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HOUSE BILL 2472

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State of Washington                      54th Legislature                      1996 Regular Session

By Representatives Lambert, Costa, Conway and Veloria

Read first time 01/11/96. Referred to Committee on Law & Justice.

1            AN ACT Relating to domestic violence; amending RCW 10.99.020,  
2 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.030, 26.50.060,  
3 26.50.070, 26.50.100, and 26.50.115; reenacting and amending RCW  
4 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 10.99.050 and 1991 c 301 s 5 are each amended to read  
24 as follows:

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

29 (2) Willful violation of a court order issued under this section is  
30 a gross misdemeanor. Any assault that is a violation of an order  
31 issued under this section and that does not amount to assault in the  
32 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C  
33 felony, and any conduct in violation of a protective order issued under  
34 this section that is reckless and creates a substantial risk of death  
35 or serious physical injury to another person is a class C felony. The  
36 written order shall contain the court's directives and shall bear the  
37 legend: Violation of this order is a criminal offense under chapter  
38 10.99 RCW and will subject a violator to arrest; any assault or

1 reckless endangerment that is a violation of this order is a felony.  
2 You can be arrested even if any person protected by the order invites  
3 or allows you to violate the order's prohibitions. You have the sole  
4 responsibility to avoid or refrain from violating the order's  
5 provisions. Only the court can change the order.

6 (3) Whenever an order prohibiting contact is issued pursuant to  
7 this section, the clerk of the court shall forward a copy of the order  
8 on or before the next judicial day to the appropriate law enforcement  
9 agency specified in the order. Upon receipt of the copy of the order  
10 the law enforcement agency shall forthwith enter the order for one year  
11 into any computer-based criminal intelligence information system  
12 available in this state used by law enforcement agencies to list  
13 outstanding warrants. Entry into the law enforcement information  
14 system constitutes notice to all law enforcement agencies of the  
15 existence of the order. The order is fully enforceable in any  
16 jurisdiction in the state.

17 **Sec. 4.** RCW 26.09.300 and 1995 c 246 s 27 are each amended to read  
18 as follows:

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

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

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

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

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

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

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

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

1 (b) Obtaining a certified copy of the order, certified to be an  
2 accurate copy of the original by a notary public or by the clerk of the  
3 court.

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

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

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

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

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

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

19 **Sec. 5.** RCW 26.10.220 and 1995 c 246 s 30 are each amended to read  
20 as follows:

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

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

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

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

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

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

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

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

3 (b) Obtaining a certified copy of the order, certified to be an  
4 accurate copy of the original by a notary public or by the clerk of the  
5 court.

6 (4) A peace officer shall 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 (a) A restraining order has been issued under this chapter;

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

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

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

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

21 **Sec. 6.** RCW 26.26.138 and 1995 c 246 s 33 are each amended to read  
22 as follows:

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

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

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

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

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

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

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

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

5 (b) Obtaining a certified copy of the order, certified to be an  
6 accurate copy of the original by a notary public or by the clerk of the  
7 court.

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

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

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

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

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

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

23 **Sec. 7.** RCW 26.50.030 and 1995 c 246 s 3 are each amended to read  
24 as follows:

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

27 (1) A petition for relief shall allege the existence of domestic  
28 violence, and shall be accompanied by an affidavit made under oath  
29 stating the specific facts and circumstances from which relief is  
30 sought. Petitioner and respondent shall disclose the existence of any  
31 other litigation concerning the custody or residential placement of a  
32 child of the parties as set forth in RCW 26.27.090 and the existence of  
33 any other restraining, protection, or no contact orders between the  
34 parties.

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

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

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

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

14 **Sec. 8.** RCW 26.50.060 and 1995 c 246 s 7 are each amended to read  
15 as follows:

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

18 (a) Restrain the respondent from committing acts of domestic  
19 violence;

20 (b) Exclude the respondent from the dwelling which the parties  
21 share, from the residence, workplace, or school of the petitioner, or  
22 from the day care or school of a child;

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

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

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

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

36 (g) Restrain the respondent from having any contact with the victim  
37 of domestic violence or the victim's children or members of the  
38 victim's household;

1 (h) Require the respondent to submit to electronic monitoring. The  
2 order shall specify who shall provide the electronic monitoring  
3 services and the terms under which the monitoring must be performed.  
4 The order also may include a requirement that the respondent pay the  
5 costs of the monitoring. The court shall consider the ability of the  
6 respondent to pay for electronic monitoring;

7 (i) Consider the provisions of RCW 9.41.800;

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

11 (k) Order use of a vehicle.

12 (2) If a restraining order restrains the respondent from contacting  
13 the respondent's minor children the restraint shall be for a fixed  
14 period not to exceed one year. This limitation is not applicable to  
15 orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW.  
16 With regard to other relief, if the petitioner has petitioned for  
17 relief on his or her own behalf or on behalf of the petitioner's family  
18 or household members or minor children, and the court finds that the  
19 respondent is likely to resume acts of domestic violence against the  
20 petitioner or the petitioner's family or household members or minor  
21 children when the order expires, the court may either grant relief for  
22 a fixed period or enter a permanent order of protection.

23 If the petitioner has petitioned for relief on behalf of the  
24 respondent's minor children, the court shall advise the petitioner that  
25 if the petitioner wants to continue protection for a period beyond one  
26 year the petitioner may either petition for renewal pursuant to the  
27 provisions of this chapter or may seek relief pursuant to the  
28 provisions of chapter 26.09 or 26.26 RCW.

29 (3) If the court grants an order for a fixed time period, the  
30 petitioner may apply for renewal of the order by filing a petition for  
31 renewal at any time within the three months before the order expires.  
32 The petition for renewal shall state the reasons why the petitioner  
33 seeks to renew the protection order. Upon receipt of the petition for  
34 renewal the court shall order a hearing which shall be not later than  
35 fourteen days from the date of the order. Except as provided in RCW  
36 26.50.085, personal service shall be made on the respondent not less  
37 than five days before the hearing. If timely service cannot be made  
38 the court shall set a new hearing date and shall either require  
39 additional attempts at obtaining personal service or permit service by

1 publication as provided in RCW 26.50.085 or by mail as provided in RCW  
2 26.50.123. If the court permits service by publication or mail, the  
3 court shall set the new hearing date not later than twenty-four days  
4 from the date of the order. If the order expires because timely  
5 service cannot be made the court shall grant an ex parte order of  
6 protection as provided in RCW 26.50.070. The court shall grant the  
7 petition for renewal unless the respondent proves by a preponderance of  
8 the evidence that the respondent will not resume acts of domestic  
9 violence against the petitioner or the petitioner's children or family  
10 or household members when the order expires. The court may renew the  
11 protection order for another fixed time period or may enter a permanent  
12 order as provided in this section. The court may award court costs,  
13 service fees, and reasonable attorneys' fees as provided in subsection  
14 (1)(f) of this section.

15 (4) In providing relief under this chapter, the court may realign  
16 the designation of the parties as "petitioner" and "respondent" where  
17 the court finds that the original petitioner is the abuser and the  
18 original respondent is the victim of domestic violence and may issue an  
19 ex parte temporary order for protection in accordance with RCW  
20 26.50.070 on behalf of the victim until the victim is able to prepare  
21 a petition for an order for protection in accordance with RCW  
22 26.50.030.

23 (5) Except as provided in subsection (4) of this section, no order  
24 for protection shall grant relief to any party except upon notice to  
25 the respondent and hearing pursuant to a petition or counter-petition  
26 filed and served by the party seeking relief in accordance with RCW  
27 26.50.050.

28 (6) The court order shall specify the date the order expires if  
29 any. The court order shall also state whether the court issued the  
30 protection order following personal service ~~((or))~~, service by  
31 publication, or service by mail and whether the court has approved  
32 service by publication or mail of an order issued under this section.

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

36 **Sec. 9.** RCW 26.50.070 and 1995 c 246 s 8 are each amended to read  
37 as follows:

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

7 (a) Restraining any party from committing acts of domestic  
8 violence;

9 (b) (~~Excluding~~) Restraining any party from going onto the grounds  
10 of or entering the dwelling (~~shared or from the residence of the~~  
11 other)) that the parties share, from the residence, workplace, or  
12 school of the other, or from the day care or school of a child until  
13 further order of the court;

14 (c) Restraining any party from interfering with the other's custody  
15 of the minor children or from removing the children from the  
16 jurisdiction of the court;

17 (d) Restraining any party from having any contact with the victim  
18 of domestic violence or the victim's children or members of the  
19 victim's household; and

20 (e) Considering the provisions of RCW 9.41.800.

21 (2) Irreparable injury under this section includes but is not  
22 limited to situations in which the respondent has recently threatened  
23 petitioner with bodily injury or has engaged in acts of domestic  
24 violence against the petitioner.

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

28 (4) An ex parte temporary order for protection shall be effective  
29 for a fixed period not to exceed fourteen days or twenty-four days if  
30 the court has permitted service by publication under RCW 26.50.085 or  
31 by mail under RCW 26.50.123. The ex parte order may be reissued. A  
32 full hearing, as provided in this chapter, shall be set for not later  
33 than fourteen days from the issuance of the temporary order or not  
34 later than twenty-four days if service by publication or by mail is  
35 permitted. Except as provided in RCW 26.50.050, 26.50.085, and  
36 26.50.123, the respondent shall be personally served with a copy of the  
37 ex parte order along with a copy of the petition and notice of the date  
38 set for the hearing.

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

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

9 **Sec. 10.** RCW 26.50.100 and 1995 c 246 s 13 are each amended to  
10 read as follows:

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

15 Upon receipt of the order, the law enforcement agency shall  
16 forthwith enter the order into any computer-based criminal intelligence  
17 information system available in this state used by law enforcement  
18 agencies to list outstanding warrants. The order shall remain in the  
19 computer for the period stated in the order. The law enforcement  
20 agency shall only expunge from the computer-based criminal intelligence  
21 information system orders that are expired, vacated, or superseded.  
22 Entry into the law enforcement information system constitutes notice to  
23 all law enforcement agencies of the existence of the order. The order  
24 is fully enforceable in any county in the state.

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

29 **Sec. 11.** RCW 26.50.115 and 1995 c 246 s 15 are each amended to  
30 read as follows:

31 (1) When the court issues an ex parte order pursuant to RCW  
32 26.50.070 or an order of protection ordered issued pursuant to RCW  
33 26.50.060, the court shall advise the petitioner that the respondent  
34 may not be subjected to the penalties set forth in RCW 26.50.110 for a  
35 violation of the order unless the respondent knows of the order.

36 (2) When a peace officer investigates a report of an alleged  
37 violation of an order for protection issued under this chapter the

1 officer shall attempt to determine whether the respondent knew of the  
2 existence of the protection order. If the law enforcement officer  
3 determines that the respondent did not or probably did not know about  
4 the protection order and the officer is provided a current copy of the  
5 order, the officer shall serve the order on the respondent if the  
6 respondent is present. If the respondent is not present, the officer  
7 shall make reasonable efforts to serve a copy of the order on the  
8 respondent. If the officer serves the respondent with the petitioner's  
9 copy of the order, the officer shall give petitioner a receipt  
10 indicating that petitioner's copy has been served on the respondent.

11 (3) Presentation of an unexpired, certified copy of a protection  
12 order with proof of service is sufficient for a law enforcement officer  
13 to enforce (~~the terms of~~) the order regardless of the presence of the  
14 order in the law enforcement computer-based criminal intelligence  
15 information system. Presentation of the order without a proof of  
16 service is sufficient for a law enforcement officer to mandate  
17 prospective compliance with the terms of the order.

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