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**SUBSTITUTE SENATE BILL 5360**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Roach, Spanel, M. Rasmussen, Winsley and von Reichbauer)

Read first time 02/11/93.

1 AN ACT Relating to domestic violence; amending RCW 26.50.035 and  
2 10.99.030; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that domestic violence  
5 is a problem of immense proportions affecting individuals as well as  
6 communities. Domestic violence has long been recognized as being at  
7 the core of other major social problems including child abuse, crimes  
8 of violence against person or property, juvenile delinquency, and  
9 alcohol and drug abuse. Domestic violence costs include the loss of  
10 lives as well as millions of dollars each year in the state of  
11 Washington for health care, absence from work, and services to  
12 children. The crisis is growing.

13 While the existing protection order process can be a valuable tool  
14 to increase safety for victims and to hold batterers accountable,  
15 specific problems in its use have become evident. Victims have  
16 difficulty completing the paperwork required particularly if they have  
17 limited English proficiency; model forms have been modified to be  
18 inconsistent with statutory language; different forms create confusion  
19 for law enforcement agencies about the contents and enforceability of

1 orders. Refinements are needed so that victims have the easy, quick,  
2 and effective access to the court system envisioned at the time the  
3 protection order process was first created.

4 Valuable information about the reported incidents of domestic  
5 violence in the state of Washington is unobtainable without gathering  
6 data from all law enforcement agencies. Without this information, it  
7 is difficult for policymakers, funders, and service providers to plan  
8 for the resources and services needed to address the issue.

9 **Sec. 2.** RCW 26.50.035 and 1985 c 303 s 3 are each amended to read  
10 as follows:

11 (1) By July 1, 1994, the administrator for the courts shall develop  
12 and prepare(, in consultation with interested persons, the forms and  
13 instructional)) instructions and informational brochures required under  
14 RCW 26.50.030((+3-)) (4), standard petition and order for protection  
15 forms, and a court staff handbook on domestic violence and the  
16 protection order process. The standard petition and order for  
17 protection forms must be used after September 1, 1994, for all  
18 petitions filed and orders issued under this chapter. The  
19 instructions, brochures, forms, and handbook shall be prepared in  
20 consultation with interested persons, including a representative of the  
21 state domestic violence coalition, judges, and law enforcement  
22 personnel.

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

26 (b) The informational brochure shall describe the use of and the  
27 process for obtaining a protection order, a no-contact order as  
28 provided by RCW 10.99.040, a restraining order as provided by RCW  
29 26.09.060, and an antiharassment protection order as provided by  
30 chapter 10.14 RCW.

31 (c) The order for protection form shall include, in a conspicuous  
32 location, notice of criminal penalties resulting from violation of the  
33 order, notice that the petitioner may not waive a provision of the  
34 order, and notice that it is the sole responsibility of the respondent  
35 to avoid or refrain from violating the provisions of the order.

36 (d) The court staff handbook shall allow for the addition of a  
37 community resource list by court staff.

1       (2) Court staff shall be required to obtain a community resource  
2 list from a domestic violence program, defined in RCW 70.123.020,  
3 serving the county in which the court is located. The community  
4 resource list shall include the names and telephone numbers of domestic  
5 violence programs serving the community in which the court is located,  
6 including law enforcement agencies, domestic violence agencies, sexual  
7 assault agencies, legal assistance programs, interpreters,  
8 multicultural programs, and batterers' treatment programs. The court  
9 shall make the community resource list available as part of or in  
10 addition to the informational brochures described in subsection (1) of  
11 this section.

12       (3) The administrator for the courts shall distribute a master copy  
13 of the petition and order forms ((and instructional brochures to all  
14 court clerks)), instructions, and informational brochures to the staff  
15 of all courts and shall distribute a master copy of the petition and  
16 order forms to all superior, district, and municipal courts.

17       **Sec. 3.** RCW 10.99.030 and 1984 c 263 s 21 are each amended to read  
18 as follows:

19       (1) All training relating to the handling of domestic violence  
20 complaints by law enforcement officers shall stress enforcement of  
21 criminal laws in domestic situations, availability of community  
22 resources, and protection of the victim. Law enforcement agencies and  
23 community organizations with expertise in the issue of domestic  
24 violence shall cooperate in all aspects of such training.

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

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

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

1 (4) When a peace officer responds to a domestic violence call, the  
2 officer shall advise victims of all reasonable means to prevent further  
3 abuse, including advising each person of the availability of a shelter  
4 or other services in the community, and giving each person immediate  
5 notice of the legal rights and remedies available. The notice shall  
6 include handing each person a copy of the following statement:

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

22 Information about shelters and alternatives to domestic  
23 violence is available from a state-wide twenty-four-hour toll-  
24 free hotline at 1-800-562-6025. The battered women's shelter  
25 and other resources in your area are . . . . (include local  
26 information)"

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

30 (6) The law enforcement agency shall forward the offense report to  
31 the appropriate prosecutor within ten days of making such report if  
32 there is probable cause to believe that an offense has been committed,  
33 unless the case is under active investigation.

34 (7) Each law enforcement agency shall make as soon as practicable  
35 a written record and shall maintain records of all incidents of  
36 domestic violence reported to it.

1 (8) Records kept pursuant to subsections (3) and (7) of this  
2 section shall be made identifiable by means of a departmental code for  
3 domestic violence.

4 (9) Commencing January 1, 1994, records of incidents of domestic  
5 violence shall be submitted, in accordance with procedures described in  
6 this subsection, to the Washington association of sheriffs and police  
7 chiefs by all law enforcement agencies. The Washington criminal  
8 justice training commission shall amend its contract for collection of  
9 state-wide crime data with the Washington association of sheriffs and  
10 police chiefs:

11 (a) To include a table, in the annual report of crime in Washington  
12 produced by the Washington association of sheriffs and police chiefs  
13 pursuant to the contract, showing the total number of actual offenses  
14 and the number and percent of the offenses that are domestic violence  
15 incidents for the following crimes: (i) Criminal homicide, with  
16 subtotals for murder and nonnegligent homicide and manslaughter by  
17 negligence; (ii) forcible rape, with subtotals for rape by force and  
18 attempted forcible rape; (iii) robbery, with subtotals for firearm,  
19 knife or cutting instrument, or other dangerous weapon, and strongarm  
20 robbery; (iv) assault, with subtotals for firearm, knife or cutting  
21 instrument, other dangerous weapon, hands, feet, aggravated, and other  
22 nonaggravated assaults; (v) burglary, with subtotals for forcible  
23 entry, nonforcible unlawful entry, and attempted forcible entry; (vi)  
24 larceny theft, except motor vehicle theft; (vii) motor vehicle theft,  
25 with subtotals for autos, trucks and buses, and other vehicles; and  
26 (viii) arson;

27 (b) To require that the table shall continue to be prepared and  
28 contained in the annual report of crime in Washington until that time  
29 as comparable or more detailed information about domestic violence  
30 incidents is available through the Washington state incident based  
31 reporting system and the information is prepared and contained in the  
32 annual report of crime in Washington; and

33 (c) To require that, in consultation with interested persons, the  
34 Washington association of sheriffs and police chiefs prepare and  
35 disseminate procedures to all law enforcement agencies in the state as  
36 to how the agencies shall code and report domestic violence incidents  
37 to the Washington association of sheriffs and police chiefs.

1        NEW SECTION.    **Sec. 4.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

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