possession of all firearms belonging to the
4 respondent that are surrendered, in plain sight, or discovered
5 pursuant to a lawful search. If the order is entered in open court
6 and the respondent appears in person, the respondent must be provided
7 a copy and further service is not required. If the respondent refuses
8 to accept a copy, an agent of the court may indicate on the record
9 that the respondent refused to accept a copy of the order. If the
10 respondent appears remotely for the hearing, or leaves the hearing
11 before a final ruling is issued or order signed, and the court
12 believes the respondent has sufficient notice such that additional
13 service is not necessary, the order must recite that the respondent
14 appeared before the court, has actual notice of the order, the
15 necessity for further service is waived, and proof of service of the
16 order is not necessary. The court shall enter the service and receipt
17 into the record. A copy of the order and service must be transmitted
18 immediately to law enforcement. The respondent must immediately
19 surrender all firearms and any concealed pistol license and permit to
20 purchase firearms, not previously surrendered, in a safe manner to
21 the control of the local law enforcement agency on the day of the
22 hearing at which the respondent was present in person or remotely. If
23 the respondent is in custody, arrangements to recover the firearms
24 must be made prior to release. Alternatively, if personal service by
25 a law enforcement officer is not possible, and the respondent did not
26 appear in person or remotely at the hearing, the respondent shall
27 surrender the firearms in a safe manner to the control of the local
28 law enforcement agency within 24 hours of being served with the order
29 by alternate service.

30 (3) At the time of surrender, a law enforcement officer taking
31 possession of a firearm (~~(or)~~), concealed pistol license, or permit
32 to purchase firearms shall issue a receipt identifying all firearms
33 that have been surrendered and provide a copy of the receipt to the
34 respondent. Within 72 hours after service of the order, the officer
35 serving the order shall file the original receipt with the court and
36 shall ensure that his or her law enforcement agency retains a copy of
37 the receipt. The law enforcement agency shall transfer a surrendered
38 permit to purchase firearms to the Washington state patrol firearms
39 background check program.

1 (4) Upon the sworn statement or testimony of the petitioner or of
2 any law enforcement officer alleging that the respondent has failed
3 to comply with the surrender of firearms as required by an order
4 issued under this chapter, the court shall determine whether probable
5 cause exists to believe that the respondent has failed to surrender
6 all firearms in his or her possession, custody, or control. If
7 probable cause for a violation of the order exists, the court shall
8 issue a warrant describing the firearms and authorizing a search of
9 the locations where the firearms are reasonably believed to be and
10 the seizure of any firearms discovered pursuant to such search.

11 (5) If a person other than the respondent claims title to any
12 firearms surrendered pursuant to this section, and that person is
13 determined by the law enforcement agency to be the lawful owner of
14 the firearm, the firearm must be returned to that person, provided
15 that:

16 (a) The firearm is removed from the respondent's custody,
17 control, or possession, and the lawful owner provides written
18 verification to the court regarding how the lawful owner will safely
19 store the firearm in a manner such that the respondent does not have
20 access to, or control of, the firearm for the duration of the order;

21 (b) The court advises the lawful owner of the penalty for failure
22 to do so; and

23 (c) The firearm is not otherwise unlawfully possessed by the
24 owner.

25 (6) Upon the issuance of a one-year extreme risk protection
26 order, the court shall order a new compliance review hearing date and
27 require the respondent to appear not later than three judicial days
28 from the issuance of the order. The court shall require a showing
29 that the respondent has surrendered any firearms in the respondent's
30 custody, control, or possession, and any concealed pistol license
31 issued under RCW 9.41.070 and permit to purchase firearms issued
32 under section 2 of this act, to a law enforcement agency. The
33 compliance review hearing is not required upon a satisfactory showing
34 on which the court can otherwise enter findings on the record that
35 the respondent has timely and completely surrendered all firearms in
36 the respondent's custody, control, or possession, and any concealed
37 pistol license issued under RCW 9.41.070 and permit to purchase
38 firearms issued under section 2 of this act, to a law enforcement
39 agency, and is in compliance with the order. If the court does not
40 have a sufficient record before it on which to make such a finding,

1 the court must set a review hearing to occur as soon as possible, at
2 which the respondent must be present and provide proof of compliance
3 with the court's order.

4 (7) (a) If a court finds at the compliance review hearing, or any
5 other hearing where compliance with the order is addressed, that
6 there is probable cause to believe the respondent was aware of, and
7 failed to fully comply with, the order, failed to appear at the
8 compliance review hearing, or violated the order after the court
9 entered findings of compliance, pursuant to its authority under
10 chapter 7.21 RCW, the court may initiate a contempt proceeding on its
11 own motion, or upon the motion of the prosecutor, city attorney, or
12 the petitioner's counsel, to impose remedial sanctions, and issue an
13 order requiring the respondent to appear, provide proof of compliance
14 with the order, and show cause why the respondent should not be held
15 in contempt of court.

16 (b) If the respondent is not present in court at the compliance
17 review hearing or if the court issues an order to appear and show
18 cause after a compliance review hearing, the clerk of the court shall
19 electronically transmit a copy of the order to show cause to the law
20 enforcement agency where the respondent resides for personal service
21 or service in the manner provided in the civil rules of superior
22 court or applicable statute.

23 (c) The order to show cause served upon the respondent shall
24 state the date, time, and location of the hearing, and shall include
25 a warning that the respondent may be held in contempt of court if the
26 respondent fails to promptly comply with the terms of the extreme
27 risk protection order and a warning that an arrest warrant could be
28 issued if the respondent fails to appear on the date and time
29 provided in the order to show cause.

30 (d) (i) At the show cause hearing, the respondent must be present
31 and provide proof of compliance with the extreme risk protection
32 order and demonstrate why the relief requested should not be granted.

33 (ii) The court shall take judicial notice of the receipt filed
34 with the court by the law enforcement agency pursuant to subsection
35 (3) of this section. The court shall also provide sufficient notice
36 to the law enforcement agency of the hearing. Upon receiving notice
37 pursuant to this subsection, a law enforcement agency must:

38 (A) Provide the court with a complete list of firearms
39 surrendered by the respondent or otherwise belonging to the

1 respondent that are in the possession of the law enforcement agency;
2 and

3 (B) Provide the court with verification that any concealed pistol
4 license and permit to purchase firearms issued to the respondent has
5 been surrendered, and that a law enforcement agency with authority to
6 revoke the concealed pistol license has been notified, and that the
7 Washington state patrol firearms background check program has been
8 notified of the surrender of a permit to purchase firearms.

9 (iii) If the law enforcement agency has a reasonable suspicion
10 that the respondent is not in full compliance with the terms of the
11 order, the law enforcement agency must submit the basis for its
12 belief to the court, and may do so through the filing of an
13 affidavit.

14 (e) If the court finds the respondent in contempt, the court may
15 impose remedial sanctions designed to ensure swift compliance with
16 the order to surrender and prohibit weapons.

17 (f) The court may order a respondent found in contempt of the
18 order to pay for any losses incurred by a party in connection with
19 the contempt proceeding, including reasonable attorneys' fees,
20 service fees, and other costs. The costs of the proceeding must not
21 be borne by the petitioner.

22 (8) (a) To help ensure that accurate and comprehensive information
23 about firearms compliance is provided to judicial officers, a
24 representative from either the prosecuting attorney's office or city
25 attorney's office, or both, from the relevant jurisdiction may appear
26 and be heard at any hearing that concerns compliance with an extreme
27 risk protection order.

28 (b) Either the prosecuting attorney's office or city attorney's
29 office, or both, from the relevant jurisdiction may designate an
30 advocate or a staff person from their office who is not an attorney
31 to appear on behalf of their office. Such appearance does not
32 constitute the unauthorized practice of law.

33 (9) (a) An extreme risk protection order must state that the act
34 of voluntarily surrendering firearms, or providing testimony relating
35 to the surrender of firearms, pursuant to such an order, may not be
36 used against the respondent in any criminal prosecution under this
37 chapter, chapter 9.41 RCW, or RCW 9A.56.310.

38 (b) To provide relevant information to the court to determine
39 compliance with the order, the court may allow the prosecuting

1 attorney or city attorney to question the respondent regarding
2 compliance.

3 (10) All law enforcement agencies must develop and implement
4 policies and procedures regarding the acceptance, storage, and return
5 of firearms required to be surrendered under this chapter. Any
6 surrendered firearms must be handled and stored properly to prevent
7 damage or degradation in appearance or function, and the condition of
8 the surrendered firearms documented, including by digital photograph.
9 A law enforcement agency holding any surrendered firearm or concealed
10 pistol license shall comply with the provisions of RCW 9.41.340 and
11 9.41.345 before the return of the firearm or concealed pistol license
12 to the owner or individual from whom it was obtained.

13 **Sec. 31.** RCW 7.105.350 and 2021 c 215 s 47 are each amended to
14 read as follows:

15 (1) The clerk of the court shall enter any extreme risk
16 protection order, including temporary extreme risk protection orders,
17 issued under this chapter into a statewide judicial information
18 system on the same day such order is issued, if possible, but no
19 later than the next judicial day.

20 (2) A copy of an extreme risk protection order granted under this
21 chapter, including temporary extreme risk protection orders, must be
22 forwarded immediately by the clerk of the court, by electronic means
23 if possible, to the law enforcement agency specified in the order.
24 Upon receipt of the order, the law enforcement agency shall
25 immediately enter the order into the national instant criminal
26 background check system, any other federal or state computer-based
27 systems used by law enforcement or others to identify prohibited
28 purchasers of firearms, and any computer-based criminal intelligence
29 information system available in this state used by law enforcement
30 agencies to list outstanding warrants. The order must remain in each
31 system for the period stated in the order, and the law enforcement
32 agency shall only expunge orders from the systems that have expired
33 or terminated. Entry into the computer-based criminal intelligence
34 information system constitutes notice to all law enforcement agencies
35 of the existence of the order. The order is fully enforceable in any
36 county in the state.

37 (3) The information entered into the computer-based criminal
38 intelligence information system must include notice to law

1 enforcement whether the order was personally served, served by
2 electronic means, served by publication, or served by mail.

3 (4) If a law enforcement agency receives a protection order for
4 entry or service, but the order falls outside the agency's
5 jurisdiction, the agency may enter and serve the order or may
6 immediately forward it to the appropriate law enforcement agency for
7 entry and service, and shall provide documentation back to the court
8 verifying which law enforcement agency has entered and will serve the
9 order.

10 (5) The issuing court shall, within three judicial days after the
11 issuance of any extreme risk protection order, including a temporary
12 extreme risk protection order, forward a copy of the respondent's
13 driver's license or identicard, or comparable information, along with
14 the date of order issuance, to the department of licensing and the
15 Washington state patrol firearms background check program. Upon
16 receipt of the information, the department of licensing shall
17 determine if the respondent has a concealed pistol license. If the
18 respondent does have a concealed pistol license, the department of
19 licensing shall immediately notify a law enforcement agency that the
20 court has directed the revocation of the license. The law enforcement
21 agency, upon receipt of such notification, shall immediately revoke
22 the license. Upon receipt of the information, the Washington state
23 patrol firearms background check program shall determine if the
24 respondent has a permit to purchase firearms. If the respondent does
25 have a permit to purchase firearms, the Washington state patrol
26 firearms background check program shall immediately revoke the
27 permit.

28 (6) If an extreme risk protection order is terminated before its
29 expiration date, the clerk of the court shall forward on the same day
30 a copy of the termination order to the department of licensing and
31 the law enforcement agency specified in the termination order. Upon
32 receipt of the order, the law enforcement agency shall promptly
33 remove the order from any computer-based system in which it was
34 entered pursuant to subsection (2) of this section.

35 **Sec. 32.** RCW 7.105.570 and 2021 c 215 s 69 are each amended to
36 read as follows:

37 This chapter does not affect the ability of a law enforcement
38 officer to remove a firearm ((~~or~~)), concealed pistol license, or

1 permit to purchase firearms from any person or to conduct any search
2 and seizure for firearms pursuant to other lawful authority.

3 **Sec. 33.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to
4 read as follows:

5 A police officer having probable cause to believe that a person
6 has committed or is committing a felony shall have the authority to
7 arrest the person without a warrant. A police officer may arrest a
8 person without a warrant for committing a misdemeanor or gross
9 misdemeanor only when the offense is committed in the presence of an
10 officer, except as provided in subsections (1) through (11) of this
11 section.

12 (1) Any police officer having probable cause to believe that a
13 person has committed or is committing a misdemeanor or gross
14 misdemeanor, involving physical harm or threats of harm to any person
15 or property or the unlawful taking of property or involving the use
16 or possession of cannabis, or involving the acquisition, possession,
17 or consumption of alcohol by a person under the age of twenty-one
18 years under RCW 66.44.270, or involving criminal trespass under RCW
19 9A.52.070 or 9A.52.080, shall have the authority to arrest the
20 person.

21 (2) A police officer shall arrest and take into custody, pending
22 release on bail, personal recognizance, or court order, a person
23 without a warrant when the officer has probable cause to believe
24 that:

25 (a) A domestic violence protection order, a sexual assault
26 protection order, a stalking protection order, or a vulnerable adult
27 protection order has been issued, of which the person has knowledge,
28 under chapter 7.105 RCW, or an order has been issued, of which the
29 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,
30 9A.88, 10.99, 26.09, 26.10, 26.26A, 26.26B, or 74.34 RCW, or any of
31 the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person
32 and the person has violated the terms of the order restraining the
33 person from acts or threats of violence, or restraining the person
34 from going onto the grounds of, or entering, a residence, workplace,
35 school, or day care, or prohibiting the person from knowingly coming
36 within, or knowingly remaining within, a specified distance of a
37 location, a protected party's person, or a protected party's vehicle,
38 or, in the case of an order issued under RCW 26.44.063, imposing any
39 other restrictions or conditions upon the person;

1 (b) An extreme risk protection order has been issued against the
2 person under chapter 7.105 RCW or former RCW 7.94.040, the person has
3 knowledge of the order, and the person has violated the terms of the
4 order prohibiting the person from having in his or her custody or
5 control, purchasing, possessing, accessing, or receiving a firearm
6 (~~(e)~~), concealed pistol license, or permit to purchase firearms;

7 (c) A foreign protection order, as defined in RCW 26.52.010, or a
8 Canadian domestic violence protection order, as defined in RCW
9 26.55.010, has been issued of which the person under restraint has
10 knowledge and the person under restraint has violated a provision of
11 the foreign protection order or the Canadian domestic violence
12 protection order prohibiting the person under restraint from
13 contacting or communicating with another person, or excluding the
14 person under restraint from a residence, workplace, school, or day
15 care, or prohibiting the person from knowingly coming within, or
16 knowingly remaining within, a specified distance of a location, a
17 protected party's person, or a protected party's vehicle, or a
18 violation of any provision for which the foreign protection order or
19 the Canadian domestic violence protection order specifically
20 indicates that a violation will be a crime; or

21 (d) The person is eighteen years or older and within the
22 preceding four hours has assaulted a family or household member or
23 intimate partner as defined in RCW 10.99.020 and the officer
24 believes: (i) A felonious assault has occurred; (ii) an assault has
25 occurred which has resulted in bodily injury to the victim, whether
26 the injury is observable by the responding officer or not; or (iii)
27 that any physical action has occurred which was intended to cause
28 another person reasonably to fear imminent serious bodily injury or
29 death. Bodily injury means physical pain, illness, or an impairment
30 of physical condition. When the officer has probable cause to believe
31 that family or household members or intimate partners have assaulted
32 each other, the officer is not required to arrest both persons. The
33 officer shall arrest the person whom the officer believes to be the
34 primary physical aggressor. In making this determination, the officer
35 shall make every reasonable effort to consider: (A) The intent to
36 protect victims of domestic violence under RCW 10.99.010; (B) the
37 comparative extent of injuries inflicted or serious threats creating
38 fear of physical injury; and (C) the history of domestic violence of
39 each person involved, including whether the conduct was part of an
40 ongoing pattern of abuse.

1 (3) Any police officer having probable cause to believe that a
2 person has committed or is committing a violation of any of the
3 following traffic laws shall have the authority to arrest the person:

4 (a) RCW 46.52.010, relating to duty on striking an unattended car
5 or other property;

6 (b) RCW 46.52.020, relating to duty in case of injury to, or
7 death of, a person or damage to an attended vehicle;

8 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
9 racing of vehicles;

10 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
11 influence of intoxicating liquor or drugs;

12 (e) RCW 46.61.503 or 46.25.110, relating to persons having
13 alcohol or THC in their system;

14 (f) RCW 46.20.342, relating to driving a motor vehicle while
15 operator's license is suspended or revoked;

16 (g) RCW 46.61.5249, relating to operating a motor vehicle in a
17 negligent manner.

18 (4) A law enforcement officer investigating at the scene of a
19 motor vehicle accident may arrest the driver of a motor vehicle
20 involved in the accident if the officer has probable cause to believe
21 that the driver has committed, in connection with the accident, a
22 violation of any traffic law or regulation.

23 (5) (a) A law enforcement officer investigating at the scene of a
24 motor vessel accident may arrest the operator of a motor vessel
25 involved in the accident if the officer has probable cause to believe
26 that the operator has committed, in connection with the accident, a
27 criminal violation of chapter 79A.60 RCW.

28 (b) A law enforcement officer investigating at the scene of a
29 motor vessel accident may issue a citation for an infraction to the
30 operator of a motor vessel involved in the accident if the officer
31 has probable cause to believe that the operator has committed, in
32 connection with the accident, a violation of any boating safety law
33 of chapter 79A.60 RCW.

34 (6) Any police officer having probable cause to believe that a
35 person has committed or is committing a violation of RCW 79A.60.040
36 shall have the authority to arrest the person.

37 (7) An officer may act upon the request of a law enforcement
38 officer, in whose presence a traffic infraction was committed, to
39 stop, detain, arrest, or issue a notice of traffic infraction to the
40 driver who is believed to have committed the infraction. The request

1 by the witnessing officer shall give an officer the authority to take
2 appropriate action under the laws of the state of Washington.

3 (8) Any police officer having probable cause to believe that a
4 person has committed or is committing any act of indecent exposure,
5 as defined in RCW 9A.88.010, may arrest the person.

6 (9) A police officer may arrest and take into custody, pending
7 release on bail, personal recognizance, or court order, a person
8 without a warrant when the officer has probable cause to believe that
9 an antiharassment protection order has been issued of which the
10 person has knowledge under chapter 7.105 RCW or former chapter 10.14
11 RCW and the person has violated the terms of that order.

12 (10) Any police officer having probable cause to believe that a
13 person has, within twenty-four hours of the alleged violation,
14 committed a violation of RCW 9A.50.020 may arrest such person.

15 (11) A police officer having probable cause to believe that a
16 person illegally possesses or illegally has possessed a firearm or
17 other dangerous weapon on private or public elementary or secondary
18 school premises shall have the authority to arrest the person.

19 For purposes of this subsection, the term "firearm" has the
20 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has
21 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

22 (12) A law enforcement officer having probable cause to believe
23 that a person has committed a violation under RCW 77.15.160(5) may
24 issue a citation for an infraction to the person in connection with
25 the violation.

26 (13) A law enforcement officer having probable cause to believe
27 that a person has committed a criminal violation under RCW 77.15.809
28 or 77.15.811 may arrest the person in connection with the violation.

29 (14) Except as specifically provided in subsections (2), (3),
30 (4), and (7) of this section, nothing in this section extends or
31 otherwise affects the powers of arrest prescribed in Title 46 RCW.

32 (15) No police officer may be held criminally or civilly liable
33 for making an arrest pursuant to subsection (2) or (9) of this
34 section if the police officer acts in good faith and without malice.

35 (16)(a) Except as provided in (b) of this subsection, a police
36 officer shall arrest and keep in custody, until release by a judicial
37 officer on bail, personal recognizance, or court order, a person
38 without a warrant when the officer has probable cause to believe that
39 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
40 local ordinance and the police officer: (i) Has knowledge that the

1 person has a prior offense as defined in RCW 46.61.5055 within ten
2 years; or (ii) has knowledge, based on a review of the information
3 available to the officer at the time of arrest, that the person is
4 charged with or is awaiting arraignment for an offense that would
5 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
6 conviction.

7 (b) A police officer is not required to keep in custody a person
8 under (a) of this subsection if the person requires immediate medical
9 attention and is admitted to a hospital.

10 **Sec. 34.** RCW 10.99.030 and 2019 c 367 s 1 and 2019 c 110 s 2 are
11 each reenacted and amended to read as follows:

12 (1) The primary duty of peace officers, when responding to a
13 domestic violence situation, is to enforce the laws allegedly
14 violated and to protect the complaining party.

15 (2) (a) When a peace officer responds to a domestic violence call
16 and has probable cause to believe that a crime has been committed,
17 the peace officer shall exercise arrest powers with reference to the
18 criteria in RCW 10.31.100. The officer shall notify the victim of the
19 victim's right to initiate a criminal proceeding in all cases where
20 the officer has not exercised arrest powers or decided to initiate
21 criminal proceedings by citation or otherwise. The parties in such
22 cases shall also be advised of the importance of preserving evidence.

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

26 (3) (a) A peace officer who responds to a domestic violence call
27 and has probable cause to believe that a crime has been committed
28 shall:

29 (i) Seize all firearms and ammunition the peace officer has
30 reasonable grounds to believe were used or threatened to be used in
31 the commission of the offense;

32 (ii) Seize all firearms in plain sight or discovered pursuant to
33 a lawful search; and

34 (iii) Request consent to take temporary custody of any other
35 firearms and ammunition to which the alleged abuser has access until
36 a judicial officer has heard the matter.

37 (b) The peace officer shall separate the parties and then inquire
38 of the victim: (i) If there are any firearms or ammunition in the
39 home that are owned or possessed by either party; (ii) if the alleged

1 abuser has access to any other firearms located off-site; and (iii)
2 whether the alleged abuser has an active concealed pistol license or
3 permit to purchase firearms, so that there is a complete record for
4 future court proceedings. The inquiry should make clear to the victim
5 that the peace officer is not asking only about whether a firearm was
6 used at the time of the incident but also under other circumstances,
7 such as whether the alleged abuser has kept a firearm in plain sight
8 in a manner that is coercive, has threatened use of firearms in the
9 past, or has additional firearms in a vehicle or other location. Law
10 enforcement personnel may use a pictorial display of common firearms
11 to assist the victim in identifying firearms.

12 (c) The peace officer shall document all information about
13 firearms (~~and~~), concealed pistol licenses, and permits to purchase
14 firearms in the incident report. The incident report must be coded to
15 indicate the presence of or access to firearms so that personal
16 recognizance screeners, prosecutors, and judicial officers address
17 the heightened risk to victim, family, and peace officer safety due
18 to the alleged abuser's access to firearms.

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

23 (4) When a peace officer responds to a domestic violence call:

24 (a) The officer shall advise victims of all reasonable means to
25 prevent further abuse, including advising each person of the
26 availability of a shelter or other services in the community, and
27 giving each person immediate notice of the legal rights and remedies
28 available. The notice shall include handing each person a copy of the
29 following statement:

30 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
31 city or county prosecuting attorney to file a criminal
32 complaint. You also have the right to file a petition in
33 superior, district, or municipal court requesting an order
34 for protection from domestic abuse which could include any of
35 the following: (a) An order restraining your abuser from
36 further acts of abuse; (b) an order directing your abuser to
37 leave your household; (c) an order preventing your abuser
38 from entering your residence, school, business, or place of
39 employment; (d) an order awarding you or the other parent

1 custody of or visitation with your minor child or children;
2 (e) an order restraining your abuser from molesting or
3 interfering with minor children in your custody; and (f) an
4 order requiring your abuser to turn in any firearms (~~and~~),
5 concealed pistol license, and permit to purchase firearms
6 the abuser's possession or control to law enforcement and
7 prohibiting the abuser from possessing or accessing firearms
8 or a concealed pistol license or permit to purchase firearms
9 for the duration of the civil order. The forms you need to
10 obtain a protection order are available in any municipal,
11 district, or superior court.

12 Information about shelters and alternatives to domestic
13 violence is available from a statewide twenty-four-hour toll-
14 free hotline at (include appropriate phone number). The
15 battered women's shelter and other resources in your area
16 are (include local information)"; and

17 (b) The officer is encouraged to inform victims that information
18 on traumatic brain injury can be found on the statewide website
19 developed under RCW 74.31.070.

20 (5) The peace officer may offer, arrange, or facilitate
21 transportation for the victim to a hospital for treatment of injuries
22 or to a place of safety or shelter.

23 (6) An appointed or elected public official, public employee, or
24 public agency as defined in RCW 4.24.470, or units of local
25 government and its employees, as provided in RCW 36.28A.010, are
26 immune from civil liability for damages arising out of the seizure or
27 lack of seizure of a firearm, unless it is shown that the official,
28 employee, or agency acted with gross negligence or in bad faith.

29 **Sec. 35.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to
30 read as follows:

31 (1) All training relating to the handling of domestic violence
32 complaints by law enforcement officers must stress enforcement of
33 criminal laws in domestic situations, availability of community
34 resources, and protection of the victim. Law enforcement agencies and
35 community organizations with expertise in the issue of domestic
36 violence shall cooperate in all aspects of such training.

37 (2) The criminal justice training commission shall implement by
38 July 28, 2019, a course of instruction for the training of law

1 enforcement officers in Washington in the handling of domestic
2 violence complaints. The basic law enforcement curriculum of the
3 criminal justice training commission must include at least twenty
4 hours of basic training instruction on the law enforcement response
5 to domestic violence. The course of instruction, the learning and
6 performance objectives, and the standards for the training must be
7 developed by the commission and focus on enforcing the criminal laws,
8 safety of the victim, and holding the perpetrator accountable for the
9 violence. The curriculum must include training on the extent and
10 prevalence of domestic violence, the importance of criminal justice
11 intervention, techniques for responding to incidents that minimize
12 the likelihood of officer injury and that promote victim safety,
13 investigation and interviewing skills, evidence gathering and report
14 writing, assistance to and services for victims and children,
15 understanding the risks of traumatic brain injury posed by domestic
16 violence, verification and enforcement of court orders, liability,
17 and any additional provisions that are necessary to carry out the
18 intention of this subsection.

19 (3) The criminal justice training commission shall develop and
20 update annually an in-service training program to familiarize law
21 enforcement officers with domestic violence laws. The program must
22 include techniques for handling incidents of domestic violence that
23 minimize the likelihood of injury to the officer and that promote the
24 safety of all parties. The commission shall make the training program
25 available to all law enforcement agencies in the state.

26 (4) Development of the training in subsections (2) and (3) of
27 this section must be conducted in conjunction with agencies having a
28 primary responsibility for serving victims of domestic violence with
29 emergency shelter and other services, and representatives to the
30 statewide organization providing training and education to these
31 organizations and to the general public.

32 **Sec. 36.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to
33 read as follows:

34 (1) Because of the serious nature of domestic violence, the court
35 in domestic violence actions:

36 (a) Shall not dismiss any charge or delay disposition because of
37 concurrent dissolution or other civil proceedings;

38 (b) Shall not require proof that either party is seeking a
39 dissolution of marriage prior to instigation of criminal proceedings;

1 (c) Shall waive any requirement that the victim's location be
2 disclosed to any person, other than the attorney of a criminal
3 defendant, upon a showing that there is a possibility of further
4 violence: PROVIDED, That the court may order a criminal defense
5 attorney not to disclose to his or her client the victim's location;
6 and

7 (d) Shall identify by any reasonable means on docket sheets those
8 criminal actions arising from acts of domestic violence.

9 (2)(a) Because of the likelihood of repeated violence directed at
10 those who have been victims of domestic violence in the past, when
11 any person charged with or arrested for a crime involving domestic
12 violence is released from custody before arraignment or trial on bail
13 or personal recognizance, the court authorizing the release may
14 prohibit that person from having any contact with the victim. The
15 jurisdiction authorizing the release shall determine whether that
16 person should be prohibited from having any contact with the victim.
17 If there is no outstanding restraining or protective order
18 prohibiting that person from having contact with the victim, the
19 court authorizing release may issue, by telephone, a no-contact order
20 prohibiting the person charged or arrested from having contact with
21 the victim or from knowingly coming within, or knowingly remaining
22 within, a specified distance of a location.

23 (b) In issuing the order, the court shall consider the provisions
24 of RCW 9.41.800, and shall order the defendant to surrender, and
25 prohibit the person from possessing, all firearms, dangerous weapons,
26 and any concealed pistol license and permit to purchase firearms as
27 required in RCW 9.41.800.

28 (c) The no-contact order shall also be issued in writing as soon
29 as possible, and shall state that it may be extended as provided in
30 subsection (3) of this section. By January 1, 2011, the
31 administrative office of the courts shall develop a pattern form for
32 all no-contact orders issued under this chapter. A no-contact order
33 issued under this chapter must substantially comply with the pattern
34 form developed by the administrative office of the courts.

35 (3)(a) At the time of arraignment the court shall determine
36 whether a no-contact order shall be issued or extended. So long as
37 the court finds probable cause, the court may issue or extend a no-
38 contact order even if the defendant fails to appear at arraignment.
39 The no-contact order shall terminate if the defendant is acquitted or
40 the charges are dismissed.

1 (b) In issuing the order, the court shall consider all
2 information documented in the incident report concerning the person's
3 possession of and access to firearms and whether law enforcement took
4 temporary custody of firearms at the time of the arrest. The court
5 may as a condition of release prohibit the defendant from possessing
6 or accessing firearms and order the defendant to immediately
7 surrender all firearms and any concealed pistol license and permit to
8 purchase firearms to a law enforcement agency upon release.

9 (c) If a no-contact order is issued or extended, the court may
10 also include in the conditions of release a requirement that the
11 defendant submit to electronic monitoring as defined in RCW
12 9.94A.030. If electronic monitoring is ordered, the court shall
13 specify who shall provide the monitoring services, and the terms
14 under which the monitoring shall be performed. Upon conviction, the
15 court may require as a condition of the sentence that the defendant
16 reimburse the providing agency for the costs of the electronic
17 monitoring.

18 (4)(a) Willful violation of a court order issued under subsection
19 (2), (3), or (7) of this section is punishable under RCW 7.105.450.

20 (b) The written order releasing the person charged or arrested
21 shall contain the court's directives and shall bear the legend:
22 "Violation of this order is a criminal offense under chapter 7.105
23 RCW and will subject a violator to arrest; any assault, drive-by
24 shooting, or reckless endangerment that is a violation of this order
25 is a felony. You can be arrested even if any person protected by the
26 order invites or allows you to violate the order's prohibitions. You
27 have the sole responsibility to avoid or refrain from violating the
28 order's provisions. Only the court can change the order."

29 (c) A certified copy of the order shall be provided to the
30 victim.

31 (5) If a no-contact order has been issued prior to charging, that
32 order shall expire at arraignment or within seventy-two hours if
33 charges are not filed.

34 (6) Whenever a no-contact order is issued, modified, or
35 terminated under subsection (2) or (3) of this section, the clerk of
36 the court shall forward a copy of the order on or before the next
37 judicial day to the appropriate law enforcement agency specified in
38 the order. Upon receipt of the copy of the order the law enforcement
39 agency shall enter the order for one year or until the expiration
40 date specified on the order into any computer-based criminal

1 intelligence information system available in this state used by law
2 enforcement agencies to list outstanding warrants. Entry into the
3 computer-based criminal intelligence information system constitutes
4 notice to all law enforcement agencies of the existence of the order.
5 The order is fully enforceable in any jurisdiction in the state. Upon
6 receipt of notice that an order has been terminated under subsection
7 (3) of this section, the law enforcement agency shall remove the
8 order from the computer-based criminal intelligence information
9 system.

10 (7) All courts shall develop policies and procedures by January
11 1, 2011, to grant victims a process to modify or rescind a no-contact
12 order issued under this chapter. The administrative office of the
13 courts shall develop a model policy to assist the courts in
14 implementing the requirements of this subsection.

15 **Sec. 37.** RCW 11.130.257 and 2021 c 215 s 125 are each amended to
16 read as follows:

17 (1) In a proceeding under this chapter either party may file a
18 motion for temporary support of children entitled to support. The
19 motion shall be accompanied by an affidavit setting forth the factual
20 basis for the motion and the amount requested.

21 (2) In a proceeding under this chapter either party may file a
22 motion for a temporary restraining order or preliminary injunction,
23 providing relief proper in the circumstances, and restraining or
24 enjoining another party from:

25 (a) Molesting or disturbing the peace of the other party or of
26 any child;

27 (b) Entering the family home or the home of the other party upon
28 a showing of the necessity therefor;

29 (c) Knowingly coming within, or knowingly remaining within, a
30 specified distance from a specified location; and

31 (d) Removing a child from the jurisdiction of the court.

32 (3) Either party may request a domestic violence protection order
33 or an antiharassment protection order under chapter 7.105 RCW on a
34 temporary basis by filing an appropriate separate civil cause of
35 action. The petitioner shall inform the court of the existence of the
36 action under this title. The court shall set all future protection
37 hearings on the guardianship calendar to be heard concurrent with the
38 action under this title and the clerk shall relate the cases in the
39 case management system. The court may grant any of the relief

1 provided in RCW 7.105.310 except relief pertaining to residential
2 provisions for the children which provisions shall be provided for
3 under this chapter. Ex parte orders issued under this subsection
4 shall be effective for a fixed period not to exceed fourteen days, or
5 upon court order, not to exceed twenty-four days if necessary to
6 ensure that all temporary motions in the case can be heard at the
7 same time.

8 (4) In issuing the order, the court shall consider the provisions
9 of RCW 9.41.800, and shall order the respondent to surrender, and
10 prohibit the respondent from possessing, all firearms, dangerous
11 weapons, and any concealed pistol license and permit to purchase
12 firearms as required in RCW 9.41.800. Such orders may only be made in
13 the civil protection case related to the action under this title.

14 (5) The court may issue a temporary restraining order without
15 requiring notice to the other party only if it finds on the basis of
16 the moving affidavit or other evidence that irreparable injury could
17 result if an order is not issued until the time for responding has
18 elapsed.

19 (6) The court may issue a temporary restraining order or
20 preliminary injunction and an order for temporary support in such
21 amounts and on such terms as are just and proper in the
22 circumstances.

23 (7) A temporary order, temporary restraining order, or
24 preliminary injunction:

25 (a) Does not prejudice the rights of a party or any child which
26 are to be adjudicated at subsequent hearings in the proceeding;

27 (b) May be revoked or modified;

28 (c) Terminates when the final order is entered or when the motion
29 is dismissed;

30 (d) May be entered in a proceeding for the modification of an
31 existing order.

32 (8) A support debt owed to the state for public assistance
33 expenditures which has been charged against a party pursuant to RCW
34 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
35 extinguished by, the final decree or order, unless the office of
36 support enforcement has been given notice of the final proceeding and
37 an opportunity to present its claim for the support debt to the court
38 and has failed to file an affidavit as provided in this subsection.
39 Notice of the proceeding shall be served upon the office of support
40 enforcement personally, or by certified mail, and shall be given no

1 fewer than thirty days prior to the date of the final proceeding. An
2 original copy of the notice shall be filed with the court either
3 before service or within a reasonable time thereafter. The office of
4 support enforcement may present its claim, and thereby preserve the
5 support debt, by filing an affidavit setting forth the amount of the
6 debt with the court, and by mailing a copy of the affidavit to the
7 parties or their attorney prior to the date of the final proceeding.

8 **Sec. 38.** RCW 26.09.060 and 2021 c 215 s 133 are each amended to
9 read as follows:

10 (1) In a proceeding for:

11 (a) Dissolution of marriage or domestic partnership, legal
12 separation, or a declaration of invalidity; or

13 (b) Disposition of property or liabilities, maintenance, or
14 support following dissolution of the marriage or the domestic
15 partnership by a court which lacked personal jurisdiction over the
16 absent spouse or absent domestic partner; either party may move for
17 temporary maintenance or for temporary support of children entitled
18 to support. The motion shall be accompanied by an affidavit setting
19 forth the factual basis for the motion and the amounts requested.

20 (2) As a part of a motion for temporary maintenance or support or
21 by independent motion accompanied by affidavit, either party may
22 request the court to issue a temporary restraining order or
23 preliminary injunction, providing relief proper in the circumstances,
24 and restraining or enjoining any person from:

25 (a) Transferring, removing, encumbering, concealing, or in any
26 way disposing of any property except in the usual course of business
27 or for the necessities of life, and, if so restrained or enjoined,
28 requiring him or her to notify the moving party of any proposed
29 extraordinary expenditures made after the order is issued;

30 (b) Molesting or disturbing the peace of the other party or of
31 any child;

32 (c) Going onto the grounds of or entering the home, workplace, or
33 school of the other party or the day care or school of any child upon
34 a showing of the necessity therefor;

35 (d) Knowingly coming within, or knowingly remaining within, a
36 specified distance from a specified location, a protected party's
37 person, or a protected party's vehicle; and

38 (e) Removing a child from the jurisdiction of the court.

1 (3) Either party may request a domestic violence protection order
2 or an antiharassment protection order under chapter 7.105 RCW on a
3 temporary basis. The court may grant any of the relief provided in
4 RCW 7.105.310 except relief pertaining to residential provisions for
5 the children which provisions shall be provided for under this
6 chapter. Ex parte orders issued under this subsection shall be
7 effective for a fixed period not to exceed fourteen days, or upon
8 court order, not to exceed twenty-four days if necessary to ensure
9 that all temporary motions in the case can be heard at the same time.

10 (4) In issuing the order, the court shall consider the provisions
11 of RCW 9.41.800, and shall order the respondent to surrender, and
12 prohibit the respondent from possessing, all firearms, dangerous
13 weapons, and any concealed pistol license and permit to purchase
14 firearms as required in RCW 9.41.800.

15 (5) The court may issue a temporary restraining order without
16 requiring notice to the other party only if it finds on the basis of
17 the moving affidavit or other evidence that irreparable injury could
18 result if an order is not issued until the time for responding has
19 elapsed.

20 (6) The court may issue a temporary restraining order or
21 preliminary injunction and an order for temporary maintenance or
22 support in such amounts and on such terms as are just and proper in
23 the circumstances. The court may in its discretion waive the filing
24 of the bond or the posting of security.

25 (7) Restraining orders issued under this section restraining the
26 person from molesting or disturbing another party, or from going onto
27 the grounds of or entering the home, workplace, or school of the
28 other party or the day care or school of any child, or prohibiting
29 the person from knowingly coming within, or knowingly remaining
30 within, a specified distance of a location, a protected party's
31 person, or a protected party's vehicle, shall prominently bear on the
32 front page of the order the legend: VIOLATION OF THIS ORDER WITH
33 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 7.105
34 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

35 (8) The court shall order that any temporary restraining order
36 bearing a criminal offense legend, any domestic violence protection
37 order, or any antiharassment protection order granted under this
38 section be forwarded by the clerk of the court on or before the next
39 judicial day to the appropriate law enforcement agency specified in
40 the order. Upon receipt of the order, the law enforcement agency

1 shall enter the order into any computer-based criminal intelligence
2 information system available in this state used by law enforcement
3 agencies to list outstanding warrants. Entry into the computer-based
4 criminal intelligence information system constitutes notice to all
5 law enforcement agencies of the existence of the order. The order is
6 fully enforceable in any county in the state.

7 (9) If a restraining order issued pursuant to this section is
8 modified or terminated, the clerk of the court shall notify the law
9 enforcement agency specified in the order on or before the next
10 judicial day. Upon receipt of notice that an order has been
11 terminated, the law enforcement agency shall remove the order from
12 any computer-based criminal intelligence system.

13 (10) A temporary order, temporary restraining order, or
14 preliminary injunction:

15 (a) Does not prejudice the rights of a party or any child which
16 are to be adjudicated at subsequent hearings in the proceeding;

17 (b) May be revoked or modified;

18 (c) Terminates when the final decree is entered, except as
19 provided under subsection (11) of this section, or when the petition
20 for dissolution, legal separation, or declaration of invalidity is
21 dismissed;

22 (d) May be entered in a proceeding for the modification of an
23 existing decree.

24 (11) Delinquent support payments accrued under an order for
25 temporary support remain collectible and are not extinguished when a
26 final decree is entered unless the decree contains specific language
27 to the contrary. A support debt under a temporary order owed to the
28 state for public assistance expenditures shall not be extinguished by
29 the final decree if:

30 (a) The obligor was given notice of the state's interest under
31 chapter 74.20A RCW; or

32 (b) The temporary order directs the obligor to make support
33 payments to the office of support enforcement or the Washington state
34 support registry.

35 **Sec. 39.** RCW 71.05.182 and 2020 c 302 s 21 are each amended to
36 read as follows:

37 (1) A person who under RCW 71.05.150 or 71.05.153 has been
38 detained at a facility for a period of not more than one hundred
39 twenty hours for the purpose of evaluation and treatment on the

1 grounds that the person presents a likelihood of serious harm, but
2 who has not been subsequently committed for involuntary treatment
3 under RCW 71.05.240, may not have in his or her possession or control
4 any firearm for a period of six months after the date that the person
5 is detained.

6 (2) Before the discharge of a person who has been initially
7 detained under RCW 71.05.150 or 71.05.153 on the grounds that the
8 person presents a likelihood of serious harm, but has not been
9 subsequently committed for involuntary treatment under RCW 71.05.240,
10 the designated crisis responder shall inform the person orally and in
11 writing that:

12 (a) He or she is prohibited from possessing or controlling any
13 firearm for a period of six months;

14 (b) He or she must immediately surrender, for the six-month
15 period, any concealed pistol license and permit to purchase firearms
16 and any firearms that the person possesses or controls to the sheriff
17 of the county or the chief of police of the municipality in which the
18 person is domiciled;

19 (c) After the six-month suspension, the person's right to control
20 or possess any firearm (~~(or)~~), concealed pistol license, or permit to
21 purchase firearms shall be automatically restored, absent further
22 restrictions imposed by other law; and

23 (d) Upon discharge, the person may petition the superior court to
24 have his or her right to possess a firearm restored before the six-
25 month suspension period has elapsed by following the procedures
26 provided in RCW 9.41.047(3).

27 (3) The designated crisis responder shall notify the sheriff of
28 the county or the chief of police of the municipality in which the
29 person is domiciled of the six-month suspension.

30 (4) A law enforcement agency holding any firearm that has been
31 surrendered pursuant to this section shall, upon the request of the
32 person from whom it was obtained, return the firearm at the
33 expiration of the six-month suspension period, or prior to the
34 expiration of the six-month period if the person's right to possess
35 firearms has been restored by the court under RCW 9.41.047. The law
36 enforcement agency, prior to returning the firearm, shall verify with
37 the prosecuting attorney's office or designated crisis responders
38 that the person has not been previously or subsequently committed for
39 involuntary treatment under RCW 71.05.240. The law enforcement agency

1 must comply with the provisions of RCW 9.41.345 when returning a
2 firearm pursuant to this section.

3 (5) Any firearm surrendered pursuant to this section that remains
4 unclaimed by the lawful owner shall be disposed of in accordance with
5 the law enforcement agency's policies and procedures for the disposal
6 of firearms in police custody.

7 **Sec. 40.** RCW 72.23.080 and 1994 sp.s. c 7 s 442 are each amended
8 to read as follows:

9 Any person received and detained in a state hospital under
10 chapter 71.34 RCW is deemed a voluntary patient and, except as
11 chapter 9.41 RCW may limit the right of a person to purchase or
12 possess a firearm or to qualify for a concealed pistol license or
13 permit to purchase firearms, shall not suffer a loss of legal
14 competency by reason of his or her application and admission. Upon
15 the admission of a voluntary patient to a state hospital the
16 superintendent shall immediately forward to the department the record
17 of such patient showing the name, address, sex, date of birth, place
18 of birth, occupation, social security number, date of admission, name
19 of nearest relative, and such other information as the department may
20 from time to time require.

21 NEW SECTION. **Sec. 41.** 2019 c 244 s 1 is repealed.

22 NEW SECTION. **Sec. 42.** This act takes effect January 1, 2025.

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