
SUBSTITUTE SENATE BILL 6299

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Rasmussen, Long, Fairley, McCaslin, Haugen, Winsley, Oke and Spanel)

Read first time 02/02/96.

1 AN ACT Relating to no contact and protection orders; amending RCW
2 10.99.040, 10.99.050, and 26.50.110; and prescribing penalties.

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

4 **Sec. 1.** RCW 10.99.040 and 1995 c 246 s 23 are each amended to read
5 as follows:

6 (1) Because of the serious nature of domestic violence, the court
7 in domestic violence actions:

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

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

12 (c) Shall waive any requirement that the victim's location be
13 disclosed to any person, other than the attorney of a criminal
14 defendant, upon a showing that there is a possibility of further
15 violence: PROVIDED, That the court may order a criminal defense
16 attorney not to disclose to his or her client the victim's location;
17 and

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

1 (2) Because of the likelihood of repeated violence directed at
2 those who have been victims of domestic violence in the past, when any
3 person charged with or arrested for a crime involving domestic violence
4 is released from custody before arraignment or trial on bail or
5 personal recognizance, the court authorizing the release may prohibit
6 that person from having any contact with the victim. The jurisdiction
7 authorizing the release shall determine whether that person should be
8 prohibited from having any contact with the victim. If there is no
9 outstanding restraining or protective order prohibiting that person
10 from having contact with the victim, the court authorizing release may
11 issue, by telephone, a no-contact order prohibiting the person charged
12 or arrested from having contact with the victim. In issuing the order,
13 the court shall consider the provisions of RCW 9.41.800. The no-
14 contact order shall also be issued in writing as soon as possible.

15 (3) At the time of arraignment the court shall determine whether a
16 no-contact order shall be issued or extended. If a no-contact order is
17 issued or extended, the court may also include in the conditions of
18 release a requirement that the defendant submit to electronic
19 monitoring. If electronic monitoring is ordered, the court shall
20 specify who shall provide the monitoring services, and the terms under
21 which the monitoring shall be performed. Upon conviction, the court
22 may require as a condition of the sentence that the defendant reimburse
23 the providing agency for the costs of the electronic monitoring.

24 (4)(a) Except as otherwise provided in this subsection, willful
25 violation of a court order issued under subsection (2) or (3) of this
26 section is a gross misdemeanor. The third or subsequent conviction for
27 a violation of an order issued under this section is a class C felony.
28 Upon conviction and in addition to other penalties provided by law, the
29 court may require that the defendant submit to electronic monitoring.
30 The court shall specify who shall provide the electronic monitoring
31 services and the terms under which the monitoring must be performed.
32 The court also may include a requirement that the defendant pay the
33 costs of the monitoring. The court shall consider the ability of the
34 convicted person to pay for electronic monitoring.

35 (b) Any assault that is a violation of an order issued under this
36 section and that does not amount to assault in the first or second
37 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable
38 under chapter 9A.20 RCW, and any conduct in violation of a protective
39 order issued under this section that is reckless and creates a

1 substantial risk of death or serious physical injury to another person
2 is a class C felony punishable under chapter 9A.20 RCW.

3 (c) The written order releasing the person charged or arrested
4 shall contain the court's directives and shall bear the legend:
5 "Violation of this order is a criminal offense under chapter 10.99 RCW
6 and will subject a violator to arrest; any assault or reckless
7 endangerment that is a violation of this order is a felony. You can be
8 arrested even if any person protected by the order invites or allows
9 you to violate the order's prohibitions. You have the sole
10 responsibility to avoid or refrain from violating the order's
11 provisions. Only the court can change the order." A certified copy of
12 the order shall be provided to the victim. If a no-contact order has
13 been issued prior to charging, that order shall expire at arraignment
14 or within seventy-two hours if charges are not filed. Such orders need
15 not be entered into the computer-based criminal intelligence
16 information system in this state which is used by law enforcement
17 agencies to list outstanding warrants.

18 (5) Whenever an order prohibiting contact is issued, modified, or
19 terminated under subsection (2) or (3) of this section, the clerk of
20 the court shall forward a copy of the order on or before the next
21 judicial day to the appropriate law enforcement agency specified in the
22 order. Upon receipt of the copy of the order the law enforcement
23 agency shall forthwith enter the order for one year or until the
24 expiration date specified on the order into any computer-based criminal
25 intelligence information system available in this state used by law
26 enforcement agencies to list outstanding warrants. Entry into the law
27 enforcement information system constitutes notice to all law
28 enforcement agencies of the existence of the order. The order is fully
29 enforceable in any jurisdiction in the state.

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

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

36 (2) Except as otherwise provided in this subsection, willful
37 violation of a court order issued under this section is a gross
38 misdemeanor. The third or subsequent conviction for a violation of an

1 order issued under this section is a class C felony. Any assault that
2 is a violation of an order issued under this section and that does not
3 amount to assault in the first or second degree under RCW 9A.36.011 or
4 9A.36.021 is a class C felony, and any conduct in violation of a
5 protective order issued under this section that is reckless and creates
6 a substantial risk of death or serious physical injury to another
7 person is a class C felony. The written order shall contain the
8 court's directives and shall bear the legend: Violation of this order
9 is a criminal offense under chapter 10.99 RCW and will subject a
10 violator to arrest; any assault or reckless endangerment that is a
11 violation of this order is a felony.

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

23 **Sec. 3.** RCW 26.50.110 and 1995 c 246 s 14 are each amended to read
24 as follows:

25 (1) Whenever an order for protection is granted under this chapter
26 and the respondent or person to be restrained knows of the order, a
27 violation of the restraint provisions or of a provision excluding the
28 person from a residence, workplace, school, or day care is a gross
29 misdemeanor. Upon conviction, and in addition to any other penalties
30 provided by law, the court may require that the respondent submit to
31 electronic monitoring. The court shall specify who shall provide the
32 electronic monitoring services, and the terms under which the
33 monitoring shall be performed. The order also may include a
34 requirement that the respondent pay the costs of the monitoring. The
35 court shall consider the ability of the convicted person to pay for
36 electronic monitoring.

37 (2) A peace officer shall arrest without a warrant and take into
38 custody a person whom the peace officer has probable cause to believe

1 has violated an order issued under this chapter that restrains the
2 person or excludes the person from a residence, workplace, school, or
3 day care, if the person restrained knows of the order. Presence of the
4 order in the law enforcement computer-based criminal intelligence
5 information system is not the only means of establishing knowledge of
6 the order.

7 (3) A violation of an order for protection shall also constitute
8 contempt of court, and is subject to the penalties prescribed by law.

9 (4) A third or subsequent conviction for a violation of an order
10 for protection issued under this chapter is a class C felony.

11 (5) Any assault that is a violation of an order issued under this
12 chapter and that does not amount to assault in the first or second
13 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any
14 conduct in violation of a protective order issued under this chapter
15 that is reckless and creates a substantial risk of death or serious
16 physical injury to another person is a class C felony.

17 ~~((5))~~ (6) Upon the filing of an affidavit by the petitioner or
18 any peace officer alleging that the respondent has violated an order
19 for protection granted under this chapter, the court may issue an order
20 to the respondent, requiring the respondent to appear and show cause
21 within fourteen days why the respondent should not be found in contempt
22 of court and punished accordingly. The hearing may be held in the
23 court of any county or municipality in which the petitioner or
24 respondent temporarily or permanently resides at the time of the
25 alleged violation.

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