CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1642

60th Legislature
2007 Regular Session

Passed by the House February 28, 2007
  Yeas 97 Nays 0

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Speaker of the House of Representatives

Passed by the Senate April 10, 2007
  Yeas 49 Nays 0

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President of the Senate

Approved

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1642** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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Chief Clerk

FILED

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Governor of the State of Washington

Secretary of State
State of Washington

State of Washington   **60th Legislature**   **2007 Regular Session**

By House Committee on Judiciary (originally sponsored by Representatives Pedersen, Lantz, Williams, Moeller, Wood, Kirby, O'Brien, Chase, Ormsby and Green)

READ FIRST TIME 02/16/07.

1   AN ACT Relating to criminal violations of no-contact orders,
2 protection orders, and restraining orders; amending RCW 26.50.110;
3 creating a new section; and prescribing penalties.

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

5   NEW SECTION. **Sec. 1.** The legislature finds this act necessary to
6 restore and make clear its intent that a willful violation of a
7 no-contact provision of a court order is a criminal offense and shall
8 be enforced accordingly to preserve the integrity and intent of the
9 domestic violence act. This act is not intended to broaden the scope
10 of law enforcement power or effectuate any substantive change to any
11 criminal provision in the Revised Code of Washington.

12   **Sec. 2.** RCW 26.50.110 and 2006 c 138 s 25 are each amended to read
13 as follows:
14   (1)(a) Whenever an order is granted under this chapter, chapter
15 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid
16 foreign protection order as defined in RCW 26.52.020, and the
17 respondent or person to be restrained knows of the order, a violation

1 of <u>any of the following provisions of the order is a gross misdemeanor,</u>
2 <u>except as provided in subsections (4) and (5) of this section:</u>
3   <u>(i) The</u> restraint provisions((<s>, or of</s>)) <u>prohibiting acts or threats</u>
4 <u>of violence against, or stalking of, a protected party, or restraint</u>
5 <u>provisions prohibiting contact with a protected party;</u>
6   <u>(ii) A</u> provision excluding the person from a residence, workplace,
7 school, or day care((<s>, or of</s>))<u>;</u>
8   <u>(iii) A</u> provision prohibiting a person from knowingly coming
9 within, or knowingly remaining within, a specified distance of a
10 location((<s>,</s>))<u>;</u> or ((<s>of</s>))
11   <u>(iv) A</u> provision of a foreign protection order specifically
12 indicating that a violation will be a crime((<s>, for which an arrest is</s>
13 <s>required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor</s>
14 <s>except as provided in subsections (4) and (5) of this section</s>)).
15   <u>(b)</u> Upon conviction, and in addition to any other penalties
16 provided by law, the court may require that the respondent submit to
17 electronic monitoring. The court shall specify who shall provide the
18 electronic monitoring services, and the terms under which the
19 monitoring shall be performed. The order also may include a
20 requirement that the respondent pay the costs of the monitoring. The
21 court shall consider the ability of the convicted person to pay for
22 electronic monitoring.
23   (2) A peace officer shall arrest without a warrant and take into
24 custody a person whom the peace officer has probable cause to believe
25 has violated an order issued under this chapter, chapter 7.90, 10.99,
26 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order
27 as defined in RCW 26.52.020, that restrains the person or excludes the
28 person from a residence, workplace, school, or day care, or prohibits
29 the person from knowingly coming within, or knowingly remaining within,
30 a specified distance of a location, if the person restrained knows of
31 the order. Presence of the order in the law enforcement computer-based
32 criminal intelligence information system is not the only means of
33 establishing knowledge of the order.
34   (3) A violation of an order issued under this chapter, chapter
35 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign
36 protection order as defined in RCW 26.52.020, shall also constitute
37 contempt of court, and is subject to the penalties prescribed by law.

1   (4) Any assault that is a violation of an order issued under this
2   chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of
3   a valid foreign protection order as defined in RCW 26.52.020, and that
4   does not amount to assault in the first or second degree under RCW
5   9A.36.011 or 9A.36.021 is a class C felony, and any conduct in
6   violation of such an order that is reckless and creates a substantial
7   risk of death or serious physical injury to another person is a class
8   C felony.

9   (5) A violation of a court order issued under this chapter, chapter
10   7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign
11   protection order as defined in RCW 26.52.020, is a class C felony if
12   the offender has at least two previous convictions for violating the
13   provisions of an order issued under this chapter, chapter 7.90, 10.99,
14   26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order
15   as defined in RCW 26.52.020. The previous convictions may involve the
16   same victim or other victims specifically protected by the orders the
17   offender violated.

18   (6) Upon the filing of an affidavit by the petitioner or any peace
19   officer alleging that the respondent has violated an order granted
20   under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34
21   RCW, or a valid foreign protection order as defined in RCW 26.52.020,
22   the court may issue an order to the respondent, requiring the
23   respondent to appear and show cause within fourteen days why the
24   respondent should not be found in contempt of court and punished
25   accordingly. The hearing may be held in the court of any county or
26   municipality in which the petitioner or respondent temporarily or
27   permanently resides at the time of the alleged violation.

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