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**SENATE BILL 5573**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Warnick, Hunt, Fortunato, Takko, Zeiger, Wilson, C., Hasegawa, Walsh, Schoesler, McCoy, Honeyford, Rolfes, Sheldon, Lias, Darneille, Keiser, Nguyen, Saldaña, Van De Wege, and Wilson, L.

Read first time 01/24/19. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to domestic violence and traumatic brain injury;  
2 amending RCW 26.50.035 and 10.99.030; and adding a new section to  
3 chapter 74.31 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.31  
6 RCW to read as follows:

7 (1) The department, in consultation with the advisory council  
8 established in RCW 74.31.020, shall recommend or develop an  
9 educational handout regarding traumatic brain injury to be provided  
10 to victims of domestic violence. The handout must include:

11 (a) An explanation of the potential for domestic abuse to lead to  
12 traumatic brain injury;

13 (b) Information on recognizing cognitive, behavioral, and  
14 physical symptoms of traumatic brain injury as well as potential  
15 impacts to a person's emotional well-being and mental health. A self-  
16 screening tool must be provided; and

17 (c) Recommendations for persons with traumatic brain injury to  
18 address or cope with the injury.

19 (2) The department must update the handout on a periodic basis  
20 and make the handout available for use by law enforcement as provided

1 in RCW 10.99.030 and the administrative office of the courts as  
2 provided in RCW 26.50.035.

3 **Sec. 2.** RCW 26.50.035 and 2005 c 282 s 40 are each amended to  
4 read as follows:

5 (1) The administrative office of the courts shall develop and  
6 prepare instructions and informational brochures required under RCW  
7 26.50.030(4), standard petition and order for protection forms, and a  
8 court staff handbook on domestic violence and the protection order  
9 process. The standard petition and order for protection forms must be  
10 used after September 1, 1994, for all petitions filed and orders  
11 issued under this chapter. The instructions, brochures, forms, and  
12 handbook shall be prepared in consultation with interested persons,  
13 including a representative of the state domestic violence coalition,  
14 judges, and law enforcement personnel.

15 (a) The instructions shall be designed to assist petitioners in  
16 completing the petition, and shall include a sample of standard  
17 petition and order for protection forms.

18 (b) The informational brochure shall describe the use of and the  
19 process for obtaining, modifying, and terminating a domestic violence  
20 protection order as provided under this chapter, an antiharassment  
21 no-contact order as provided under chapter 9A.46 RCW, a domestic  
22 violence no-contact order as provided under chapter 10.99 RCW, a  
23 restraining order as provided under chapters 26.09, 26.10, (~~26.26~~)  
24 26.26A, 26.26B, and 26.44 RCW, an antiharassment protection order as  
25 provided by chapter 10.14 RCW, and a foreign protection order as  
26 defined in chapter 26.52 RCW.

27 (c) The educational handout on domestic violence and traumatic  
28 brain injury prepared by the department of social and health services  
29 pursuant to section 1 of this act must be included as part of the  
30 informational brochures to be provided to persons seeking protection  
31 orders.

32 (d) The order for protection form shall include, in a conspicuous  
33 location, notice of criminal penalties resulting from violation of  
34 the order, and the following statement: "You can be arrested even if  
35 the person or persons who obtained the order invite or allow you to  
36 violate the order's prohibitions. The respondent has the sole  
37 responsibility to avoid or refrain from violating the order's  
38 provisions. Only the court can change the order upon written  
39 application."

1        ~~((d))~~ (e) The court staff handbook shall allow for the addition  
2 of a community resource list by the court clerk.

3        (2) All court clerks shall obtain a community resource list from  
4 a domestic violence program, defined in RCW 70.123.020, serving the  
5 county in which the court is located. The community resource list  
6 shall include the names and telephone numbers of domestic violence  
7 programs serving the community in which the court is located,  
8 including law enforcement agencies, domestic violence agencies,  
9 sexual assault agencies, legal assistance programs, interpreters,  
10 multicultural programs, and batterers' treatment programs. The court  
11 shall make the community resource list available as part of or in  
12 addition to the informational brochures described in subsection (1)  
13 of this section.

14        (3) The administrative office of the courts shall distribute a  
15 master copy of the petition and order forms, instructions, and  
16 informational brochures to all court clerks and shall distribute a  
17 master copy of the petition and order forms to all superior,  
18 district, and municipal courts.

19        (4) For purposes of this section, "court clerks" means court  
20 administrators in courts of limited jurisdiction and elected court  
21 clerks.

22        (5) The administrative office of the courts shall determine the  
23 significant non-English-speaking or limited English-speaking  
24 populations in the state. The administrator shall then arrange for  
25 translation of the instructions and informational brochures required  
26 by this section, which shall contain a sample of the standard  
27 petition and order for protection forms, into the languages spoken by  
28 those significant non-English-speaking populations and shall  
29 distribute a master copy of the translated instructions and  
30 informational brochures to all court clerks by January 1, 1997.

31        (6) The administrative office of the courts shall update the  
32 instructions, brochures, standard petition and order for protection  
33 forms, and court staff handbook when changes in the law make an  
34 update necessary.

35        **Sec. 3.** RCW 10.99.030 and 2016 c 136 s 5 are each amended to  
36 read as follows:

37        (1) All training relating to the handling of domestic violence  
38 complaints by law enforcement officers shall stress enforcement of  
39 criminal laws in domestic situations, availability of community

1 resources, and protection of the victim. Law enforcement agencies and  
2 community organizations with expertise in the issue of domestic  
3 violence shall cooperate in all aspects of such training.

4 (2) The criminal justice training commission shall implement by  
5 January 1, 1997, a course of instruction for the training of law  
6 enforcement officers in Washington in the handling of domestic  
7 violence complaints. The basic law enforcement curriculum of the  
8 criminal justice training commission shall include at least twenty  
9 hours of basic training instruction on the law enforcement response  
10 to domestic violence. The course of instruction, the learning and  
11 performance objectives, and the standards for the training shall be  
12 developed by the commission and focus on enforcing the criminal laws,  
13 safety of the victim, and holding the perpetrator accountable for the  
14 violence. The curriculum shall include training on the extent and  
15 prevalence of domestic violence, the importance of criminal justice  
16 intervention, techniques for responding to incidents that minimize  
17 the likelihood of officer injury and that promote victim safety,  
18 investigation and interviewing skills, evidence gathering and report  
19 writing, assistance to and services for victims and children,  
20 recognizing the signs of possible or probable traumatic brain injury,  
21 verification and enforcement of court orders, liability, and any  
22 additional provisions that are necessary to carry out the intention  
23 of this subsection.

24 (3) The criminal justice training commission shall develop and  
25 update annually an in-service training program to familiarize law  
26 enforcement officers with the domestic violence laws. The program  
27 shall include techniques for handling incidents of domestic violence  
28 that minimize the likelihood of injury to the officer and that  
29 promote the safety of all parties. The commission shall make the  
30 training program available to all law enforcement agencies in the  
31 state.

32 (4) Development of the training in subsections (2) and (3) of  
33 this section shall be conducted in conjunction with agencies having a  
34 primary responsibility for serving victims of domestic violence with  
35 emergency shelter and other services, and representatives to the  
36 statewide organization providing training and education to these  
37 organizations and to the general public.

38 (5) The primary duty of peace officers, when responding to a  
39 domestic violence situation, is to enforce the laws allegedly  
40 violated and to protect the complaining party.

1 (6) (a) When a peace officer responds to a domestic violence call  
2 and has probable cause to believe that a crime has been committed,  
3 the peace officer shall exercise arrest powers with reference to the  
4 criteria in RCW 10.31.100. The officer shall notify the victim of the  
5 victim's right to initiate a criminal proceeding in all cases where  
6 the officer has not exercised arrest powers or decided to initiate  
7 criminal proceedings by citation or otherwise. The parties in such  
8 cases shall also be advised of the importance of preserving evidence.

9 (b) A peace officer responding to a domestic violence call shall  
10 take a complete offense report including the officer's disposition of  
11 the case.

12 (7) When a peace officer responds to a domestic violence call,  
13 the officer shall:

14 (a) Advise victims of all reasonable means to prevent further  
15 abuse, including advising each person of the availability of a  
16 shelter or other services in the community, and giving each person  
17 immediate notice of the legal rights and remedies available. The  
18 notice shall include handing each person a copy of the following  
19 statement:

20 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the  
21 city or county prosecuting attorney to file a criminal  
22 complaint. You also have the right to file a petition in  
23 superior, district, or municipal court requesting an order  
24 for protection from domestic abuse which could include any of  
25 the following: (a) An order restraining your abuser from  
26 further acts of abuse; (b) an order directing your abuser to  
27 leave your household; (c) an order preventing your abuser  
28 from entering your residence, school, business, or place of  
29 employment; (d) an order awarding you or the other parent  
30 custody of or visitation with your minor child or children;  
31 and (e) an order restraining your abuser from molesting or  
32 interfering with minor children in your custody. The forms  
33 you need to obtain a protection order are available in any  
34 municipal, district, or superior court.

35 Information about shelters and alternatives to domestic  
36 violence is available from a statewide twenty-four-hour toll-  
37 free hotline at (include appropriate phone number). The  
38 battered women's shelter and other resources in your area  
39 are . . . . (include local information)"

1       (b) Provide victims with a copy of the educational handout on  
2 domestic violence and traumatic brain injury prepared by the  
3 department of social and health services pursuant to section 1 of  
4 this act.

5       (8) The peace officer may offer, arrange, or facilitate  
6 transportation for the victim to a hospital for treatment of injuries  
7 or to a place of safety or shelter.

8       (9) The law enforcement agency shall forward the offense report  
9 to the appropriate prosecutor within ten days of making such report  
10 if there is probable cause to believe that an offense has been  
11 committed, unless the case is under active investigation. Upon  
12 receiving the offense report, the prosecuting agency may, in its  
13 discretion, choose not to file the information as a domestic violence  
14 offense, if the offense was committed against a sibling, parent,  
15 stepparent, or grandparent.

16       (10) Each law enforcement agency shall make as soon as  
17 practicable a written record and shall maintain records of all  
18 incidents of domestic violence reported to it, including a notation  
19 of a probable incident of traumatic brain injury.

20       (11) Records kept pursuant to subsections (6) and (10) of this  
21 section shall be made identifiable by means of a departmental code  
22 for domestic violence.

23       (12) Commencing January 1, 1994, records of incidents of domestic  
24 violence shall be submitted, in accordance with procedures described  
25 in this subsection, to the Washington association of sheriffs and  
26 police chiefs by all law enforcement agencies. The Washington  
27 criminal justice training commission shall amend its contract for  
28 collection of statewide crime data with the Washington association of  
29 sheriffs and police chiefs:

30       (a) To include a table, in the annual report of crime in  
31 Washington produced by the Washington association of sheriffs and  
32 police chiefs pursuant to the contract, showing the total number of  
33 actual offenses and the number and percent of the offenses that are  
34 domestic violence incidents for the following crimes: (i) Criminal  
35 homicide, with subtotals for murder and nonnegligent homicide and  
36 manslaughter by negligence; (ii) forcible rape, with subtotals for  
37 rape by force and attempted forcible rape; (iii) robbery, with  
38 subtotals for firearm, knife or cutting instrument, or other  
39 dangerous weapon, and strongarm robbery; (iv) assault, with subtotals

1 for firearm, knife or cutting instrument, other dangerous weapon,  
2 hands, feet, aggravated, and other nonaggravated assaults; (v)  
3 burglary, with subtotals for forcible entry, nonforcible unlawful  
4 entry, and attempted forcible entry; (vi) larceny theft, except motor  
5 vehicle theft; (vii) motor vehicle theft, with subtotals for autos,  
6 trucks and buses, and other vehicles; (viii) arson; and (ix)  
7 violations of the provisions of a protection order or no-contact  
8 order restraining the person from going onto the grounds of or  
9 entering a residence, workplace, school, or day care, provided that  
10 specific appropriations are subsequently made for the collection and  
11 compilation of data regarding violations of protection orders or no-  
12 contact orders;

13 (b) To require that the table shall continue to be prepared and  
14 contained in the annual report of crime in Washington until that time  
15 as comparable or more detailed information about domestic violence  
16 incidents is available through the Washington state incident based  
17 reporting system and the information is prepared and contained in the  
18 annual report of crime in Washington; and

19 (c) To require that, in consultation with interested persons, the  
20 Washington association of sheriffs and police chiefs prepare and  
21 disseminate procedures to all law enforcement agencies in the state  
22 as to how the agencies shall code and report domestic violence  
23 incidents to the Washington association of sheriffs and police  
24 chiefs.

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