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SENATE BILL 6299

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State of Washington

54th Legislature

1996 Regular Session

By Senators Rasmussen, Long, Fairley, McCaslin, Haugen, Winsley, Oke and Spanel

Read first time 01/10/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to no contact and protection orders; amending RCW  
2 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 10.99.050 and 1991 c 301 s 5 are each amended to read  
5 as follows:

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

10 (2) Except as otherwise provided in this subsection, willful  
11 violation of a court order issued under this section is a misdemeanor.  
12 The third or subsequent conviction for a violation of a no contact  
13 order under this section or a protection order under this section or  
14 chapter 26.50 RCW is a class C felony. Any assault that is a violation  
15 of an order issued under this section and that does not amount to  
16 assault in the first or second degree under RCW 9A.36.011 or 9A.36.021  
17 is a class C felony, and any conduct in violation of a protective order  
18 issued under this section that is reckless and creates a substantial  
19 risk of death or serious physical injury to another person is a class

1 C felony. The written order shall contain the court's directives and  
2 shall bear the legend: Violation of this order is a criminal offense  
3 under chapter 10.99 RCW and will subject a violator to arrest; any  
4 assault or reckless endangerment that is a violation of this order is  
5 a felony.

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. 2.** RCW 26.50.110 and 1995 c 246 s 14 are each amended to read  
18 as follows:

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

31 (2) A peace officer shall arrest without a warrant and take into  
32 custody a person whom the peace officer has probable cause to believe  
33 has violated an order issued under this chapter that restrains the  
34 person or excludes the person from a residence, workplace, school, or  
35 day care, if the person restrained knows of the order. Presence of the  
36 order in the law enforcement computer-based criminal intelligence  
37 information system is not the only means of establishing knowledge of  
38 the order.

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

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

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

11 (~~(5)~~) (6) Upon the filing of an affidavit by the petitioner or  
12 any peace officer alleging that the respondent has violated an order  
13 for protection granted under this chapter, the court may issue an order  
14 to the respondent, requiring the respondent to appear and show cause  
15 within fourteen days why the respondent should not be found in contempt  
16 of court and punished accordingly. The hearing may be held in the  
17 court of any county or municipality in which the petitioner or  
18 respondent temporarily or permanently resides at the time of the  
19 alleged violation.

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