
ENGROSSED HOUSE BILL 2472

State of Washington 54th Legislature 1996 Regular Session

By Representatives Lambert, Costa, Conway and Veloria

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1 AN ACT Relating to domestic violence; amending RCW 10.99.020,
2 10.99.030, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.030,
3 26.50.060, 26.50.070, 26.50.100, and 26.50.115; reenacting and amending
4 RCW 10.31.100; and prescribing penalties.

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

6 **Sec. 1.** RCW 10.31.100 and 1995 c 246 s 20, 1995 c 184 s 1, and
7 1995 c 93 s 1 are each reenacted and amended to read as follows:

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

14 (1) Any police officer having probable cause to believe that a
15 person has committed or is committing a misdemeanor or gross
16 misdemeanor, involving physical harm or threats of harm to any person
17 or property or the unlawful taking of property or involving the use or
18 possession of cannabis, or involving the acquisition, possession, or
19 consumption of alcohol by a person under the age of twenty-one years

1 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
2 or 9A.52.080, shall have the authority to arrest the person.

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

6 (a) An order has been issued of which the person has knowledge
7 under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,
8 26.10.115, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW
9 restraining the person and the person has violated the terms of the
10 order restraining the person from acts or threats of violence or
11 ~~((excluding))~~ restraining the person from ((a)) going onto the grounds
12 of or entering the residence, workplace, school, or day care or, in the
13 case of an order issued under RCW 26.44.063, imposing any other
14 restrictions or conditions upon the person; or

15 (b) The person is sixteen years or older and within the preceding
16 four hours has assaulted a family or household member as defined in RCW
17 10.99.020 and the officer believes: (i) A felonious assault has
18 occurred; (ii) an assault has occurred which has resulted in bodily
19 injury to the victim, whether the injury is observable by the
20 responding officer or not; or (iii) that any physical action has
21 occurred which was intended to cause another person reasonably to fear
22 imminent serious bodily injury or death. Bodily injury means physical
23 pain, illness, or an impairment of physical condition. When the
24 officer has probable cause to believe that ~~((spouses, former spouses,~~
25 ~~or other persons who reside together or formerly resided together))~~
26 family or household members have assaulted each other, the officer is
27 not required to arrest both persons. The officer shall arrest the
28 person whom the officer believes to be the primary physical aggressor.
29 In making this determination, the officer shall make every reasonable
30 effort to consider: (i) The intent to protect victims of domestic
31 violence under RCW 10.99.010; (ii) the comparative extent of injuries
32 inflicted or serious threats creating fear of physical injury; and
33 (iii) the history of domestic violence between the persons involved.

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

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

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

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

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

7 (e) RCW 46.20.342, relating to driving a motor vehicle while
8 operator's license is suspended or revoked;

9 (f) RCW 46.61.525, relating to operating a motor vehicle in a
10 negligent manner.

11 (4) A law enforcement officer investigating at the scene of a motor
12 vehicle accident may arrest the driver of a motor vehicle involved in
13 the accident if the officer has probable cause to believe that the
14 driver has committed in connection with the accident a violation of any
15 traffic law or regulation.

16 (5) Any police officer having probable cause to believe that a
17 person has committed or is committing a violation of RCW 88.12.025
18 shall have the authority to arrest the person.

19 (6) An officer may act upon the request of a law enforcement
20 officer in whose presence a traffic infraction was committed, to stop,
21 detain, arrest, or issue a notice of traffic infraction to the driver
22 who is believed to have committed the infraction. The request by the
23 witnessing officer shall give an officer the authority to take
24 appropriate action under the laws of the state of Washington.

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

28 (8) A police officer may arrest and take into custody, pending
29 release on bail, personal recognizance, or court order, a person
30 without a warrant when the officer has probable cause to believe that
31 an order has been issued of which the person has knowledge under
32 chapter 10.14 RCW and the person has violated the terms of that order.

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

36 (10) A police officer having probable cause to believe that a
37 person illegally possesses or illegally has possessed a firearm or
38 other dangerous weapon on private or public elementary or secondary
39 school premises shall have the authority to arrest the person.

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

4 (11) Except as specifically provided in subsections (2), (3), (4),
5 and (6) of this section, nothing in this section extends or otherwise
6 affects the powers of arrest prescribed in Title 46 RCW.

7 (12) No police officer may be held criminally or civilly liable for
8 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
9 officer acts in good faith and without malice.

10 **Sec. 2.** RCW 10.99.020 and 1995 c 246 s 21 are each amended to read
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 (1) "Family or household members" means spouses, former spouses,
15 persons who have a child in common regardless of whether they have been
16 married or have lived together at any time, adult persons related by
17 blood or marriage, adult persons who are presently residing together or
18 who have resided together in the past, persons sixteen years of age or
19 older who are presently residing together or who have resided together
20 in the past and who have or have had a dating relationship, persons
21 sixteen years of age or older with whom a (~~respondent~~) person sixteen
22 years of age or older has or has had a dating relationship, and persons
23 who have a biological or legal parent-child relationship, including
24 stepparents and stepchildren and grandparents and grandchildren.

25 (2) "Dating relationship" has the same meaning as in RCW 26.50.010.

26 (3) "Domestic violence" includes but is not limited to any of the
27 following crimes when committed by one family or household member
28 against another:

29 (a) Assault in the first degree (RCW 9A.36.011);

30 (b) Assault in the second degree (RCW 9A.36.021);

31 (c) Assault in the third degree (RCW 9A.36.031);

32 (d) Assault in the fourth degree (RCW 9A.36.041);

33 (e) Reckless endangerment in the first degree (RCW 9A.36.045);

34 (f) Reckless endangerment in the second degree (RCW 9A.36.050);

35 (g) Coercion (RCW 9A.36.070);

36 (h) Burglary in the first degree (RCW 9A.52.020);

37 (i) Burglary in the second degree (RCW 9A.52.030);

38 (j) Criminal trespass in the first degree (RCW 9A.52.070);

- 1 (k) Criminal trespass in the second degree (RCW 9A.52.080);
2 (l) Malicious mischief in the first degree (RCW 9A.48.070);
3 (m) Malicious mischief in the second degree (RCW 9A.48.080);
4 (n) Malicious mischief in the third degree (RCW 9A.48.090);
5 (o) Kidnapping in the first degree (RCW 9A.40.020);
6 (p) Kidnapping in the second degree (RCW 9A.40.030);
7 (q) Unlawful imprisonment (RCW 9A.40.040);
8 (r) Violation of the provisions of a restraining order restraining
9 the person or (~~excluding~~) restraining the person from going onto the
10 grounds of or entering a residence, workplace, school, or day care (RCW
11 26.09.300, 26.10.220, or 26.26.138);
12 (s) Violation of the provisions of a protection order or no-contact
13 order restraining the person or (~~excluding~~) restraining the person
14 from going onto the grounds of or entering a residence, workplace,
15 school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, or
16 10.99.040);
17 (t) Rape in the first degree (RCW 9A.44.040);
18 (u) Rape in the second degree (RCW 9A.44.050);
19 (v) Residential burglary (RCW 9A.52.025); and
20 (w) Stalking (RCW 9A.46.110).
21 (4) "Victim" means a family or household member who has been
22 subjected to domestic violence.

23 **Sec. 3.** RCW 10.99.030 and 1995 c 246 s 22 are each amended to read
24 as follows:

25 (1) All training relating to the handling of domestic violence
26 complaints by law enforcement officers shall stress enforcement of
27 criminal laws in domestic situations, availability of community
28 resources, and protection of the victim. Law enforcement agencies and
29 community organizations with expertise in the issue of domestic
30 violence shall cooperate in all aspects of such training.

31 (2) The criminal justice training commission shall implement by
32 January 1, 1997, a course of instruction for the training of law
33 enforcement officers in Washington in the handling of domestic violence
34 complaints. The basic law enforcement curriculum of the criminal
35 justice training commission shall include at least twenty hours of
36 basic training instruction on the law enforcement response to domestic
37 violence. The course of instruction, the learning and performance
38 objectives, and the standards for the training shall be developed by

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

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

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

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

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

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

38 (7) When a peace officer responds to a domestic violence call, the
39 officer shall advise victims of all reasonable means to prevent further

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 4.** RCW 10.99.050 and 1991 c 301 s 5 are each amended to read
2 as follows:

3 (1) When a defendant is found guilty of a crime and a condition of
4 the sentence restricts the defendant's ability to have contact with the
5 victim, such condition shall be recorded and a written certified copy
6 of that order shall be provided to the victim.

7 (2) Willful violation of a court order issued under this section is
8 a gross misdemeanor. Any assault that is a violation of an order
9 issued under this section and that does not amount to assault in the
10 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
11 felony, and any conduct in violation of a protective order issued under
12 this section that is reckless and creates a substantial risk of death
13 or serious physical injury to another person is a class C felony. The
14 written order shall contain the court's directives and shall bear the
15 legend: Violation of this order is a criminal offense under chapter
16 10.99 RCW and will subject a violator to arrest; any assault or
17 reckless endangerment that is a violation of this order is a felony.
18 You can be arrested even if any person protected by the order invites
19 or allows you to violate the order's prohibitions. You have the sole
20 responsibility to avoid or refrain from violating the order's
21 provisions. Only the court can change the order.

22 (3) Whenever an order prohibiting contact is issued pursuant to
23 this section, the clerk of the court shall forward a copy of the order
24 on or before the next judicial day to the appropriate law enforcement
25 agency specified in the order. Upon receipt of the copy of the order
26 the law enforcement agency shall forthwith enter the order for one year
27 into any computer-based criminal intelligence information system
28 available in this state used by law enforcement agencies to list
29 outstanding warrants. Entry into the law enforcement information
30 system constitutes notice to all law enforcement agencies of the
31 existence of the order. The order is fully enforceable in any
32 jurisdiction in the state.

33 **Sec. 5.** RCW 26.09.300 and 1995 c 246 s 27 are each amended to read
34 as follows:

35 (1) Whenever a restraining order is issued under this chapter, and
36 the person to be restrained knows of the order, a violation of the
37 provisions restricting the person from acts or threats of violence or
38 of a provision (~~(excluding)~~) restraining the person from going onto the

1 grounds of or entering the residence, workplace, school, or day care of
2 another is a misdemeanor.

3 (2) A person is deemed to have notice of a restraining order if:

4 (a) The person to be restrained or the person's attorney signed the
5 order;

6 (b) The order recites that the person to be restrained or the
7 person's attorney appeared in person before the court;

8 (c) The order was served upon the person to be restrained; or

9 (d) The peace officer gives the person oral or written evidence of
10 the order by reading from it or handing to the person a certified copy
11 of the original order, certified to be an accurate copy of the original
12 by a notary public or by the clerk of the court.

13 (3) A peace officer shall verify the existence of a restraining
14 order by:

15 (a) Obtaining information confirming the existence and terms of the
16 order from a law enforcement agency; or

17 (b) Obtaining a certified copy of the order, certified to be an
18 accurate copy of the original by a notary public or by the clerk of the
19 court.

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

23 (a) A restraining order has been issued under this chapter;

24 (b) The respondent or person to be restrained knows of the order;
25 and

26 (c) The person to be arrested has violated the terms of the order
27 restraining the person from acts or threats of violence or
28 ((excluding)) restraining the person from going onto the grounds of or
29 entering the residence, workplace, school, or day care of another.

30 (5) It is a defense to prosecution under subsection (1) of this
31 section that the court order was issued contrary to law or court rule.

32 (6) No peace officer may be held criminally or civilly liable for
33 making an arrest under subsection (4) of this section if the officer
34 acts in good faith and without malice.

35 **Sec. 6.** RCW 26.10.220 and 1995 c 246 s 30 are each amended to read
36 as follows:

37 (1) Whenever a restraining order is issued under this chapter, and
38 the person to be restrained knows of the order, a violation of the

1 provisions restricting the person from acts or threats of violence or
2 of a provision (~~(excluding)~~) restraining the person from going onto the
3 grounds of or entering the residence, workplace, school, or day care of
4 another is a misdemeanor.

5 (2) A person is deemed to have notice of a restraining order if:

6 (a) The person to be restrained or the person's attorney signed the
7 order;

8 (b) The order recites that the person to be restrained or the
9 person's attorney appeared in person before the court;

10 (c) The order was served upon the person to be restrained; or

11 (d) The peace officer gives the person oral or written evidence of
12 the order by reading from it or handing to the person a certified copy
13 of the original order, certified to be an accurate copy of the original
14 by a notary public or by the clerk of the court.

15 (3) A peace officer shall verify the existence of a restraining
16 order by:

17 (a) Obtaining information confirming the existence and terms of the
18 order from a law enforcement agency; or

19 (b) Obtaining a certified copy of the order, certified to be an
20 accurate copy of the original by a notary public or by the clerk of the
21 court.

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

25 (a) A restraining order has been issued under this chapter;

26 (b) The respondent or person to be restrained knows of the order;
27 and

28 (c) The person to be arrested has violated the terms of the order
29 restraining the person from acts or threats of violence or
30 (~~(excluding)~~) restraining the person from going onto the grounds of or
31 entering the residence, workplace, school, or day care of another.

32 (5) It is a defense to prosecution under subsection (1) of this
33 section that the court order was issued contrary to law or court rule.

34 (6) No peace officer may be held criminally or civilly liable for
35 making an arrest under subsection (4) of this section if the officer
36 acts in good faith and without malice.

37 **Sec. 7.** RCW 26.26.138 and 1995 c 246 s 33 are each amended to read
38 as follows:

1 (1) Whenever a restraining order is issued under this chapter, and
2 the person to be restrained knows of the order, a violation of the
3 provisions restricting the person from acts or threats of violence or
4 of a provision (~~(excluding)~~) restraining the person from going onto the
5 grounds of or entering the residence, workplace, school, or day care of
6 another is a misdemeanor.

7 (2) A person is deemed to have notice of a restraining order if:

8 (a) The person to be restrained or the person's attorney signed the
9 order;

10 (b) The order recites that the person to be restrained or the
11 person's attorney appeared in person before the court;

12 (c) The order was served upon the person to be restrained; or

13 (d) The peace officer gives the person oral or written evidence of
14 the order by reading from it or handing to the person a certified copy
15 of the original order, certified to be an accurate copy of the original
16 by a notary public or by the clerk of the court.

17 (3) A peace officer shall verify the existence of a restraining
18 order by:

19 (a) Obtaining information confirming the existence and terms of the
20 order from a law enforcement agency; or

21 (b) Obtaining a certified copy of the order, certified to be an
22 accurate copy of the original by a notary public or by the clerk of the
23 court.

24 (4) A peace officer shall arrest and take into custody, pending
25 release on bail, personal recognizance, or court order, a person
26 without a warrant when the officer has probable cause to believe that:

27 (a) A restraining order has been issued under this chapter;

28 (b) The respondent or person to be restrained knows of the order;
29 and

30 (c) The person to be arrested has violated the terms of the order
31 restraining the person from acts or threats of violence or
32 (~~(excluding)~~) restraining the person from going onto the grounds of or
33 entering the residence, workplace, school, or day care of another.

34 (5) It is a defense to prosecution under subsection (1) of this
35 section that the court order was issued contrary to law or court rule.

36 (6) No peace officer may be held criminally or civilly liable for
37 making an arrest under subsection (4) of this section if the officer
38 acts in good faith and without malice.

1 **Sec. 8.** RCW 26.50.030 and 1995 c 246 s 3 are each amended to read
2 as follows:

3 There shall exist an action known as a petition for an order for
4 protection in cases of domestic violence.

5 (1) A petition for relief shall allege the existence of domestic
6 violence, and shall be accompanied by an affidavit made under oath
7 stating the specific facts and circumstances from which relief is
8 sought. Petitioner and respondent shall disclose the existence of any
9 other litigation concerning the custody or residential placement of a
10 child of the parties as set forth in RCW 26.27.090 and the existence of
11 any other restraining, protection, or no contact orders between the
12 parties.

13 (2) A petition for relief may be made regardless of whether or not
14 there is a pending lawsuit, complaint, petition, or other action
15 between the parties except in cases where the court realigns petitioner
16 and respondent in accordance with RCW 26.50.060(4).

17 (3) Within ninety days of receipt of the master copy from the
18 administrator for the courts, all court clerk's offices shall make
19 available the standardized forms, instructions, and informational
20 brochures required by RCW 26.50.035 and shall fill in and keep current
21 specific program names and telephone numbers for community resources.
22 Any assistance or information provided by clerks under this section
23 does not constitute the practice of law and clerks are not responsible
24 for incorrect information contained in a petition.

25 (4) No filing fee may be charged for proceedings under this
26 section. Forms and instructional brochures shall be provided free of
27 charge.

28 (5) A person is not required to post a bond to obtain relief in any
29 proceeding under this section.

30 **Sec. 9.** RCW 26.50.060 and 1995 c 246 s 7 are each amended to read
31 as follows:

32 (1) Upon notice and after hearing, the court may provide relief as
33 follows:

34 (a) Restrain the respondent from committing acts of domestic
35 violence;

36 (b) Exclude the respondent from the dwelling which the parties
37 share, from the residence, workplace, or school of the petitioner, or
38 from the day care or school of a child;

1 (c) On the same basis as is provided in chapter 26.09 RCW, the
2 court shall make residential provision with regard to minor children of
3 the parties. However, parenting plans as specified in chapter 26.09
4 RCW shall not be required under this chapter;

5 (d) Order the respondent to participate in batterers' treatment;

6 (e) Order other relief as it deems necessary for the protection of
7 the petitioner and other family or household members sought to be
8 protected, including orders or directives to a peace officer, as
9 allowed under this chapter;

10 (f) Require the respondent to pay the administrative court costs
11 and service fees, as established by the county or municipality
12 incurring the expense and to reimburse the petitioner for costs
13 incurred in bringing the action, including a reasonable attorney's fee;

14 (g) Restrain the respondent from having any contact with the victim
15 of domestic violence or the victim's children or members of the
16 victim's household;

17 (h) Require the respondent to submit to electronic monitoring. The
18 order shall specify who shall provide the electronic monitoring
19 services and the terms under which the monitoring must be performed.
20 The order also may include a requirement that the respondent pay the
21 costs of the monitoring. The court shall consider the ability of the
22 respondent to pay for electronic monitoring;

23 (i) Consider the provisions of RCW 9.41.800;

24 (j) Order possession and use of essential personal effects. The
25 court shall list the essential personal effects with sufficient
26 specificity to make it clear which property is included; and

27 (k) Order use of a vehicle.

28 (2) If a restraining order restrains the respondent from contacting
29 the respondent's minor children the restraint shall be for a fixed
30 period not to exceed one year. This limitation is not applicable to
31 orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW.
32 With regard to other relief, if the petitioner has petitioned for
33 relief on his or her own behalf or on behalf of the petitioner's family
34 or household members or minor children, and the court finds that the
35 respondent is likely to resume acts of domestic violence against the
36 petitioner or the petitioner's family or household members or minor
37 children when the order expires, the court may either grant relief for
38 a fixed period or enter a permanent order of protection.

1 If the petitioner has petitioned for relief on behalf of the
2 respondent's minor children, the court shall advise the petitioner that
3 if the petitioner wants to continue protection for a period beyond one
4 year the petitioner may either petition for renewal pursuant to the
5 provisions of this chapter or may seek relief pursuant to the
6 provisions of chapter 26.09 or 26.26 RCW.

7 (3) If the court grants an order for a fixed time period, the
8 petitioner may apply for renewal of the order by filing a petition for
9 renewal at any time within the three months before the order expires.
10 The petition for renewal shall state the reasons why the petitioner
11 seeks to renew the protection order. Upon receipt of the petition for
12 renewal the court shall order a hearing which shall be not later than
13 fourteen days from the date of the order. Except as provided in RCW
14 26.50.085, personal service shall be made on the respondent not less
15 than five days before the hearing. If timely service cannot be made
16 the court shall set a new hearing date and shall either require
17 additional attempts at obtaining personal service or permit service by
18 publication as provided in RCW 26.50.085 or by mail as provided in RCW
19 26.50.123. If the court permits service by publication or mail, the
20 court shall set the new hearing date not later than twenty-four days
21 from the date of the order. If the order expires because timely
22 service cannot be made the court shall grant an ex parte order of
23 protection as provided in RCW 26.50.070. The court shall grant the
24 petition for renewal unless the respondent proves by a preponderance of
25 the evidence that the respondent will not resume acts of domestic
26 violence against the petitioner or the petitioner's children or family
27 or household members when the order expires. The court may renew the
28 protection order for another fixed time period or may enter a permanent
29 order as provided in this section. The court may award court costs,
30 service fees, and reasonable attorneys' fees as provided in subsection
31 (1)(f) of this section.

32 (4) In providing relief under this chapter, the court may realign
33 the designation of the parties as "petitioner" and "respondent" where
34 the court finds that the original petitioner is the abuser and the
35 original respondent is the victim of domestic violence and may issue an
36 ex parte temporary order for protection in accordance with RCW
37 26.50.070 on behalf of the victim until the victim is able to prepare
38 a petition for an order for protection in accordance with RCW
39 26.50.030.

1 (5) Except as provided in subsection (4) of this section, no order
2 for protection shall grant relief to any party except upon notice to
3 the respondent and hearing pursuant to a petition or counter-petition
4 filed and served by the party seeking relief in accordance with RCW
5 26.50.050.

6 (6) The court order shall specify the date the order expires if
7 any. The court order shall also state whether the court issued the
8 protection order following personal service (~~(ex)~~), service by
9 publication, or service by mail and whether the court has approved
10 service by publication or mail of an order issued under this section.

11 (7) If the court declines to issue an order for protection or
12 declines to renew an order for protection, the court shall state in
13 writing on the order the particular reasons for the court's denial.

14 **Sec. 10.** RCW 26.50.070 and 1995 c 246 s 8 are each amended to read
15 as follows:

16 (1) Where an application under this section alleges that
17 irreparable injury could result from domestic violence if an order is
18 not issued immediately without prior notice to the respondent, the
19 court may grant an ex parte temporary order for protection, pending a
20 full hearing, and grant relief as the court deems proper, including an
21 order:

22 (a) Restraining any party from committing acts of domestic
23 violence;

24 (b) (~~(Excluding)~~) Restraining any party from going onto the grounds
25 of or entering the dwelling (~~(shared or from the residence of the~~
26 other)) that the parties share, from the residence, workplace, or
27 school of the other, or from the day care or school of a child until
28 further order of the court;

29 (c) Restraining any party from interfering with the other's custody
30 of the minor children or from removing the children from the
31 jurisdiction of the court;

32 (d) Restraining any party from having any contact with the victim
33 of domestic violence or the victim's children or members of the
34 victim's household; and

35 (e) Considering the provisions of RCW 9.41.800.

36 (2) Irreparable injury under this section includes but is not
37 limited to situations in which the respondent has recently threatened

1 petitioner with bodily injury or has engaged in acts of domestic
2 violence against the petitioner.

3 (3) The court shall hold an ex parte hearing in person or by
4 telephone on the day the petition is filed or on the following judicial
5 day.

6 (4) An ex parte temporary order for protection shall be effective
7 for a fixed period not to exceed fourteen days or twenty-four days if
8 the court has permitted service by publication under RCW 26.50.085 or
9 by mail under RCW 26.50.123. The ex parte order may be reissued. A
10 full hearing, as provided in this chapter, shall be set for not later
11 than fourteen days from the issuance of the temporary order or not
12 later than twenty-four days if service by publication or by mail is
13 permitted. Except as provided in RCW 26.50.050, 26.50.085, and
14 26.50.123, the respondent shall be personally served with a copy of the
15 ex parte order along with a copy of the petition and notice of the date
16 set for the hearing.

17 (5) Any order issued under this section shall contain the date and
18 time of issuance and the expiration date and shall be entered into a
19 state-wide judicial information system by the clerk of the court within
20 one judicial day after issuance.

21 (6) If the court declines to issue an ex parte temporary order for
22 protection the court shall state the particular reasons for the court's
23 denial. The court's denial of a motion for an ex parte order of
24 protection shall be filed with the court.

25 **Sec. 11.** RCW 26.50.100 and 1995 c 246 s 13 are each amended to
26 read as follows:

27 (1) A copy of an order for protection granted under this chapter
28 shall be forwarded by the clerk of the court on or before the next
29 judicial day to the appropriate law enforcement agency specified in the
30 order.

31 Upon receipt of the order, the law enforcement agency shall
32 forthwith enter the order into any computer-based criminal intelligence
33 information system available in this state used by law enforcement
34 agencies to list outstanding warrants. The order shall remain in the
35 computer for the period stated in the order. The law enforcement
36 agency shall only expunge from the computer-based criminal intelligence
37 information system orders that are expired, vacated, or superseded.
38 Entry into the law enforcement information system constitutes notice to

1 all law enforcement agencies of the existence of the order. The order
2 is fully enforceable in any county in the state.

3 (2) The information entered into the computer-based criminal
4 intelligence information system shall include notice to law enforcement
5 whether the order was personally served (~~(or)~~) or served by publication,
6 or served by mail.

7 **Sec. 12.** RCW 26.50.115 and 1995 c 246 s 15 are each amended to
8 read as follows:

9 (1) When the court issues an ex parte order pursuant to RCW
10 26.50.070 or an order of protection ordered issued pursuant to RCW
11 26.50.060, the court shall advise the petitioner that the respondent
12 may not be subjected to the penalties set forth in RCW 26.50.110 for a
13 violation of the order unless the respondent knows of the order.

14 (2) When a peace officer investigates a report of an alleged
15 violation of an order for protection issued under this chapter the
16 officer shall attempt to determine whether the respondent knew of the
17 existence of the protection order. If the law enforcement officer
18 determines that the respondent did not or probably did not know about
19 the protection order and the officer is provided a current copy of the
20 order, the officer shall serve the order on the respondent if the
21 respondent is present. If the respondent is not present, the officer
22 shall make reasonable efforts to serve a copy of the order on the
23 respondent. If the officer serves the respondent with the petitioner's
24 copy of the order, the officer shall give petitioner a receipt
25 indicating that petitioner's copy has been served on the respondent.

26 (3) Presentation of an unexpired, certified copy of a protection
27 order with proof of service is sufficient for a law enforcement officer
28 to enforce (~~(the terms of)~~) the order regardless of the presence of the
29 order in the law enforcement computer-based criminal intelligence
30 information system. Presentation of the order without a proof of
31 service is sufficient for a law enforcement officer to mandate
32 prospective compliance with the terms of the order.

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