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**SUBSTITUTE HOUSE BILL 2466**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Orwall, Klippert, McCabe, Griffey, Muri, Stanford, Van Werven, Haler, and Doglio)

READ FIRST TIME 01/29/18.

1 AN ACT Relating to authorizing law enforcement to arrest persons  
2 in violation of certain no-contact orders involving victims of  
3 trafficking and promoting prostitution offenses; and reenacting and  
4 amending RCW 10.31.100.

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

6 **Sec. 1.** RCW 10.31.100 and 2017 c 336 s 3 and 2017 c 223 s 1 are  
7 each reenacted and amended to read as follows:

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

15 (1) Any police officer having probable cause to believe that a  
16 person has committed or is committing a misdemeanor or gross  
17 misdemeanor, involving physical harm or threats of harm to any person  
18 or property or the unlawful taking of property or involving the use  
19 or possession of cannabis, or involving the acquisition, possession,  
20 or consumption of alcohol by a person under the age of twenty-one  
21 years under RCW 66.44.270, or involving criminal trespass under RCW

1 9A.52.070 or 9A.52.080, shall have the authority to arrest the  
2 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  
6 that:

7 (a) An order has been issued of which the person has knowledge  
8 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88,  
9 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the  
10 person and the person has violated the terms of the order restraining  
11 the person from acts or threats of violence, or restraining the  
12 person from going onto the grounds of or entering a residence,  
13 workplace, school, or day care, or prohibiting the person from  
14 knowingly coming within, or knowingly remaining within, a specified  
15 distance of a location or, in the case of an order issued under RCW  
16 26.44.063, imposing any other restrictions or conditions upon the  
17 person; or

18 (b) A foreign protection order, as defined in RCW 26.52.010, has  
19 been issued of which the person under restraint has knowledge and the  
20 person under restraint has violated a provision of the foreign  
21 protection order prohibiting the person under restraint from  
22 contacting or communicating with another person, or excluding the  
23 person under restraint from a residence, workplace, school, or day  
24 care, or prohibiting the person from knowingly coming within, or  
25 knowingly remaining within, a specified distance of a location, or a  
26 violation of any provision for which the foreign protection order  
27 specifically indicates that a violation will be a crime; or

28 (c) The person is eighteen years or older and within the  
29 preceding four hours has assaulted a family or household member as  
30 defined in RCW 10.99.020 and the officer believes: (i) A felonious  
31 assault has occurred; (ii) an assault has occurred which has resulted  
32 in bodily injury to the victim, whether the injury is observable by  
33 the responding officer or not; or (iii) that any physical action has  
34 occurred which was intended to cause another person reasonably to  
35 fear imminent serious bodily injury or death. Bodily injury means  
36 physical pain, illness, or an impairment of physical condition. When  
37 the officer has probable cause to believe that family or household  
38 members have assaulted each other, the officer is not required to  
39 arrest both persons. The officer shall arrest the person whom the  
40 officer believes to be the primary physical aggressor. In making this

1 determination, the officer shall make every reasonable effort to  
2 consider: (A) The intent to protect victims of domestic violence  
3 under RCW 10.99.010; (B) the comparative extent of injuries inflicted  
4 or serious threats creating fear of physical injury; and (C) the  
5 history of domestic violence of each person involved, including  
6 whether the conduct was part of an ongoing pattern of abuse.

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

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

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

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

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

18 (e) RCW 46.61.503 or 46.25.110, relating to persons having  
19 alcohol or THC in their system;

20 (f) RCW 46.20.342, relating to driving a motor vehicle while  
21 operator's license is suspended or revoked;

22 (g) RCW 46.61.5249, relating to operating a motor vehicle in a  
23 negligent manner.

24 (4) A law enforcement officer investigating at the scene of a  
25 motor vehicle accident may arrest the driver of a motor vehicle  
26 involved in the accident if the officer has probable cause to believe  
27 that the driver has committed in connection with the accident a  
28 violation of any traffic law or regulation.

29 (5)(a) A law enforcement officer investigating at the scene of a  
30 motor vessel accident may arrest the operator of a motor vessel  
31 involved in the accident if the officer has probable cause to believe  
32 that the operator has committed, in connection with the accident, a  
33 criminal violation of chapter 79A.60 RCW.

34 (b) A law enforcement officer investigating at the scene of a  
35 motor vessel accident may issue a citation for an infraction to the  
36 operator of a motor vessel involved in the accident if the officer  
37 has probable cause to believe that the operator has committed, in  
38 connection with the accident, a violation of any boating safety law  
39 of chapter 79A.60 RCW.

1 (6) Any police officer having probable cause to believe that a  
2 person has committed or is committing a violation of RCW 79A.60.040  
3 shall have the authority to arrest the person.

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

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

13 (9) A police officer may arrest and take into custody, pending  
14 release on bail, personal recognizance, or court order, a person  
15 without a warrant when the officer has probable cause to believe that  
16 an order has been issued of which the person has knowledge under  
17 chapter 10.14 RCW and the person has violated the terms of that  
18 order.

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

22 (11) A police officer having probable cause to believe that a  
23 person illegally possesses or illegally has possessed a firearm or  
24 other dangerous weapon on private or public elementary or secondary  
25 school premises shall have the authority to arrest the person.

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

29 (12) A law enforcement officer having probable cause to believe  
30 that a person has committed a violation under RCW 77.15.160(~~(+4)~~)  
31 (5) may issue (~~(a citation for)~~) an infraction to the person in  
32 connection with the violation.

33 (13) A law enforcement officer having probable cause to believe  
34 that a person has committed a criminal violation under RCW 77.15.809  
35 or 77.15.811 may arrest the person in connection with the violation.

36 (14) Except as specifically provided in subsections (2), (3),  
37 (4), and (7) of this section, nothing in this section extends or  
38 otherwise affects the powers of arrest prescribed in Title 46 RCW.

1 (15) No police officer may be held criminally or civilly liable  
2 for making an arrest pursuant to subsection (2) or (9) of this  
3 section if the police officer acts in good faith and without malice.

4 (16)(a) Except as provided in (b) of this subsection, a police  
5 officer shall arrest and keep in custody, until release by a judicial  
6 officer on bail, personal recognizance, or court order, a person  
7 without a warrant when the officer has probable cause to believe that  
8 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent  
9 local ordinance and the police officer: (i) Has knowledge that the  
10 person has a prior offense as defined in RCW 46.61.5055 within ten  
11 years; or (ii) has knowledge, based on a review of the information  
12 available to the officer at the time of arrest, that the person is  
13 charged with or is awaiting arraignment for an offense that would  
14 qualify as a prior offense as defined in RCW 46.61.5055 if it were a  
15 conviction.

16 (b) A police officer is not required to keep in custody a person  
17 under (a) of this subsection if the person requires immediate medical  
18 attention and is admitted to a hospital.

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