

ESSB 5027 - H COMM AMD

By Committee on Civil Rights & Judiciary

ADOPTED 04/04/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 7.94.010 and 2017 c 3 s 1 are each amended to read
4 as follows:

5 (1) Chapter 3, Laws of 2017 is designed to temporarily prevent
6 individuals who are at high risk of harming themselves or others from
7 accessing firearms by allowing family, household members, and police
8 to obtain a court order when there is demonstrated evidence that the
9 person poses a significant danger, including danger as a result of
10 (~~a dangerous mental health crisis~~) threatening or violent behavior.

11 (2) Every year, over one hundred thousand people are victims of
12 gunshot wounds and more than thirty thousand of those victims lose
13 their lives. Over the last five years for which data is available,
14 one hundred sixty-four thousand eight hundred twenty-one people in
15 America were killed with firearms—an average of ninety-one deaths
16 each day.

17 (3) Studies show that individuals who engage in certain dangerous
18 behaviors are significantly more likely to commit violence toward
19 themselves or others in the near future. These behaviors, which can
20 include other acts or threats of violence, self-harm, or the abuse of
21 drugs or alcohol, are warning signs that the person may soon commit
22 an act of violence.

23 (4) Individuals who pose a danger to themselves or others often
24 exhibit signs that alert family, household members, or law
25 enforcement to the threat. Many mass shooters displayed warning signs
26 prior to their killings, but federal and state laws provided no clear
27 legal process to suspend the shooters' access to guns, even
28 temporarily.

29 (5) In enacting (~~this initiative [chapter 3, Laws of 2017]~~)
30 chapter 3, Laws of 2017, it is the purpose and intent of the people
31 to reduce gun deaths and injuries, while respecting constitutional
32 rights, by providing a court procedure for family, household members,

1 and law enforcement to obtain an order temporarily restricting a
2 person's access to firearms. Court orders are intended to be limited
3 to situations in which the person poses a significant danger of
4 harming themselves or others by possessing a firearm and include
5 standards and safeguards to protect the rights of respondents and due
6 process of law.

7 **Sec. 2.** RCW 7.94.030 and 2017 c 3 s 4 are each amended to read
8 as follows:

9 There shall exist an action known as a petition for an extreme
10 risk protection order.

11 (1) A petition for an extreme risk protection order may be filed
12 by (a) a family or household member of the respondent or (b) a law
13 enforcement officer or agency.

14 (2) A petition for an extreme risk protection order may be
15 brought against a respondent under the age of eighteen years. No
16 guardian or guardian ad litem need be appointed on behalf of a
17 respondent to an action under this chapter if such respondent is
18 sixteen years of age or older. If a guardian ad litem is appointed
19 for the petitioner or respondent, the petitioner must not be required
20 to pay any fee associated with such appointment.

21 (3) An action under this chapter must be filed in the county
22 where the petitioner resides or the county where the respondent
23 resides.

24 ((+3)) (4) A petition must:

25 (a) Allege that the respondent poses a significant danger of
26 causing personal injury to self or others by having in his or her
27 custody or control, purchasing, possessing, accessing, or receiving a
28 firearm, and be accompanied by an affidavit made under oath stating
29 the specific statements, actions, or facts that give rise to a
30 reasonable fear of future dangerous acts by the respondent;

31 (b) Identify the number, types, and locations of any firearms the
32 petitioner believes to be in the respondent's current ownership,
33 possession, custody, access, or control;

34 (c) Identify whether there is a known existing protection order
35 governing the respondent, under chapter 7.90, 7.92, 10.14, 9A.46,
36 10.99, 26.50, or 26.52 RCW or under any other applicable statute; and

37 (d) Identify whether there is a pending lawsuit, complaint,
38 petition, or other action between the parties to the petition under
39 the laws of Washington.

1 ~~((4))~~ (5) The court administrator shall verify the terms of any
2 existing order governing the parties. The court may not delay
3 granting relief because of the existence of a pending action between
4 the parties or the necessity of verifying the terms of an existing
5 order. A petition for an extreme risk protection order may be granted
6 whether or not there is a pending action between the parties. Relief
7 under this chapter must not be denied or delayed on the grounds that
8 relief is available in another action.

9 ~~((5))~~ (6) If the petitioner is a law enforcement officer or
10 agency, the petitioner shall make a good faith effort to provide
11 notice to a family or household member of the respondent and to any
12 known third party who may be at risk of violence. The notice must
13 state that the petitioner intends to petition the court for an
14 extreme risk protection order or has already done so, and include
15 referrals to appropriate resources, including ~~((mental))~~ behavioral
16 health, domestic violence, and counseling resources. The petitioner
17 must attest in the petition to having provided such notice, or attest
18 to the steps that will be taken to provide such notice.

19 ~~((6))~~ (7) If the petition states that disclosure of the
20 petitioner's address would risk harm to the petitioner or any member
21 of the petitioner's family or household, the petitioner's address may
22 be omitted from all documents filed with the court. If the petitioner
23 has not disclosed an address under this subsection, the petitioner
24 must designate an alternative address at which the respondent may
25 serve notice of any motions. If the petitioner is a law enforcement
26 officer or agency, the address of record must be that of the law
27 enforcement agency.

28 ~~((7))~~ (8) Within ninety days of receipt of the master copy from
29 the administrative office of the courts, all court clerk's offices
30 shall make available the standardized forms, instructions, and
31 informational brochures required by RCW 7.94.150. Any assistance or
32 information provided by clerks under this section does not constitute
33 the practice of law and clerks are not responsible for incorrect
34 information contained in a petition.

35 ~~((8))~~ (9) No fees for filing or service of process may be
36 charged by a court or any public agency to petitioners seeking relief
37 under this chapter. Petitioners shall be provided the necessary
38 number of certified copies, forms, and instructional brochures free
39 of charge.

1 ~~((9))~~ (10) A person is not required to post a bond to obtain
2 relief in any proceeding under this section.

3 ~~((10))~~ (11) The superior courts of the state of Washington have
4 jurisdiction over proceedings under this chapter. The juvenile court
5 may hear a proceeding under this chapter if the respondent is under
6 the age of eighteen years. Additionally, district and municipal
7 courts have limited jurisdiction over issuance and enforcement of ex
8 parte extreme risk protection orders issued under RCW 7.94.050. The
9 district or municipal court shall set the full hearing provided for
10 in RCW 7.94.040 in superior court and transfer the case. If the
11 notice and order are not served on the respondent in time for the
12 full hearing, the issuing court has concurrent jurisdiction with the
13 superior court to extend the ex parte extreme risk protection order.

14 (12)(a) Any person restrained by an extreme risk protection order
15 against a respondent under the age of eighteen may petition the court
16 to have the court records sealed from public view at the time of
17 issuance of the full order, at any time during the life of the order,
18 or at any time after its expiration.

19 (b) The court shall seal the court records from public view if
20 there are no other active protection orders against the restrained
21 party, no pending violations of the order, and evidence of full
22 compliance with the relinquishment of firearms as ordered by the
23 extreme risk protection order.

24 (c) Nothing in this subsection changes the requirement for the
25 order to be entered into and maintained in computer-based systems as
26 required in RCW 7.94.110.

27 (13) The court shall give law enforcement priority at any extreme
28 risk protection order calendar because of the importance of immediate
29 temporary removal of firearms in situations of extreme risk and the
30 goal of minimizing the time law enforcement must otherwise wait for a
31 particular case to be called, which can hinder their other patrol and
32 supervisory duties. In the alternative, the court may allow a law
33 enforcement petitioner to participate telephonically, or allow
34 another representative from that law enforcement agency or the
35 prosecutor's office to present the information to the court if
36 personal presence of the petitioning officer is not required for
37 testimonial purposes.

38 (14) Recognizing that an extreme risk protection order may need
39 to be issued outside of normal business hours, courts shall allow law
40 enforcement petitioners to petition after-hours for an ex parte

1 extreme risk protection order using an on-call, after-hours judge, as
2 is done for approval of after-hours search warrants.

3 **Sec. 3.** RCW 7.94.040 and 2017 c 3 s 5 are each amended to read
4 as follows:

5 (1) Upon receipt of the petition, the court shall order a hearing
6 to be held not later than fourteen days from the date of the order
7 and issue a notice of hearing to the respondent for the same.

8 (a) The court may schedule a hearing by telephone pursuant to
9 local court rule, to reasonably accommodate a disability, or in
10 exceptional circumstances to protect a petitioner from potential
11 harm. The court shall require assurances of the petitioner's identity
12 before conducting a telephonic hearing.

13 (b) The court clerk shall cause a copy of the notice of hearing
14 and petition to be forwarded on or before the next judicial day to
15 the appropriate law enforcement agency for service upon the
16 respondent.

17 (c) Personal service of the notice of hearing and petition shall
18 be made upon the respondent by a law enforcement officer not less
19 than five court days prior to the hearing. Service issued under this
20 section takes precedence over the service of other documents, unless
21 the other documents are of a similar emergency nature. If timely
22 personal service cannot be made, the court shall set a new hearing
23 date and shall either require additional attempts at obtaining
24 personal service or permit service by publication or mail as provided
25 in RCW 7.94.070. The court shall not require more than two attempts
26 at obtaining personal service and shall permit service by publication
27 or mail after two attempts at obtaining personal service unless the
28 petitioner requests additional time to attempt personal service. If
29 the court issues an order permitting service by publication or mail,
30 the court shall set the hearing date not later than twenty-four days
31 from the date the order issues.

32 (d) The court may, as provided in RCW 7.94.050, issue an ex parte
33 extreme risk protection order pending the hearing ordered under this
34 subsection (1). Such ex parte order must be served concurrently with
35 the notice of hearing and petition.

36 (2) Upon hearing the matter, if the court finds by a
37 preponderance of the evidence that the respondent poses a significant
38 danger of causing personal injury to self or others by having in his
39 or her custody or control, purchasing, possessing, or receiving a

1 firearm, the court shall issue an extreme risk protection order for a
2 period of one year.

3 (3) In determining whether grounds for an extreme risk protection
4 order exist, the court may consider any relevant evidence including,
5 but not limited to, any of the following:

6 (a) A recent act or threat of violence by the respondent against
7 self or others, whether or not such violence or threat of violence
8 involves a firearm;

9 (b) A pattern of acts or threats of violence by the respondent
10 within the past twelve months including, but not limited to, acts or
11 threats of violence by the respondent against self or others;

12 (c) Any ~~((dangerous mental health issues of the respondent))~~
13 behaviors that present an imminent threat of harm to self or others;

14 (d) A violation by the respondent of a protection order or a no-
15 contact order issued under chapter 7.90, 7.92, 10.14, 9A.46, 10.99,
16 26.50, or 26.52 RCW;

17 (e) A previous or existing extreme risk protection order issued
18 against the respondent;

19 (f) A violation of a previous or existing extreme risk protection
20 order issued against the respondent;

21 (g) A conviction of the respondent for a crime that constitutes
22 domestic violence as defined in RCW 10.99.020;

23 (h) A conviction of the respondent under RCW 9A.36.080;

24 (i) The respondent's ownership, access to, or intent to possess
25 firearms;

26 ~~((i))~~ (j) The unlawful or reckless use, display, or brandishing
27 of a firearm by the respondent;

28 ~~((j))~~ (k) The history of use, attempted use, or threatened use
29 of physical force by the respondent against another person, or the
30 respondent's history of stalking another person;

31 ~~((k))~~ (l) Any prior arrest of the respondent for a felony
32 offense or violent crime;

33 ~~((l))~~ (m) Corroborated evidence of the abuse of controlled
34 substances or alcohol by the respondent; and

35 ~~((m))~~ (n) Evidence of recent acquisition of firearms by the
36 respondent.

37 (4) The court may:

38 (a) Examine under oath the petitioner, the respondent, and any
39 witnesses they may produce, or, in lieu of examination, consider

1 sworn affidavits of the petitioner, the respondent, and any witnesses
2 they may produce; and

3 (b) Ensure that a reasonable search has been conducted for
4 criminal history records related to the respondent.

5 (5) In a hearing under this chapter, the rules of evidence apply
6 to the same extent as in a domestic violence protection order
7 proceeding under chapter 26.50 RCW.

8 (6) During the hearing, the court shall consider whether a
9 (~~mental~~) behavioral health evaluation (~~or chemical dependency~~
10 ~~evaluation~~) is appropriate, and may order such evaluation if
11 appropriate.

12 (7) An extreme risk protection order must include:

13 (a) A statement of the grounds supporting the issuance of the
14 order;

15 (b) The date and time the order was issued;

16 (c) The date and time the order expires;

17 (d) Whether a (~~mental~~) behavioral health evaluation (~~or~~
18 ~~chemical dependency evaluation~~) of the respondent is required;

19 (e) The address of the court in which any responsive pleading
20 should be filed;

21 (f) A description of the requirements for relinquishment of
22 firearms under RCW 7.94.090; and

23 (g) The following statement: "To the subject of this protection
24 order: This order will last until the date and time noted above. If
25 you have not done so already, you must surrender to the (insert name
26 of local law enforcement agency) all firearms in your custody,
27 control, or possession and any concealed pistol license issued to you
28 under RCW 9.41.070 immediately. You may not have in your custody or
29 control, purchase, possess, receive, or attempt to purchase or
30 receive, a firearm while this order is in effect. You have the right
31 to request one hearing to terminate this order every twelve-month
32 period that this order is in effect, starting from the date of this
33 order and continuing through any renewals. You may seek the advice of
34 an attorney as to any matter connected with this order."

35 (8) When the court issues an extreme risk protection order, the
36 court shall inform the respondent that he or she is entitled to
37 request termination of the order in the manner prescribed by RCW
38 7.94.080. The court shall provide the respondent with a form to
39 request a termination hearing.

1 (9) If the court declines to issue an extreme risk protection
2 order, the court shall state the particular reasons for the court's
3 denial.

4 **Sec. 4.** RCW 7.94.060 and 2017 c 3 s 7 are each amended to read
5 as follows:

6 (1) An extreme risk protection order issued under RCW 7.94.040
7 must be personally served upon the respondent, except as otherwise
8 provided in this chapter.

9 (2) The law enforcement agency with jurisdiction in the area in
10 which the respondent resides shall serve the respondent personally,
11 unless the petitioner elects to have the respondent served by a
12 private party.

13 (3) If service by a law enforcement agency is to be used, the
14 clerk of the court shall cause a copy of the order issued under this
15 chapter to be forwarded on or before the next judicial day to the law
16 enforcement agency specified in the order for service upon the
17 respondent. Service of an order issued under this chapter takes
18 precedence over the service of other documents, unless the other
19 documents are of a similar emergency nature.

20 (4) If the law enforcement agency cannot complete service upon
21 the respondent within ten days, the law enforcement agency shall
22 notify the petitioner. The petitioner shall provide information
23 sufficient to permit such notification.

24 (5) If an order entered by the court recites that the respondent
25 appeared in person before the court, the necessity for further
26 service is waived and proof of service of that order is not
27 necessary.

28 (6) If the court previously entered an order allowing service of
29 the notice of hearing and petition, or an ex parte extreme risk
30 protection order, by publication or mail under RCW 7.94.070, or if
31 the court finds there are now grounds to allow such alternate
32 service, the court may permit service by publication or mail of the
33 extreme risk protection order issued under this chapter as provided
34 in RCW 7.94.070. The court order must state whether the court
35 permitted service by publication or service by mail.

36 (7)(a) When an extreme risk protection order is issued against a
37 minor under the age of eighteen, a copy of the order must be served
38 on the parent or guardian of the minor at any address where the minor
39 resides, or the department of children, youth, and families in the

1 case where the minor is the subject of a dependency or court approved
2 out-of-home placement.

3 (b) The court shall provide written notice of the legal
4 obligation to safely secure any firearm on the premises and the
5 potential for criminal prosecution if a prohibited person were to
6 obtain access to the firearm as provided in RCW 9.41.360, which shall
7 be served by law enforcement on the parent or guardian of the minor
8 at any address where the minor resides, or the department of
9 children, youth, and families in the case where the minor is the
10 subject of a dependency or court approved out-of-home placement.
11 Notice may be provided at the time the parent or guardian of the
12 respondent appears in court or may be served along with a copy of the
13 order.

14 (8) Returns of service under this chapter must be made in
15 accordance with the applicable court rules.

16 **Sec. 5.** RCW 7.94.150 and 2017 c 3 s 16 are each amended to read
17 as follows:

18 (1) The administrative office of the courts shall develop and
19 prepare instructions and informational brochures, standard petitions
20 and extreme risk protection order forms, and a court staff handbook
21 on the extreme risk protection order process. The standard petition
22 and order forms must be used after June 1, 2017, for all petitions
23 filed and orders issued under this chapter. The instructions,
24 brochures, forms, and handbook shall be prepared in consultation with
25 interested persons, including representatives of gun violence
26 prevention groups, judges, and law enforcement personnel. Materials
27 must be based on best practices and available electronically online
28 to the public.

29 (a) The instructions must be designed to assist petitioners in
30 completing the petition, and must include a sample of a standard
31 petition and order for protection forms.

32 (b) The instructions and standard petition must include a means
33 for the petitioner to identify, with only lay knowledge, the firearms
34 the respondent may own, (~~possesses~~ [possess]) possess, receive, or
35 have in his or her custody or control. The instructions must provide
36 pictures of types of firearms that the petitioner may choose from to
37 identify the relevant firearms, or an equivalent means to allow
38 petitioners to identify firearms without requiring specific or
39 technical knowledge regarding the firearms.

1 (c) The informational brochure must describe the use of and the
2 process for obtaining, modifying, and terminating an extreme risk
3 protection order under this chapter, and provide relevant forms.

4 (d) The extreme risk protection order form must include, in a
5 conspicuous location, notice of criminal penalties resulting from
6 violation of the order, and the following statement: "You have the
7 sole responsibility to avoid or refrain from violating this order's
8 provisions. Only the court can change the order and only upon written
9 application."

10 (e) The court staff handbook must allow for the addition of a
11 community resource list by the court clerk.

12 (2) All court clerks may create a community resource list of
13 crisis intervention, (~~(mental)~~) behavioral health, (~~(substance~~
14 ~~abuse,~~) interpreter, counseling, and other relevant resources
15 serving the county in which the court is located. The court may make
16 the community resource list available as part of or in addition to
17 the informational brochures described in subsection (1) of this
18 section.

19 (3) The administrative office of the courts shall distribute a
20 master copy of the petition and order forms, instructions, and
21 informational brochures to all court clerks and shall distribute a
22 master copy of the petition and order forms to all superior,
23 district, and municipal courts. Distribution of all documents shall,
24 at a minimum, be in an electronic format or formats accessible to all
25 courts and court clerks in the state.

26 (4) For purposes of this section, "court clerks" means court
27 administrators in courts of limited jurisdiction and elected court
28 clerks.

29 (5) The administrative office of the courts shall determine the
30 significant non-English-speaking or limited-English-speaking
31 populations in the state. The administrator shall then arrange for
32 translation of the instructions and informational brochures required
33 by this section, which shall contain a sample of the standard
34 petition and order for protection forms, into the languages spoken by
35 those significant non-English-speaking populations and shall
36 distribute a master copy of the translated instructions and
37 informational brochures to all court clerks by December 1, 2017.

38 (6) The administrative office of the courts shall update the
39 instructions, brochures, standard petition and extreme risk

1 protection order forms, and court staff handbook as necessary,
2 including when changes in the law make an update necessary.

3 (7) Consistent with the provisions of this section, the
4 administrative office of the courts shall develop and prepare:

5 (a) A standard petition and order form for an extreme risk
6 protection order sought against a respondent under eighteen years of
7 age, titled "Extreme Risk Protection Order - Respondent Under 18
8 Years";

9 (b) Pattern forms to assist in streamlining the process for those
10 persons who are eligible to seal records relating to an order under
11 (a) of this subsection, including:

12 (i) A petition and declaration the respondent can complete to
13 ensure that requirements for public sealing have been met; and

14 (ii) An order sealing the court records relating to that order;
15 and

16 (c) An informational brochure to be served on any respondent who
17 is subject to a temporary or full order under (a) of this subsection.

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

20 A police officer having probable cause to believe that a person
21 has committed or is committing a felony shall have the authority to
22 arrest the person without a warrant. A police officer may arrest a
23 person without a warrant for committing a misdemeanor or gross
24 misdemeanor only when the offense is committed in the presence of an
25 officer, except as provided in subsections (1) through (11) of this
26 section.

27 (1) Any police officer having probable cause to believe that a
28 person has committed or is committing a misdemeanor or gross
29 misdemeanor, involving physical harm or threats of harm to any person
30 or property or the unlawful taking of property or involving the use
31 or possession of cannabis, or involving the acquisition, possession,
32 or consumption of alcohol by a person under the age of twenty-one
33 years under RCW 66.44.270, or involving criminal trespass under RCW
34 9A.52.070 or 9A.52.080, shall have the authority to arrest the
35 person.

36 (2) A police officer shall arrest and take into custody, pending
37 release on bail, personal recognizance, or court order, a person
38 without a warrant when the officer has probable cause to believe
39 that:

1 (a) An order has been issued of which the person has knowledge
2 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09,
3 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the
4 person has violated the terms of the order restraining the person
5 from acts or threats of violence, or restraining the person from
6 going onto the grounds of or entering a residence, workplace, school,
7 or day care, or prohibiting the person from knowingly coming within,
8 or knowingly remaining within, a specified distance of a location or,
9 in the case of an order issued under RCW 26.44.063, imposing any
10 other restrictions or conditions upon the person; (~~(e)~~)

11 (b) An extreme risk protection order has been issued against the
12 person under RCW 7.94.040, the person has knowledge of the order, and
13 the person has violated the terms of the order prohibiting the person
14 from having in his or her custody or control, purchasing, possessing,
15 accessing, or receiving a firearm or concealed pistol license;

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

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

1 under RCW 10.99.010; (B) the comparative extent of injuries inflicted
2 or serious threats creating fear of physical injury; and (C) the
3 history of domestic violence of each person involved, including
4 whether the conduct was part of an ongoing pattern of abuse.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (16)(a) Except as provided in (b) of this subsection, a police
40 officer shall arrest and keep in custody, until release by a judicial

1 officer on bail, personal recognizance, or court order, a person
2 without a warrant when the officer has probable cause to believe that
3 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
4 local ordinance and the police officer: (i) Has knowledge that the
5 person has a prior offense as defined in RCW 46.61.5055 within ten
6 years; or (ii) has knowledge, based on a review of the information
7 available to the officer at the time of arrest, that the person is
8 charged with or is awaiting arraignment for an offense that would
9 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
10 conviction.

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

14 Correct the title.

EFFECT: Adds a conviction for a crime committed under the malicious harassment statute as a factor the court may consider when determining whether grounds for an extreme risk protection order (ERPO) exist. Clarifies that law enforcement is the entity that serves notice of an ERPO issued against a minor to the parents or guardians of the minor. Provides that when a minor is the subject of a dependency or an out-of-home placement, notice is provided to the Department of Children, Youth, and Families.

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