

E2SHB 1715 - S AMD  
By Senator Dhingra

ADOPTED AND ENGROSSED 04/22/2023

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

3 **"Part I. Electronic Monitoring with Victim Notification Technology**

4 NEW SECTION. **Sec. 101.** A new section is added to chapter 2.56  
5 RCW to read as follows:

6 (1) Subject to funds appropriated for this specific purpose, by  
7 June 1, 2024, the Washington courts' board for judicial  
8 administration must develop model standards:

9 (a) Establishing best practices for the operation of electronic  
10 monitoring with victim notification technology by monitoring  
11 agencies, with the goal of improving victim safety;

12 (b) Establishing protocols for implementing court orders that  
13 include electronic monitoring with victim notification, including  
14 protocols for the installation and removal of monitoring devices to  
15 ensure uninterrupted monitoring services following release from  
16 detention or incarceration; and

17 (c) Establishing any additional requirements necessary to promote  
18 compliance with RCW 2.56.260 and 9.94A.736, which may include, but  
19 not be limited to, training requirements for court officials, peace  
20 officers, 911 dispatchers, local corrections officers and staff, and  
21 other appropriate practitioners.

22 (2) In developing the standards required under this section, the  
23 Washington courts' board for judicial administration must solicit  
24 input from courts of general and limited jurisdiction, local  
25 governments, monitoring agencies, and statewide associations  
26 representing law enforcement leaders, prosecutors, the department of  
27 corrections, domestic violence victims, and domestic violence  
28 agencies.

29 (3) Subject to funds appropriated for this specific purpose, the  
30 Washington courts' board for judicial administration must develop a  
31 model policy on electronic monitoring with victim notification

1 technology based on best practices where the technology is being  
2 currently used in Washington. Each law enforcement agency in the  
3 state must adopt its own policy based on the model policy.

4 (4) For the purposes of this section:

5 (a) "Electronic monitoring" has the meaning provided in RCW  
6 9.94A.030; and

7 (b) "Monitoring agency" has the meaning provided in RCW  
8 9.94A.736.

9 **Part II. Civil Proceedings**

10 **Sec. 201.** RCW 7.105.155 and 2022 c 268 s 10 are each amended to  
11 read as follows:

12 When service is to be completed under this chapter by a law  
13 enforcement officer:

14 (1) The clerk of the court shall have a copy of any order issued  
15 under this chapter, the confidential information form, as well as the  
16 petition for a protection order and any supporting materials,  
17 electronically forwarded on or before the next judicial day to the  
18 law enforcement agency in the county or municipality where the  
19 respondent resides, as specified in the order, for service upon the  
20 respondent. If the respondent has moved from that county or  
21 municipality and personal service is not required, the law  
22 enforcement agency specified in the order may serve the order;

23 (2) Service of an order issued under this chapter must take  
24 precedence over the service of other documents by law enforcement  
25 unless they are of a similar emergency nature;

26 (3) Where personal service is required, the first attempt at  
27 service must occur within 24 hours of receiving the order from the  
28 court (~~whenever practicable, but not more than five days after~~  
29 ~~receiving the order~~) unless an emergency situation renders the  
30 service infeasible. If an emergency situation prevents a first  
31 attempt at service within 24 hours, law enforcement must attempt  
32 service as soon as possible. If the first attempt is not successful,  
33 no fewer than two additional attempts should be made to serve the  
34 order, particularly for respondents who present heightened risk of  
35 lethality or other risk of physical harm to the petitioner or  
36 petitioner's family or household members. All attempts at service  
37 must be documented on a proof of service form and submitted to the  
38 court in a timely manner;

1 (4) If service cannot be completed within 10 calendar days, the  
2 law enforcement officer shall notify the petitioner. The petitioner  
3 shall provide information sufficient to permit notification. Law  
4 enforcement shall continue to attempt to complete service unless  
5 otherwise directed by the court. In the event that the petitioner  
6 does not provide a service address for the respondent or there is  
7 evidence that the respondent is evading service, the law enforcement  
8 officer shall use law enforcement databases to assist in locating the  
9 respondent;

10 (5) If the respondent is in a protected person's presence at the  
11 time of contact for service, the law enforcement officer should take  
12 reasonable steps to separate the parties when possible prior to  
13 completing the service or inquiring about or collecting firearms.  
14 When the order requires the respondent to vacate the parties' shared  
15 residence, law enforcement shall take reasonable steps to ensure that  
16 the respondent has left the premises and is on notice that ((~~his or~~  
17 ~~her~~)) the respondent's return is a violation of the terms of the  
18 order. The law enforcement officer shall provide the respondent with  
19 copies of all forms with the exception of the confidential  
20 information form completed by the protected party and the proof of  
21 service form;

22 (6) Any law enforcement officer who serves a protection order on  
23 a respondent with the knowledge that the respondent requires special  
24 assistance due to a disability, brain injury, or impairment shall  
25 make a reasonable effort to accommodate the needs of the respondent  
26 to the extent practicable without compromise to the safety of the  
27 petitioner;

28 (7) Proof of service must be submitted to the court on the proof  
29 of service form. The form must include the date and time of service  
30 and each document that was served in order for the service to be  
31 complete, along with any details such as conduct at the time of  
32 service, threats, or avoidance of service, as well as statements  
33 regarding possession of firearms, including any denials of ownership  
34 despite positive purchase history, active concealed pistol license,  
35 or sworn statements in the petition that allege the respondent's  
36 access to, or possession of, firearms; or

37 (8) If attempts at service were not successful, the proof of  
38 service form or the form letter showing that the order was not  
39 served, and stating the reason it was not served, must be returned to  
40 the court by the next judicial day following the last unsuccessful

1 attempt at service. Each attempt at service must be noted and  
2 reflected in computer aided dispatch records, with the date, time,  
3 address, and reason service was not completed.

4 **Sec. 202.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to  
5 read as follows:

6 (1) To help ensure familiarity with the unique nature of  
7 protection order proceedings, and an understanding of trauma-informed  
8 practices and best practices in the use of new technologies for  
9 remote hearings, judicial officers, including persons who serve as  
10 judicial officers pro tempore, should receive evidence-based training  
11 on procedural justice, trauma-informed practices, gender-based  
12 violence dynamics, coercive control, elder abuse, juvenile sex  
13 offending, teen dating violence, domestic violence homicide  
14 prevention, and requirements and best practices for the surrender of  
15 weapons before presiding over protection order hearings. Trainings  
16 should be provided on an ongoing basis as best practices, research on  
17 trauma, and legislation continue to evolve. As a method of continuous  
18 training, court commissioners, including pro tempore commissioners,  
19 shall be notified by the presiding judge or court administrator upon  
20 revision of any decision made under this chapter.

21 (2) Subject to funds appropriated for this specific purpose, the  
22 administrative office of the courts shall develop training for  
23 judicial officers on the topics listed in subsection (1) of this  
24 section, which must be provided free of charge to judicial officers.

25 NEW SECTION. **Sec. 203.** A new section is added to chapter 7.105  
26 RCW to read as follows:

27 (1) The legislature recognizes the inherent volatility and danger  
28 associated with domestic violence, particularly when the court has  
29 made a finding that an ex parte order to surrender and prohibit  
30 weapons is necessary. The risk of domestic violence homicide is most  
31 acute when a victim is ending the relationship and throughout legal  
32 proceedings. The presence of a firearm in a domestic violence  
33 situation increases the risk of homicide by 11 times. The legislature  
34 acknowledges the potential for judicial or administrative error in  
35 hearings on full protection orders and the significant consequences  
36 that can result from such errors. In recognition of the potential for  
37 error, the legislature has previously established in RCW 2.24.050  
38 that decisions of court commissioners are subject to revision and the

1 courts have created processes for reconsideration of rulings.  
2 Therefore, in any proceeding in which the court enters a temporary  
3 protection order that includes a temporary order to surrender and  
4 prohibit weapons, and after the hearing the court denies the petition  
5 for a full protection order, the order to surrender and prohibit  
6 weapons must remain in effect until the period for a petitioner to  
7 file a motion for reconsideration or revision has passed. If a motion  
8 for reconsideration or revision is filed, the order to surrender and  
9 prohibit weapons must remain in effect until the motion for  
10 reconsideration or revision is resolved.

11 (2) At the hearing in which the court denies the petition for a  
12 full protection order, if the petitioner is present, the court must  
13 notify the petitioner verbally of the procedures and timelines for  
14 filing a motion for reconsideration or a motion for revision. The  
15 court must provide the petitioner with written information explaining  
16 the procedures and timelines for filing a motion for reconsideration  
17 or a motion for revision. The information must also include contact  
18 information for civil legal aid organizations that may assist the  
19 petitioner with a motion for reconsideration or a motion for  
20 revision.

21 (3) Subsections (1) and (2) of this section do not apply if  
22 allowing the order to surrender and prohibit weapons to remain in  
23 effect would be manifestly unjust including, but not limited to,  
24 situations where the court finds the temporary protection order was  
25 entirely without merit, the petitioner was engaged in abusive use of  
26 litigation, or the petitioner was exerting coercive control, as  
27 defined in RCW 7.105.010, over the respondent.

28 **Part III. Domestic Violence Protections**

29 **Sec. 301.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to  
30 read as follows:

31 (1) All training relating to the handling of domestic violence  
32 complaints by law enforcement officers must stress enforcement of  
33 criminal laws in domestic situations, availability of community  
34 resources, and protection of the victim. Law enforcement agencies and  
35 community organizations with expertise in the issue of domestic  
36 violence shall cooperate in all aspects of such training.

37 (2) The criminal justice training commission shall implement by  
38 July 28, 2019, a course of instruction for the training of law

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

18 (3) The criminal justice training commission shall develop and  
19 update annually an in-service training program to familiarize law  
20 enforcement officers with domestic violence laws. The program must  
21 include techniques for handling incidents of domestic violence that  
22 minimize the likelihood of injury to the officer and that promote the  
23 safety of all parties. The commission shall make the training program  
24 available to all law enforcement agencies in the state.

25 (4) Development of the training in subsections (2) and (3) of  
26 this section must be conducted in conjunction with agencies having a  
27 primary responsibility for serving victims of domestic violence with  
28 emergency shelter and other services, and representatives to the  
29 statewide organization providing training and education to these  
30 organizations and to the general public.

31 (5) Subject to funds appropriated for this specific purpose:

32 (a) The curriculum required in subsection (2) of this section  
33 must include trauma-informed investigation and interviewing skills,  
34 domestic violence homicide prevention, the intersection of firearms  
35 and domestic violence, best practices for serving and enforcing  
36 protection orders, and assistance to and services for victims and  
37 children; and

38 (b) The in-service training program required in subsection (3) of  
39 this section must include training on domestic violence homicide  
40 prevention, the intersection of firearms and domestic violence, best

1 practices for serving and enforcing protection orders, and assistance  
2 to and services for victims and children.

3 **Sec. 302.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to  
4 read as follows:

5 (1) Because of the serious nature of domestic violence, the court  
6 in domestic violence actions:

7 (a) Shall not dismiss any charge or delay disposition because of  
8 concurrent dissolution or other civil proceedings;

9 (b) Shall not require proof that either party is seeking a  
10 dissolution of marriage prior to instigation of criminal proceedings;

11 (c) Shall waive any requirement that the victim's location be  
12 disclosed to any person, other than the attorney of a criminal  
13 defendant, upon a showing that there is a possibility of further  
14 violence: PROVIDED, That the court may order a criminal defense  
15 attorney not to disclose to (~~his or her~~) the attorney's client the  
16 victim's location; and

17 (d) Shall identify by any reasonable means on docket sheets those  
18 criminal actions arising from acts of domestic violence; and

19 (e) Shall not deny issuance of a no-contact order based on the  
20 existence of an applicable civil protection order preventing the  
21 defendant from contacting the victim.

22 (2) (a) Because of the likelihood of repeated violence directed at  
23 those who have been victims of domestic violence in the past, when  
24 any person charged with or arrested for a crime involving domestic  
25 violence is released from custody before arraignment or trial on bail  
26 or personal recognizance, the court authorizing the release may  
27 prohibit that person from having any contact with the victim. The  
28 jurisdiction authorizing the release shall determine whether that  
29 person should be prohibited from having any contact with the victim.  
30 If there is no outstanding restraining or (~~protective~~) protection  
31 order prohibiting that person from having contact with the victim,  
32 the court authorizing release may issue, by telephone, a no-contact  
33 order prohibiting the person charged or arrested from having contact  
34 with the victim or from knowingly coming within, or knowingly  
35 remaining within, a specified distance of a location.

36 (b) In issuing the order, the court shall consider the provisions  
37 of RCW 9.41.800, and shall order the defendant to surrender, and  
38 prohibit the person from possessing, all firearms, dangerous weapons,  
39 and any concealed pistol license as required in RCW 9.41.800.

1 (c) The no-contact order shall also be issued in writing as soon  
2 as possible, and shall state that it may be extended as provided in  
3 subsection (3) of this section. By January 1, 2011, the  
4 administrative office of the courts shall develop a pattern form for  
5 all no-contact orders issued under this chapter. A no-contact order  
6 issued under this chapter must substantially comply with the pattern  
7 form developed by the administrative office of the courts.

8 (3)(a) At the time of arraignment the court shall determine  
9 whether a no-contact order shall be issued or extended. So long as  
10 the court finds probable cause, the court may issue or extend a no-  
11 contact order even if the defendant fails to appear at arraignment.  
12 The no-contact order shall terminate if the defendant is acquitted or  
13 the charges are dismissed.

14 (b) In issuing the order, the court shall consider all  
15 information documented in the incident report concerning the person's  
16 possession of and access to firearms and whether law enforcement took  
17 temporary custody of firearms at the time of the arrest. The court  
18 may as a condition of release prohibit the defendant from possessing  
19 or accessing firearms and order the defendant to immediately  
20 surrender all firearms and any concealed pistol license to a law  
21 enforcement agency upon release.

22 (c) If a no-contact order is issued or extended, the court may  
23 also include in the conditions of release a requirement that the  
24 defendant submit to electronic monitoring as defined in RCW  
25 9.94A.030. If electronic monitoring is ordered, the court shall  
26 specify who shall provide the monitoring services, and the terms  
27 under which the monitoring shall be performed. Upon conviction, the  
28 court may require as a condition of the sentence that the defendant  
29 (~~reimburse the providing agency for~~) pay the costs of the  
30 electronic monitoring. If a defendant enters into a deferred  
31 prosecution or stipulated order of continuance, the applicable order  
32 or agreement may require the defendant pay the costs of the  
33 electronic monitoring.

34 (4)(a) Willful violation of a court order issued under subsection  
35 (2), (3), or (7) of this section is punishable under RCW 7.105.450.

36 (b) The written order releasing the person charged or arrested  
37 shall contain the court's directives and shall bear the legend:  
38 "Violation of this order is a criminal offense under chapter 7.105  
39 RCW and will subject a violator to arrest; any assault, drive-by  
40 shooting, or reckless endangerment that is a violation of this order



1 is a felony. You can be arrested even if any person protected by the  
2 order invites or allows you to violate the order's prohibitions. You  
3 have the sole responsibility to avoid or refrain from violating the  
4 order's provisions. Only the court can change the order."

5 (c) A certified copy of the order shall be provided to the  
6 victim.

7 (5) If a no-contact order has been issued prior to charging, that  
8 order shall expire at arraignment or within seventy-two hours if  
9 charges are not filed.

10 (6) Whenever a no-contact order is issued, modified, or  
11 terminated under subsection (2) or (3) of this section, the clerk of  
12 the court shall forward a copy of the order on or before the next  
13 judicial day to the appropriate law enforcement agency specified in  
14 the order. Upon receipt of the copy of the order the law enforcement  
15 agency shall enter the order for one year or until the expiration  
16 date specified on the order into any computer-based criminal  
17 intelligence information system available in this state used by law  
18 enforcement agencies to list outstanding warrants. Entry into the  
19 computer-based criminal intelligence information system constitutes  
20 notice to all law enforcement agencies of the existence of the order.  
21 The order is fully enforceable in any jurisdiction in the state. Upon  
22 receipt of notice that an order has been terminated under subsection  
23 (3) of this section, the law enforcement agency shall remove the  
24 order from the computer-based criminal intelligence information  
25 system.

26 (7) All courts shall develop policies and procedures by January  
27 1, 2011, to grant victims a process to modify or rescind a no-contact  
28 order issued under this chapter. The administrative office of the  
29 courts shall develop a model policy to assist the courts in  
30 implementing the requirements of this subsection.

31 **Part IV. Firearms and Dangerous Weapons**

32 **Sec. 401.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to  
33 read as follows:

34 (1) (a) Each law enforcement agency shall develop a notification  
35 protocol that (~~allows~~) :

36 (i) Allows a family or household member or intimate partner to  
37 use an incident or case number to request to be notified when a law  
38 enforcement agency returns a privately owned firearm to the

1 individual from whom it was obtained or to an authorized  
2 representative of that person; and

3 (ii) Requires notification to any person identified in a no-  
4 contact order, restraining order, or protection order and any  
5 identified victim of the crime that resulted in the firearm  
6 surrender.

7 ~~((a))~~ (b)(i) Notification may be made via telephone, email,  
8 text message, or another method that allows notification to be  
9 provided without unnecessary delay.

10 ~~((b))~~ (ii) If a law enforcement agency is in possession of more  
11 than one privately owned firearm from ~~((a single person))~~ an  
12 individual, notification relating to the return of one firearm shall  
13 be considered notification for all privately owned firearms for that  
14 person.

15 (2) A law enforcement agency shall not provide notification to  
16 any party other than ~~((a family or household member or intimate~~  
17 ~~partner who has an incident or case number and who has requested to~~  
18 ~~be notified pursuant to this section or))~~ another criminal justice  
19 agency or as authorized or required under subsection (1) of this  
20 section.

21 (3) The information provided by a family or household member or  
22 intimate partner pursuant to chapter 130, Laws of 2015, including the  
23 existence of the request for notification, is not subject to public  
24 disclosure pursuant to chapter 42.56 RCW.

25 (4) An appointed or elected official, public employee, or public  
26 agency as defined in RCW 4.24.470, or combination of units of local  
27 government and its employees, as provided in RCW 36.28A.010, are  
28 immune from civil liability for damages for any release of  
29 information or the failure to release information related to this  
30 section, so long as the release or failure was without gross  
31 negligence.

32 (5) An individual who knowingly makes a request for notification  
33 under this section based on false information may be held liable  
34 under RCW 9A.76.175.

35 **Sec. 402.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to  
36 read as follows:

37 (1) Before a law enforcement agency returns a privately owned  
38 firearm, the law enforcement agency must:

1 (a) Confirm that the individual to whom the firearm will be  
2 returned is the individual from whom the firearm was obtained or an  
3 authorized representative of that person;

4 (b) Confirm that the individual to whom the firearm will be  
5 returned is eligible to possess a firearm pursuant to RCW 9.41.040;

6 (c) Ensure that the firearm is not otherwise required to be held  
7 in custody or otherwise prohibited from being released; (~~and~~)

8 (d) Ensure that (~~twenty-four hours~~) five business days have  
9 elapsed from the time the firearm was obtained by law enforcement(~~(~~  
10 ~~unless the firearm was seized in connection with a domestic violence~~  
11 ~~call pursuant to RCW 10.99.030, in which case the law enforcement~~  
12 ~~agency must ensure that five business days have elapsed from the time~~  
13 ~~the firearm was obtained)~~); and

14 (e) If a family or household member or intimate partner has  
15 requested notification under RCW 9.41.340(1)(a)(i), or notification  
16 to an identified victim or protected person is required per RCW  
17 9.41.340(1)(a)(ii), provide notice to the appropriate person within  
18 one business day of verifying that the requirements in (a) through  
19 (c) of this subsection have been met.

20 (2)(a) Once the requirements in subsections (1) and (3) of this  
21 section have been met, a law enforcement agency must release a  
22 firearm to the individual from whom it was obtained or an authorized  
23 representative of that person upon request without unnecessary delay.

24 (b)(i) If a firearm cannot be returned because it is required to  
25 be held in custody or is otherwise prohibited from being released, a  
26 law enforcement agency must provide written notice to the individual  
27 from whom it was obtained within five business days of the individual  
28 requesting return of (~~his or her~~) the firearm and specify the  
29 reason the firearm must be held in custody.

30 (ii) Notification may be made via email, text message, mail  
31 service, or personal service. For methods other than personal  
32 service, service shall be considered complete once the notification  
33 is sent.

34 (~~(3) If (a family or household member or intimate partner has~~  
35 ~~requested to be notified pursuant to RCW 9.41.340)~~) notification is  
36 required under RCW 9.41.340(1)(a)(i) or (ii), a law enforcement  
37 agency must(~~(~~

38 ~~(a) Provide notice to the family or household member or intimate~~  
39 ~~partner within one business day of verifying that the requirements in~~  
40 ~~subsection (1) of this section have been met; and~~

1       ~~(b) Hold~~) hold the firearm in custody for ~~((seventy-two hours))~~  
2 five business days from the time notification has been provided or  
3 information has been entered.

4       (4) (a) A law enforcement agency may not return a concealed pistol  
5 license that has been surrendered to, or impounded by, the law  
6 enforcement agency for any reason to the licensee until the law  
7 enforcement agency determines the licensee is eligible to possess a  
8 firearm under state and federal law and meets the other eligibility  
9 requirements for a concealed pistol license under RCW 9.41.070.

10       (b) A law enforcement agency must release a concealed pistol  
11 license to the licensee without unnecessary delay, and in no case  
12 longer than five business days, after the law enforcement agency  
13 determines the requirements of (a) of this subsection have been met.

14       (5) The provisions of chapter 130, Laws of 2015 and subsection  
15 (4) of this section shall not apply to circumstances where a law  
16 enforcement officer has momentarily obtained a firearm or concealed  
17 pistol license from an individual and would otherwise immediately  
18 return the firearm or concealed pistol license to the individual  
19 during the same interaction.

20       **Sec. 403.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to  
21 read as follows:

22       (1) Because of the heightened risk of lethality to petitioners  
23 when respondents to protection orders become aware of court  
24 involvement and continue to have access to firearms, and the  
25 frequency of noncompliance with court orders prohibiting possession  
26 of firearms, law enforcement and judicial processes must emphasize  
27 swift and certain compliance with court orders prohibiting access,  
28 possession, and ownership of all firearms.

29       (2) A law enforcement officer serving a protection order, no-  
30 contact order, or restraining order that includes an order to  
31 surrender all firearms, dangerous weapons, and a concealed pistol  
32 license under RCW 9.41.800 shall inform the respondent that the order  
33 is effective upon service and the respondent must immediately  
34 surrender all firearms and dangerous weapons in the respondent's  
35 custody, control, or possession and any concealed pistol license  
36 issued under RCW 9.41.070, and conduct any search permitted by law  
37 for such firearms, dangerous weapons, and concealed pistol license.  
38 The law enforcement officer shall take possession of all firearms,  
39 dangerous weapons, and any concealed pistol license belonging to the

1 respondent that are surrendered, in plain sight, or discovered  
2 pursuant to a lawful search. If the order is entered in open court  
3 and the respondent appears in person, the respondent shall be  
4 provided a copy and further service is not required. If the  
5 respondent refuses to receive a copy, an agent of the court may  
6 indicate on the record that the respondent refused to receive a copy  
7 of the order. If the respondent appears remotely for the hearing, or  
8 leaves the hearing before a final ruling is issued or order signed,  
9 and the court believes the respondent has sufficient notice such that  
10 additional service is not necessary, the order must recite that the  
11 respondent appeared before the court, has actual notice of the order,  
12 the necessity for further service is waived, and proof of service of  
13 the order is not necessary. The court shall enter the service and  
14 receipt into the record. A copy of the order and service shall be  
15 transmitted immediately to law enforcement. The respondent must  
16 immediately surrender all firearms, dangerous weapons, and any  
17 concealed pistol license in a safe manner to the control of the local  
18 law enforcement agency on the day of the hearing at which the  
19 respondent was present in person or remotely. Alternatively, if  
20 personal service by a law enforcement officer is not possible, and  
21 the respondent did not appear in person or remotely at the hearing,  
22 the respondent shall surrender the firearms in a safe manner to the  
23 control of the local law enforcement agency within 24 hours of being  
24 served with the order by alternate service.

25 (3) At the time of surrender, a law enforcement officer taking  
26 possession of firearms, dangerous weapons, and any concealed pistol  
27 license shall issue a receipt identifying all firearms, dangerous  
28 weapons, and any concealed pistol license that have been surrendered  
29 and provide a copy of the receipt to the respondent. The law  
30 enforcement agency shall file the original receipt with the court  
31 within 24 hours after service of the order and retain a copy of the  
32 receipt, electronically whenever electronic filing is available.

33 (4) Upon the sworn statement or testimony of the petitioner or of  
34 any law enforcement officer alleging that the respondent has failed  
35 to comply with the surrender of firearms or dangerous weapons as  
36 required by an order issued under RCW 9.41.800 or 10.99.100, the  
37 court shall determine whether probable cause exists to believe that  
38 the respondent has failed to surrender all firearms and dangerous  
39 weapons in their possession, custody, or control. If probable cause  
40 exists that a crime occurred, the court shall issue a warrant

1 describing the firearms or dangerous weapons and authorizing a search  
2 of the locations where the firearms and dangerous weapons are  
3 reasonably believed to be and the seizure of all firearms and  
4 dangerous weapons discovered pursuant to such search.

5 (5) If a person other than the respondent claims title to any  
6 firearms or dangerous weapons surrendered pursuant to this section,  
7 and the person is determined by the law enforcement agency to be the  
8 lawful owner of the firearm or dangerous weapon, the firearm or  
9 dangerous weapon shall be returned to the lawful owner, provided  
10 that:

11 (a) The firearm or dangerous weapon is removed from the  
12 respondent's access, custody, control, or possession and the lawful  
13 owner agrees by written document signed under penalty of perjury to  
14 store the firearm or dangerous weapon in a manner such that the  
15 respondent does not have access to or control of the firearm or  
16 dangerous weapon;

17 (b) The firearm or dangerous weapon is not otherwise unlawfully  
18 possessed by the owner; and

19 (c) The requirements of RCW 9.41.345 are met.

20 (6) (a) Courts shall develop procedures to verify timely and  
21 complete compliance with orders to surrender and prohibit weapons  
22 under RCW 9.41.800 or 10.99.100, including compliance review hearings  
23 to be held as soon as possible upon receipt from law enforcement of  
24 proof of service. ~~((A compliance review hearing is not required if  
25 the court can otherwise enter findings on the record or enter written  
26 findings that the proof of surrender or declaration of nonsurrender))~~  
27 For any case where the court has indication that the respondent has  
28 in the respondent's possession, custody, or control firearms,  
29 dangerous weapons, or a concealed pistol license, a compliance review  
30 hearing shall be held. A compliance review hearing may be waived by  
31 the court or held at a later date if the information attested to by  
32 the person subject to the order, along with verification from law  
33 enforcement and any other relevant evidence, makes a sufficient  
34 showing that the person has timely and completely surrendered all  
35 firearms and dangerous weapons in the person's custody, control, or  
36 possession, and any concealed pistol license issued under RCW  
37 9.41.070, to a law enforcement agency, and the court is able to make  
38 a finding of compliance. If the court does not have a sufficient  
39 record before it on which to make such a finding, the court must set  
40 a review hearing to occur as soon as possible ~~((at which the))~~ and

1 service by law enforcement shall be prioritized to minimize the time  
2 during which the respondent could access their firearms, dangerous  
3 weapons, or concealed pistol license. The respondent must be present  
4 and provide proof of compliance with the court's order. Courts shall  
5 make available forms that petitioners may complete and submit to the  
6 court in response to a respondent's declaration of whether the  
7 respondent has surrendered weapons.

8 (b) In making its findings regarding compliance, the court should  
9 also consider any available department of licensing and Washington  
10 state patrol firearm records; for criminal cases, the police report  
11 and any documentation of firearms, or their recovery pursuant to RCW  
12 10.99.030(3)(a); and for civil protection order cases, the protection  
13 order narrative, any sections of the protection order petition that  
14 specifically reference or inquire about firearms and other dangerous  
15 weapons, any attachments to the protection order petition, any  
16 affidavits from law enforcement or the petitioner in response to a  
17 respondent's declaration regarding firearm surrender, or other  
18 relevant evidence regarding firearms, dangerous weapons, or a  
19 concealed pistol license in the person's custody, control, or  
20 possession.

21 (c) If the court is considering waiving or delaying the  
22 compliance review hearing, the petitioner, law enforcement, or the  
23 state or city attorney may request that the compliance hearing be  
24 held, if there is reasonable suspicion to believe that the respondent  
25 has not surrendered all firearms, dangerous weapons, and any  
26 concealed pistol license, or is otherwise out of compliance with the  
27 court's order.

28 (7) (a) If a court finds at the compliance review hearing, or any  
29 other hearing where compliance with the order to surrender and  
30 prohibit weapons is addressed, that there is probable cause to  
31 believe the respondent was aware of and failed to fully comply with  
32 the order, failed to appear at the compliance review hearing, or  
33 violated the order after the court entered findings of compliance,  
34 pursuant to its authority under chapter 7.21 RCW, the court may issue  
35 an arrest warrant and initiate a contempt proceeding to impose  
36 remedial sanctions on its own motion, or upon the motion of the  
37 prosecutor, city attorney, or the petitioner's counsel, and issue an  
38 order requiring the respondent to appear, with additional sanctions  
39 for failure to appear, provide proof of compliance with the order,

1 and show cause why the respondent should not be held in contempt of  
2 court.

3 (b) If the respondent is not present in court at the compliance  
4 review hearing or if the court issues an order to appear and show  
5 cause after a compliance review hearing, the clerk of the court shall  
6 electronically transmit a copy of the order to show cause to the law  
7 enforcement agency where the respondent resides for personal service  
8 or service in the manner provided in the civil rules of superior  
9 court or applicable statute. Law enforcement shall also serve a copy  
10 of the order to show cause on the petitioner, either electronically  
11 or in person, at no cost.

12 (c) The order to show cause served upon the respondent shall  
13 state the date, time, and location of the hearing and shall include a  
14 warning that the respondent may be held in contempt of court if the  
15 respondent fails to promptly comply with the terms of the order to  
16 surrender and prohibit weapons and a warning that an arrest warrant  
17 could be issued if the respondent fails to appear on the date and  
18 time provided in the order.

19 (d) (i) At the show cause hearing, the respondent must be present  
20 and provide proof of compliance with the underlying court order to  
21 surrender and prohibit weapons and demonstrate why the relief  
22 requested should not be granted.

23 (ii) The court shall take judicial notice of the receipt filed  
24 with the court by the law enforcement agency pursuant to subsection  
25 (3) of this section. The court shall also provide sufficient notice  
26 to the law enforcement agency of the hearing. Upon receiving notice  
27 pursuant to this subsection, a law enforcement agency must:

28 (A) Provide the court with a complete list of firearms and other  
29 dangerous weapons surrendered by the respondent or otherwise  
30 belonging to the respondent that are in the possession of the law  
31 enforcement agency; and

32 (B) Provide the court with verification that any concealed pistol  
33 license issued to the respondent has been surrendered and (~~the~~) an  
34 agency with authority to revoke the license has been notified.

35 (iii) If the law enforcement agency has a reasonable suspicion  
36 that the respondent is not in full compliance with the terms of the  
37 order, the law enforcement agency must submit the basis for its  
38 belief to the court, and may do so through the filing of a  
39 declaration.



1 (e) If the court finds the respondent in contempt, the court may  
2 impose remedial sanctions designed to ensure swift compliance with  
3 the order to surrender and prohibit weapons.

4 (f) The court may order a respondent found in contempt of the  
5 order to surrender and prohibit weapons to pay for any losses  
6 incurred by a party in connection with the contempt proceeding,  
7 including reasonable attorneys' fees, service fees, and other costs.  
8 The costs of the proceeding shall not be borne by the petitioner.

9 (8) (a) To help ensure that accurate and comprehensive information  
10 about firearms compliance is provided to judicial officers, a  
11 representative from either the prosecuting attorney's office or city  
12 attorney's office, or both, from the relevant jurisdiction may appear  
13 and be heard or submit written information at any hearing that  
14 concerns compliance with an order to surrender and prohibit weapons  
15 (~~((issued in connection with another type of protection order))~~).

16 (b) Either the prosecuting attorney's office or city attorney's  
17 office, or both, from the relevant jurisdiction may designate an  
18 advocate or a staff person from their office who is not an attorney  
19 to appear on behalf of their office. Such appearance does not  
20 constitute the unauthorized practice of law.

21 (9) (a) (~~((An order to surrender and prohibit weapons issued~~  
22 ~~pursuant to RCW 9.41.800 must state that the))~~ The act of voluntarily  
23 surrendering firearms or weapons, ((~~or~~)) providing testimony relating  
24 to the surrender of firearms or weapons, ((~~pursuant to such an~~  
25 ~~order),) or complying with an order to surrender and prohibit weapons~~  
26 issued pursuant to RCW 9.41.800 or 10.99.100, and any information  
27 directly or indirectly derived from such act or testimony, may not be  
28 used against the ((~~respondent~~)) person subject to the order in any  
29 criminal prosecution under this chapter, chapter 7.105 RCW, or RCW  
30 9A.56.310, or in any criminal prosecution pursuant to which such  
31 order to surrender and prohibit weapons was issued, except a  
32 prosecution for perjury, giving a false statement, or otherwise  
33 failing to comply with the order. Every such order issued subsequent  
34 to the effective date of this section shall contain language  
35 consistent with the statutory immunity set forth in this subsection.

36 (b) If a person subject to such an order invokes the privilege  
37 against self-incrimination at the time of issuance of the order or at  
38 a subsequent hearing, the court may afford the person subject to the  
39 order an opportunity to demonstrate that compliance with the  
40 surrender provision of the order would expose that person to a

1 realistic threat of self-incrimination in a subsequent or pending  
2 criminal proceeding. The court may conduct this portion of the  
3 proceeding ex parte or receive evidence in camera, without the  
4 presence of the prosecuting attorney, after the court conducts an  
5 analysis under *State v. Bone-Club*, 128 wn.2d 254, and concludes that  
6 the courtroom may be closed.

7 (c) If the person subject to the order establishes such a  
8 realistic threat of self-incrimination regarding possible criminal  
9 prosecution that is not addressed by the immunity from prosecution  
10 set forth in (a) of this subsection, the court shall afford the  
11 relevant prosecuting attorney an opportunity to offer an immunity  
12 agreement tailored specifically to the firearms or weapons implicated  
13 by the potential self-incrimination. To achieve the purposes of this  
14 section, any immunity offered should be narrowly tailored to address  
15 any realistic threat of self-incrimination while ensuring that any  
16 other firearms not implicated are surrendered.

17 (d) Any immunity from prosecution beyond the immunity set forth  
18 in (a) of this subsection, may only be extended by the prosecuting  
19 attorney. If the prosecuting attorney declines to extend immunity  
20 such that the person subject to the order cannot fully comply with  
21 its surrender provision without facing a realistic threat of self-  
22 incrimination, the court's order must provide for the surrender of  
23 every firearm, dangerous weapon, and concealed pistol license that  
24 does not implicate a realistic threat of self-incrimination. The  
25 order's prohibitions regarding accessing, purchasing, receiving, or  
26 attempting to purchase or receive, any firearms or other dangerous  
27 weapons, or concealed pistol license, remain in effect.

28 (e) Nothing in this section shall be interpreted as diminishing  
29 the requirement that the person subject to the order fully comply  
30 with the order issued by the court. The burden remains on the person  
31 subject to the order to prove compliance.

32 ~~((b))~~ (10) To provide relevant information to the court to  
33 determine compliance with the order, the court may allow the  
34 prosecuting attorney or city attorney to question the respondent  
35 regarding compliance.

36 ~~((10))~~ (11) All law enforcement agencies must have policies and  
37 procedures to provide for the acceptance, storage, and return of  
38 firearms, dangerous weapons, and concealed pistol licenses that a  
39 court requires must be surrendered under RCW 9.41.800. A law  
40 enforcement agency holding any firearm or concealed pistol license

1 that has been surrendered under RCW 9.41.800 shall comply with the  
2 provisions of RCW 9.41.340 and 9.41.345 before the return of the  
3 firearm or concealed pistol license to the owner or individual from  
4 whom it was obtained.

5 ~~((11))~~ (12) The administrative office of the courts shall  
6 create a statewide pattern form to assist the courts in ensuring  
7 timely and complete compliance in a consistent manner with orders  
8 issued under this chapter. The administrative office of the courts  
9 shall report annually on the number of ex parte and full orders  
10 issued under this chapter by each court, ~~((the degree of compliance,~~  
11 ~~and the number of firearms obtained, and may make recommendations~~  
12 ~~regarding additional procedures))~~ and, if available, the type of  
13 protection order, no-contact order, restraining order, or criminal  
14 charge with which the order was issued, the duration of the order,  
15 the period of time from issuance of the order until the court's  
16 finding of compliance, any violations, the nature of the violations,  
17 any sanctions imposed, the number of firearms obtained pursuant to  
18 each order, whether subsequent orders were issued involving the same  
19 respondent, and may make recommendations regarding additional  
20 procedures, training, or data collection and reporting to enhance  
21 compliance and victim safety.

22 **Sec. 404.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to  
23 read as follows:

24 ~~((A party ordered))~~ (1) To prove full compliance with the court's  
25 order to surrender firearms, dangerous weapons, and ((his or her))  
26 any concealed pistol license under RCW 9.41.800 the person subject to  
27 the order must file with the clerk of the court ((a)): (a) A  
28 completed proof of surrender and receipt form ((or a declaration of  
29 nonsurrender form within five judicial days of the entry of the  
30 order)); (b) a declaration that the person has no firearms, dangerous  
31 weapons, or concealed pistol license; or (c) other evidence  
32 sufficient to establish full and timely compliance with the order.

33 (2) The verification of compliance required in subsection (1) of  
34 this section must be provided to the court within 24 hours of service  
35 of the order, unless the order is pursuant to a criminal proceeding.  
36 In a criminal proceeding, if the person subject to the order is in  
37 custody, proof of compliance must be provided to the court before the  
38 person subject to the order is released from custody; otherwise,  
39 proof of compliance must be provided before the conclusion of the

1 sentencing hearing. If the court finds that surrender of all  
2 firearms, dangerous weapons, and any concealed pistol license is not  
3 possible prior to release or prior to the conclusion of the hearing,  
4 then arrangements for surrender shall be made and approved by the  
5 court before the person's release from custody or before the  
6 conclusion of the sentencing hearing, and the court shall order a law  
7 enforcement officer to accompany the person to the location where the  
8 firearms, dangerous weapons, and concealed pistol license are located  
9 so that they are surrendered directly to the law enforcement officer.  
10 Surrender to local law enforcement shall occur in a safe manner and  
11 proof of compliance provided by law enforcement to the court within  
12 24 hours of either the person's release from custody or the  
13 conclusion of the sentencing hearing.

14 (3) By December 30, 2023, the administrative office of the courts  
15 shall develop and distribute any new or updated forms necessary to  
16 implement subsections (1) and (2) of this section, and other sections  
17 of this act where a form needs to be created or updated.

18 **Sec. 405.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to  
19 read as follows:

20 (1) Upon the issuance of any extreme risk protection order under  
21 this chapter, including a temporary extreme risk protection order,  
22 the court shall:

23 (a) Order the respondent to surrender to the local law  
24 enforcement agency all firearms in the respondent's custody, control,  
25 or possession, or subject to the respondent's immediate possession or  
26 control, and any concealed pistol license issued under RCW 9.41.070;  
27 and

28 (b) Other than for ex parte temporary protection orders, direct  
29 law enforcement to revoke any concealed pistol license issued to the  
30 respondent.

31 (2) The law enforcement officer serving any extreme risk  
32 protection order under this chapter, including a temporary extreme  
33 risk protection order, shall request that the respondent immediately  
34 surrender all firearms in (~~his or her~~) the respondent's custody,  
35 control, or possession, and any concealed pistol license issued under  
36 RCW 9.41.070, and conduct any search permitted by law for such  
37 firearms. The law enforcement officer shall take possession of all  
38 firearms belonging to the respondent that are surrendered, in plain  
39 sight, or discovered pursuant to a lawful search. If the order is

1 entered in open court and the respondent appears in person, the  
2 respondent must be provided a copy and further service is not  
3 required. If the respondent refuses to accept a copy, an agent of the  
4 court may indicate on the record that the respondent refused to  
5 accept a copy of the order. If the respondent appears remotely for  
6 the hearing, or leaves the hearing before a final ruling is issued or  
7 order signed, and the court believes the respondent has sufficient  
8 notice such that additional service is not necessary, the order must  
9 recite that the respondent appeared before the court, has actual  
10 notice of the order, the necessity for further service is waived, and  
11 proof of service of the order is not necessary. The court shall enter  
12 the service and receipt into the record. A copy of the order and  
13 service must be transmitted immediately to law enforcement. The  
14 respondent must immediately surrender all firearms and any concealed  
15 pistol license, not previously surrendered, in a safe manner to the  
16 control of the local law enforcement agency on the day of the hearing  
17 at which the respondent was present in person or remotely. If the  
18 respondent is in custody, arrangements to recover the firearms must  
19 be made prior to release. Alternatively, if personal service by a law  
20 enforcement officer is not possible, and the respondent did not  
21 appear in person or remotely at the hearing, the respondent shall  
22 surrender the firearms in a safe manner to the control of the local  
23 law enforcement agency within 24 hours of being served with the order  
24 by alternate service.

25 (3) At the time of surrender, a law enforcement officer taking  
26 possession of a firearm or concealed pistol license shall issue a  
27 receipt identifying all firearms that have been surrendered and  
28 provide a copy of the receipt to the respondent. Within 72 hours  
29 after service of the order, the officer serving the order shall file  
30 the original receipt with the court and shall ensure that (~~his or~~  
31 ~~her~~) the officer's law enforcement agency retains a copy of the  
32 receipt.

33 (4) Upon the sworn statement or testimony of the petitioner or of  
34 any law enforcement officer alleging that the respondent has failed  
35 to comply with the surrender of firearms as required by an order  
36 issued under this chapter, the court shall determine whether probable  
37 cause exists to believe that the respondent has failed to surrender  
38 all firearms in (~~his or her~~) the respondent's possession, custody,  
39 or control. If probable cause for a violation of the order exists,  
40 the court shall issue a warrant describing the firearms and

1 authorizing a search of the locations where the firearms are  
2 reasonably believed to be and the seizure of any firearms discovered  
3 pursuant to such search.

4 (5) If a person other than the respondent claims title to any  
5 firearms surrendered pursuant to this section, and that person is  
6 determined by the law enforcement agency to be the lawful owner of  
7 the firearm, the firearm must be returned to that person, provided  
8 that:

9 (a) The firearm is removed from the respondent's custody,  
10 control, or possession, and the lawful owner provides written  
11 verification to the court regarding how the lawful owner will safely  
12 store the firearm in a manner such that the respondent does not have  
13 access to, or control of, the firearm for the duration of the order;

14 (b) The court advises the lawful owner of the penalty for failure  
15 to do so; and

16 (c) The firearm is not otherwise unlawfully possessed by the  
17 owner.

18 (6) Upon the issuance of a one-year extreme risk protection  
19 order, the court shall order a new compliance review hearing date and  
20 require the respondent to appear not later than three judicial days  
21 from the issuance of the order. The court shall require a showing  
22 that the respondent has surrendered any firearms in the respondent's  
23 custody, control, or possession, and any concealed pistol license  
24 issued under RCW 9.41.070 to a law enforcement agency. The compliance  
25 review hearing is not required upon a satisfactory showing on which  
26 the court can otherwise enter findings on the record that the  
27 respondent has timely and completely surrendered all firearms in the  
28 respondent's custody, control, or possession, and any concealed  
29 pistol license issued under RCW 9.41.070 to a law enforcement agency,  
30 and is in compliance with the order. If the court does not have a  
31 sufficient record before it on which to make such a finding, the  
32 court must set a review hearing to occur as soon as possible, at  
33 which the respondent must be present and provide proof of compliance  
34 with the court's order.

35 (7) (a) If a court finds at the compliance review hearing, or any  
36 other hearing where compliance with the order is addressed, that  
37 there is probable cause to believe the respondent was aware of, and  
38 failed to fully comply with, the order, failed to appear at the  
39 compliance review hearing, or violated the order after the court  
40 entered findings of compliance, pursuant to its authority under

1 chapter 7.21 RCW, the court may initiate a contempt proceeding on its  
2 own motion, or upon the motion of the prosecutor, city attorney, or  
3 the petitioner's counsel, to impose remedial sanctions, and issue an  
4 order requiring the respondent to appear, provide proof of compliance  
5 with the order, and show cause why the respondent should not be held  
6 in contempt of court.

7 (b) If the respondent is not present in court at the compliance  
8 review hearing or if the court issues an order to appear and show  
9 cause after a compliance review hearing, the clerk of the court shall  
10 electronically transmit a copy of the order to show cause to the law  
11 enforcement agency where the respondent resides for personal service  
12 or service in the manner provided in the civil rules of superior  
13 court or applicable statute.

14 (c) The order to show cause served upon the respondent shall  
15 state the date, time, and location of the hearing, and shall include  
16 a warning that the respondent may be held in contempt of court if the  
17 respondent fails to promptly comply with the terms of the extreme  
18 risk protection order and a warning that an arrest warrant could be  
19 issued if the respondent fails to appear on the date and time  
20 provided in the order to show cause.

21 (d) (i) At the show cause hearing, the respondent must be present  
22 and provide proof of compliance with the extreme risk protection  
23 order and demonstrate why the relief requested should not be granted.

24 (ii) The court shall take judicial notice of the receipt filed  
25 with the court by the law enforcement agency pursuant to subsection  
26 (3) of this section. The court shall also provide sufficient notice  
27 to the law enforcement agency of the hearing. Upon receiving notice  
28 pursuant to this subsection, a law enforcement agency must:

29 (A) Provide the court with a complete list of firearms  
30 surrendered by the respondent or otherwise belonging to the  
31 respondent that are in the possession of the law enforcement agency;  
32 and

33 (B) Provide the court with verification that any concealed pistol  
34 license issued to the respondent has been surrendered and that a law  
35 enforcement agency with authority to revoke the license has been  
36 notified.

37 (iii) If the law enforcement agency has a reasonable suspicion  
38 that the respondent is not in full compliance with the terms of the  
39 order, the law enforcement agency must submit the basis for its

1 belief to the court, and may do so through the filing of an  
2 affidavit.

3 (e) If the court finds the respondent in contempt, the court may  
4 impose remedial sanctions designed to ensure swift compliance with  
5 the order to surrender and prohibit weapons.

6 (f) The court may order a respondent found in contempt of the  
7 order to pay for any losses incurred by a party in connection with  
8 the contempt proceeding, including reasonable attorneys' fees,  
9 service fees, and other costs. The costs of the proceeding must not  
10 be borne by the petitioner.

11 (8) (a) To help ensure that accurate and comprehensive information  
12 about firearms compliance is provided to judicial officers, a  
13 representative from either the prosecuting attorney's office or city  
14 attorney's office, or both, from the relevant jurisdiction may appear  
15 and be heard or submit written information at any hearing that  
16 concerns compliance with an extreme risk protection order.

17 (b) Either the prosecuting attorney's office or city attorney's  
18 office, or both, from the relevant jurisdiction may designate an  
19 advocate or a staff person from their office who is not an attorney  
20 to appear on behalf of their office. Such appearance does not  
21 constitute the unauthorized practice of law.

22 (9) (a) An extreme risk protection order must state that the act  
23 of voluntarily surrendering firearms, or providing testimony relating  
24 to the surrender of firearms, pursuant to such an order, may not be  
25 used against the respondent in any criminal prosecution under this  
26 chapter, chapter 9.41 RCW, or RCW 9A.56.310.

27 (b) To provide relevant information to the court to determine  
28 compliance with the order, the court may allow the prosecuting  
29 attorney or city attorney to question the respondent regarding  
30 compliance.

31 (10) All law enforcement agencies must develop and implement  
32 policies and procedures regarding the acceptance, storage, and return  
33 of firearms required to be surrendered under this chapter. Any  
34 surrendered firearms must be handled and stored properly to prevent  
35 damage or degradation in appearance or function, and the condition of  
36 the surrendered firearms documented, including by digital photograph.  
37 A law enforcement agency holding any surrendered firearm or concealed  
38 pistol license shall comply with the provisions of RCW 9.41.340 and  
39 9.41.345 before the return of the firearm or concealed pistol license  
40 to the owner or individual from whom it was obtained.





1 who is a target for threats or harassment prohibited under RCW  
2 9A.90.120(2)(b) (iii) or (iv), and any (~~family members~~) person  
3 residing with him or her, may apply to the secretary of state to have  
4 an address designated by the secretary of state serve as the person's  
5 address or the address of the minor or incapacitated person. The  
6 secretary of state shall approve an application if it is filed in the  
7 manner and on the form prescribed by the secretary of state and if it  
8 contains:

9 (i) A sworn statement, under penalty of perjury, by the applicant  
10 that the applicant has good reason to believe (A) that the applicant,  
11 or the minor or incapacitated person on whose behalf the application  
12 is made, is a victim of domestic violence, sexual assault,  
13 trafficking, or stalking and that the applicant fears for (~~his or~~  
14 ~~her~~) the applicant's safety or (~~his or her~~) the applicant's  
15 children's safety, or the safety of the minor or incapacitated person  
16 on whose behalf the application is made(~~+~~) (B) that the applicant,  
17 as an election official as described in RCW 9A.90.120, is a target  
18 for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii)  
19 or (iv); or (C) that the applicant, as a criminal justice participant  
20 as defined in RCW 9A.46.020, is a target for threats or harassment  
21 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the  
22 applicant, as a criminal justice participant as defined in RCW  
23 9A.90.120 is a target for threats or harassment prohibited under RCW  
24 9A.90.120(2)(b) (iii) or (iv);

25 (ii) If applicable, a sworn statement, under penalty of perjury,  
26 by the applicant, that the applicant has reason to believe they are a  
27 victim of (A) domestic violence, sexual assault, or stalking  
28 perpetrated by an employee of a law enforcement agency, or(~~+~~) (B)  
29 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or  
30 (iv) or 9A.46.020(2)(b) (iii) or (iv);

31 (iii) A designation of the secretary of state as agent for  
32 purposes of service of process and for the purpose of receipt of  
33 mail;

34 (iv) The residential address and any telephone number where the  
35 applicant can be contacted by the secretary of state, which shall not  
36 be disclosed because disclosure will increase the risk of (A)  
37 domestic violence, sexual assault, trafficking, or stalking, or (B)  
38 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or  
39 (iv) or 9A.46.020(2)(b) (iii) or (iv);

1 (v) The signature of the applicant and of any individual or  
2 representative of any office designated in writing under RCW  
3 40.24.080 who assisted in the preparation of the application, and the  
4 date on which the applicant signed the application.

5 (2) Applications shall be filed with the office of the secretary  
6 of state.

7 (3) Upon filing a properly completed application, the secretary  
8 of state shall certify the applicant as a program participant.  
9 Applicants shall be certified for four years following the date of  
10 filing unless the certification is withdrawn or invalidated before  
11 that date. The secretary of state shall by rule establish a renewal  
12 procedure.

13 (4)(a) During the application process, the secretary of state  
14 shall provide each applicant a form to direct the department of  
15 licensing to change the address of registration for vehicles or  
16 vessels solely or jointly registered to the applicant and the address  
17 associated with the applicant's driver's license or identicard to the  
18 applicant's address as designated by the secretary of state upon  
19 certification in the program. The directive to the department of  
20 licensing is only valid if signed by the applicant. The directive may  
21 only include information required by the department of licensing to  
22 verify the applicant's identity and ownership information for  
23 vehicles and vessels. This information is limited to the:

24 (i) Applicant's full legal name;

25 (ii) Applicant's Washington driver's license or identicard  
26 number;

27 (iii) Applicant's date of birth;

28 (iv) Vehicle identification number and license plate number for  
29 each vehicle solely or jointly registered to the applicant; and

30 (v) Hull identification number or vessel document number and  
31 vessel decal number for each vessel solely or jointly registered to  
32 the applicant.

33 (b) Upon certification of the applicants, the secretary of state  
34 shall transmit completed and signed directives to the department of  
35 licensing.

36 (c) Within 30 days of receiving a completed and signed directive,  
37 the department of licensing shall update the applicant's address on  
38 registration and licensing records.

39 (d) Applicants are not required to sign the directive to the  
40 department of licensing to be certified as a program participant.

1 (5) A person who knowingly provides false or incorrect  
2 information upon making an application or falsely attests in an  
3 application that disclosure of the applicant's address would endanger  
4 (a) the applicant's safety or the safety of the applicant's children  
5 or the minor or incapacitated person on whose behalf the application  
6 is made, (b) the safety of any election official as described in RCW  
7 9A.90.120 who is a target for threats or harassment prohibited under  
8 RCW 9A.90.120(2)(b) (iii) or (iv), or (c) the safety of any criminal  
9 justice participant as defined in RCW 9A.46.020 who is a target for  
10 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or  
11 (iv) or of any criminal justice participant as defined in RCW  
12 9A.90.120 who is a target for threats or harassment prohibited under  
13 RCW 9A.90.120(2)(b) (iii) or (iv), or any family members residing  
14 with him or her, shall be punished under RCW 40.16.030 or other  
15 applicable statutes.

16 **Sec. 502.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to  
17 read as follows:

18 (1) The statement of financial affairs required by RCW 42.17A.700  
19 shall disclose the following information for the reporting individual  
20 and each member of the reporting individual's immediate family:

21 (a) Occupation, name of employer, and business address;

22 (b) Each bank account, savings account, and insurance policy in  
23 which a direct financial interest was held that exceeds twenty  
24 thousand dollars at any time during the reporting period; each other  
25 item of intangible personal property in which a direct financial  
26 interest was held that exceeds two thousand dollars during the  
27 reporting period; the name, address, and nature of the entity; and  
28 the nature and highest value of each direct financial interest during  
29 the reporting period;

30 (c) The name and address of each creditor to whom the value of  
31 two thousand dollars or more was owed; the original amount of each  
32 debt to each creditor; the amount of each debt owed to each creditor  
33 as of the date of filing; the terms of repayment of each debt; and  
34 the security given, if any, for each such debt. Debts arising from a  
35 "retail installment transaction" as defined in chapter 63.14 RCW  
36 (retail installment sales act) need not be reported;

37 (d) Every public or private office, directorship, and position  
38 held as trustee; except that an elected official or executive state  
39 officer need not report the elected official's or executive state

1 officer's service on a governmental board, commission, association,  
2 or functional equivalent, when such service is part of the elected  
3 official's or executive state officer's official duties;

4 (e) All persons for whom any legislation, rule, rate, or standard  
5 has been prepared, promoted, or opposed for current or deferred  
6 compensation. For the purposes of this subsection, "compensation"  
7 does not include payments made to the person reporting by the  
8 governmental entity for which the person serves as an elected  
9 official or state executive officer or professional staff member for  
10 the person's service in office; the description of such actual or  
11 proposed legislation, rules, rates, or standards; and the amount of  
12 current or deferred compensation paid or promised to be paid;

13 (f) The name and address of each governmental entity,  
14 corporation, partnership, joint venture, sole proprietorship,  
15 association, union, or other business or commercial entity from whom  
16 compensation has been received in any form of a total value of two  
17 thousand dollars or more; the value of the compensation; and the  
18 consideration given or performed in exchange for the compensation;

19 (g) The name of any corporation, partnership, joint venture,  
20 association, union, or other entity in which is held any office,  
21 directorship, or any general partnership interest, or an ownership  
22 interest of ten percent or more; the name or title of that office,  
23 directorship, or partnership; the nature of ownership interest; and:

24 (i) With respect to a governmental unit in which the official seeks  
25 or holds any office or position, if the entity has received  
26 compensation in any form during the preceding twelve months from the  
27 governmental unit, the value of the compensation and the  
28 consideration given or performed in exchange for the compensation;

29 and (ii) the name of each governmental unit, corporation,  
30 partnership, joint venture, sole proprietorship, association, union,  
31 or other business or commercial entity from which the entity has  
32 received compensation in any form in the amount of ten thousand  
33 dollars or more during the preceding twelve months and the  
34 consideration given or performed in exchange for the compensation. As  
35 used in (g)(ii) of this subsection, "compensation" does not include  
36 payment for water and other utility services at rates approved by the  
37 Washington state utilities and transportation commission or the  
38 legislative authority of the public entity providing the service.  
39 With respect to any bank or commercial lending institution in which  
40 is held any office, directorship, partnership interest, or ownership

1 interest, it shall only be necessary to report either the name,  
2 address, and occupation of every director and officer of the bank or  
3 commercial lending institution and the average monthly balance of  
4 each account held during the preceding twelve months by the bank or  
5 commercial lending institution from the governmental entity for which  
6 the individual is an official or candidate or professional staff  
7 member, or all interest paid by a borrower on loans from and all  
8 interest paid to a depositor by the bank or commercial lending  
9 institution if the interest exceeds two thousand four hundred  
10 dollars;

11 (h) A list, including legal or other sufficient descriptions as  
12 prescribed by the commission, of all real property in the state of  
13 Washington, the assessed valuation of which exceeds ten thousand  
14 dollars in which any direct financial interest was acquired during  
15 the preceding calendar year, and a statement of the amount and nature  
16 of the financial interest and of the consideration given in exchange  
17 for that interest;

18 (i) A list, including legal or other sufficient descriptions as  
19 prescribed by the commission, of all real property in the state of  
20 Washington, the assessed valuation of which exceeds ten thousand  
21 dollars in which any direct financial interest was divested during  
22 the preceding calendar year, and a statement of the amount and nature  
23 of the consideration received in exchange for that interest, and the  
24 name and address of the person furnishing the consideration;

25 (j) A list, including legal or other sufficient descriptions as  
26 prescribed by the commission, of all real property in the state of  
27 Washington, the assessed valuation of which exceeds ten thousand  
28 dollars in which a direct financial interest was held. If a  
29 description of the property has been included in a report previously  
30 filed, the property may be listed, for purposes of this subsection  
31 (1)(j), by reference to the previously filed report;

32 (k) A list, including legal or other sufficient descriptions as  
33 prescribed by the commission, of all real property in the state of  
34 Washington, the assessed valuation of which exceeds twenty thousand  
35 dollars, in which a corporation, partnership, firm, enterprise, or  
36 other entity had a direct financial interest, in which corporation,  
37 partnership, firm, or enterprise a ten percent or greater ownership  
38 interest was held;

1 (1) A list of each occasion, specifying date, donor, and amount,  
2 at which food and beverage in excess of fifty dollars was accepted  
3 under RCW 42.52.150(5);

4 (m) A list of each occasion, specifying date, donor, and amount,  
5 at which items specified in RCW 42.52.010(9) (d) and (f) were  
6 accepted; and

7 (n) Such other information as the commission may deem necessary  
8 in order to properly carry out the purposes and policies of this  
9 chapter, as the commission shall prescribe by rule.

10 (2)(a) When judges, prosecutors, sheriffs, participants in the  
11 address confidentiality program under RCW 40.24.030, or their  
12 immediate family members are required to disclose real property that  
13 is the personal residence of the judge, prosecutor, ~~((or))~~ sheriff,  
14 or address confidentiality program participant, the requirements of  
15 subsection (1)(h) through (k) of this section may be satisfied for  
16 that property by substituting:

17 (i) The city or town;

18 (ii) The type of residence, such as a single-family or  
19 multifamily residence, and the nature of ownership; and

20 (iii) Such other identifying information the commission  
21 prescribes by rule for the mailing address where the property is  
22 located.

23 (b) Nothing in this subsection relieves the judge, prosecutor, or  
24 sheriff of any other applicable obligations to disclose potential  
25 conflicts or to recuse oneself.

26 (3)(a) Where an amount is required to be reported under  
27 subsection (1)(a) through (m) of this section, it may be reported  
28 within a range as provided in (b) of this subsection.

29 (b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;
Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;

Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

(4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

**Sec. 503.** RCW 9.41.800 and 2022 c 268 s 29 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, (~~or~~) 26.26A.470, or 46.61.5055 shall, upon a showing by a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, having (~~in his or her~~) custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license;

(e) Other than for ex parte temporary protection orders, unless the ex parte temporary protection order was reissued after the party received noticed and had an opportunity to be heard, direct law



1 enforcement to revoke any concealed pistol license issued to the  
2 party.

3 (2) During any period of time that the party is subject to a  
4 court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A,  
5 or 26.26B RCW that:

6 (a) Was issued after a hearing of which the party received actual  
7 notice, and at which the party had an opportunity to participate,  
8 whether the court then issues a full order or reissues a temporary  
9 order. If the court enters an agreed order by the parties without a  
10 hearing, such an order meets the requirements of this subsection;

11 (b) Restrains the party from harassing, stalking, or threatening  
12 an intimate partner of the party, the protected person, or child of  
13 the intimate partner, party, or protected person, or engaging in  
14 other conduct that would place an intimate partner or protected  
15 person in reasonable fear of bodily injury to the intimate partner,  
16 protected person, or child; and

17 (c) (i) Includes a finding that the party represents a credible  
18 threat to the physical safety of the intimate partner, protected  
19 person, or child; or

20 (ii) By its terms, explicitly prohibits the use, attempted use,  
21 or threatened use of physical force against the intimate partner,  
22 protected person, or child that would reasonably be expected to cause  
23 bodily injury, the court shall:

24 (A) Require that the party immediately surrender all firearms and  
25 other dangerous weapons;

26 (B) Require that the party immediately surrender a concealed  
27 pistol license issued under RCW 9.41.070;

28 (C) Prohibit the party from accessing, having (~~in his or her~~)  
29 custody or control, possessing, purchasing, receiving, or attempting  
30 to purchase or receive, any firearms or other dangerous weapons; and

31 (D) Prohibit the party from obtaining or possessing a concealed  
32 pistol license.

33 (3) The court may order temporary surrender and prohibit the  
34 purchase of all firearms and other dangerous weapons, and any  
35 concealed pistol license, without notice to the other party if it  
36 finds, on the basis of the moving affidavit or other evidence, that  
37 irreparable injury could result if an order is not issued until the  
38 time for response has elapsed.

39 (4) In addition to the provisions of subsections (1) and (3) of  
40 this section, the court may enter an order requiring a party to

1 comply with the provisions in subsection (1) of this section if it  
2 finds that the possession of a firearm or other dangerous weapon by  
3 any party presents a serious and imminent threat to public health or  
4 safety, or to the health or safety of any individual.

5 (5) The requirements of subsections (1) and (4) of this section  
6 may be for a period of time less than the duration of the order.

7 (6) The court shall require the party to surrender all firearms  
8 and other dangerous weapons in ~~((his or her immediate))~~ the party's  
9 custody, control, or possession ~~((or control))~~, or subject to ~~((his~~  
10 ~~or her))~~ the party's immediate possession or control, and any  
11 concealed pistol license issued under RCW 9.41.070, to the local law  
12 enforcement agency. ~~((Law enforcement officers shall use law~~  
13 ~~enforcement databases to assist in locating the party in situations~~  
14 ~~where the protected person does not know where the party lives or~~  
15 ~~where there is evidence that the party is trying to evade service.))~~

16 (7) If the court enters a protection order, restraining order, or  
17 no-contact order that includes an order to surrender firearms,  
18 dangerous weapons, and any concealed pistol license under this  
19 section:

20 (a) The order must be served by a law enforcement officer;  
21 ~~((and))~~

22 (b) Law enforcement must immediately ensure entry of the order to  
23 surrender and prohibit weapons and the revocation of any concealed  
24 pistol license is made into the appropriate databases making the  
25 party ineligible to possess firearms and a concealed pistol license;  
26 and

27 (c) Law enforcement officers shall use law enforcement databases  
28 to assist in locating the party in situations where the protected  
29 person does not know where the party lives or where there is evidence  
30 that the party is trying to evade service.

## 31 **Part VI. Statewide Resources**

32 NEW SECTION. **Sec. 601.** A new section is added to chapter 43.330  
33 RCW to read as follows:

34 (1) Subject to the availability of amounts appropriated for this  
35 specific purpose, the department shall administer a pilot program to  
36 implement domestic violence high risk teams. A domestic violence high  
37 risk team must, at a minimum, include the following four elements:

1 (a) Early identification of the most dangerous cases through  
2 evidence-based lethality assessments;

3 (b) Increased access to supportive services for high-risk  
4 victims;

5 (c) Increased perpetrator monitoring and accountability; and

6 (d) A coordinated response to high-risk cases through a  
7 multidisciplinary team.

8 (2) A domestic violence program must be the lead or co-lead of  
9 the domestic violence high risk teams.

10 NEW SECTION. **Sec. 602.** A new section is added to chapter 28B.20  
11 RCW to read as follows:

12 (1) Subject to funds appropriated for this specific purpose, the  
13 University of Washington shall develop a plan to establish a center  
14 of excellence in research, policy, and practice to reduce domestic  
15 violence.

16 (2) The plan must be developed with relevant disciplines across  
17 the schools of the University of Washington. The school of public  
18 health shall lead the development of the plan. The development of the  
19 plan must include, but not be limited to, the schools of social work,  
20 law, medicine, and nursing, and the Alene Moris women's center.

21 (3) The University of Washington must develop a report  
22 summarizing the plan, which must evaluate, but not be limited to, the  
23 following topics:

24 (a) Conducting scientifically rigorous intimate partner violence  
25 research that informs policy and practice in Washington;

26 (b) Disseminating existing research findings and best practices  
27 in order to proliferate evidence-based intimate partner violence  
28 policy and practice;

29 (c) Promoting effective strategies to reduce the incidence of  
30 domestic violence and domestic violence homicide; and

31 (d) Engaging in strategic planning efforts with relevant  
32 stakeholders to develop policy recommendations to improve the state's  
33 response to domestic violence.

34 (4) In developing the plan, the University of Washington shall  
35 establish an external stakeholder group that shall ensure that all  
36 work conducted by the center is informed by survivors of domestic  
37 violence, including Black, indigenous, and survivors of color, and  
38 LGBTQ survivors, to ensure that research interventions are holistic,  
39 trauma-informed, and antiracist and policy recommendations are

1 appropriate and effective for Washington's diverse communities. The  
2 University of Washington shall include, but not be limited to,  
3 survivors of intimate partner violence, including low-income  
4 communities, immigrants, refugee communities, people with religious  
5 diversity, people with physical disabilities, children and other  
6 family members of survivors, representatives from systems that  
7 interact with survivors and perpetrators, and representatives from  
8 communities disproportionately impacted by intimate partner violence  
9 in order to guide development of the plan's overarching goals and  
10 strategic vision. The University of Washington shall provide stipends  
11 to stakeholder participants to the extent necessary to maximize  
12 participation.

13 (5) The University of Washington shall provide a report to the  
14 relevant committees of the legislature with its findings and  
15 recommendations as soon as practicable, but no later than January 15,  
16 2024.

17 (6) Subject to funds appropriated for this specific purpose, the  
18 University of Washington shall begin implementation of the plan by  
19 July 1, 2024.

20 **Part VII. Law Enforcement**

21 NEW SECTION. **Sec. 701.** A new section is added to chapter 43.101  
22 RCW to read as follows:

23 (1) Subject to the availability of amounts appropriated for this  
24 specific purpose, the commission must provide ongoing specialized,  
25 intensive, and integrative training for persons responsible for  
26 investigating domestic violence cases involving intimate partners.  
27 The training must be based on a victim-centered, trauma-informed  
28 approach to responding to domestic violence. Among other subjects,  
29 the training must include content on the neurobiology of trauma and  
30 trauma-informed interviewing, counseling, and investigative  
31 techniques.

32 (2) The training must: Be based on research-based practices and  
33 standards; offer participants an opportunity to practice interview  
34 skills and receive feedback from instructors; minimize the trauma of  
35 all persons who are interviewed during investigations; provide  
36 methods of reducing the number of investigative interviews necessary  
37 whenever possible; assure, to the extent possible, that investigative  
38 interviews are thorough, objective, and complete; recognize needs of

1 special populations; recognize the nature and consequences of  
2 domestic violence victimization; require investigative interviews to  
3 be conducted in a manner most likely to permit the interviewed  
4 persons the maximum emotional comfort under the circumstances;  
5 address record retention and retrieval; address documentation of  
6 investigative interviews; and educate investigators on the best  
7 practices for notifying victims of significant events in the  
8 investigative process.

9 (3) In developing the training, the commission must seek advice  
10 from the Washington association of sheriffs and police chiefs,  
11 organizations representing victims of domestic violence, survivors of  
12 domestic violence, and experts on domestic violence and the  
13 neurobiology of trauma. The commission must consult with the  
14 Washington association of prosecuting attorneys in an effort to  
15 design training containing consistent elements for all professionals  
16 engaged in interviewing and interacting with domestic violence  
17 victims in the criminal legal system.

18 (4) The commission must develop the training and begin offering  
19 it by January 1, 2025. Officers assigned to regularly investigate  
20 domestic violence must complete the training within one year of being  
21 assigned or by July 1, 2027, whichever is later.

22 **Sec. 702.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to  
23 read as follows:

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

31 (1) Any police officer having probable cause to believe that a  
32 person has committed or is committing a misdemeanor or gross  
33 misdemeanor, involving physical harm or threats of harm to any person  
34 or property or the unlawful taking of property or involving the use  
35 or possession of cannabis, or involving the acquisition, possession,  
36 or consumption of alcohol by a person under the age of twenty-one  
37 years under RCW 66.44.270, or involving criminal trespass under RCW  
38 9A.52.070 or 9A.52.080, shall have the authority to arrest the  
39 person.

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

5 (a) A domestic violence protection order, a sexual assault  
6 protection order, a stalking protection order, or a vulnerable adult  
7 protection order has been issued, of which the person has knowledge,  
8 under chapter 7.105 RCW, or an order has been issued, of which the  
9 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,  
10 9A.88, 10.99, 26.09, (~~26.10,~~) 26.26A, 26.26B, or 74.34 RCW, or any  
11 of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the  
12 person and the person has violated the terms of the order restraining  
13 the person from acts or threats of violence, or restraining the  
14 person from going onto the grounds of, or entering, a residence,  
15 workplace, school, or day care, or prohibiting the person from  
16 knowingly coming within, or knowingly remaining within, a specified  
17 distance of a location, a protected party's person, or a protected  
18 party's vehicle, or requiring the person to submit to electronic  
19 monitoring, or, in the case of an order issued under RCW 26.44.063,  
20 imposing any other restrictions or conditions upon the person;

21 (b) An extreme risk protection order has been issued against the  
22 person under chapter 7.105 RCW or former RCW 7.94.040, the person has  
23 knowledge of the order, and the person has violated the terms of the  
24 order prohibiting the person from having in (~~his or her~~) the  
25 person's custody or control, purchasing, possessing, accessing, or  
26 receiving a firearm or concealed pistol license;

27 (c) A foreign protection order, as defined in RCW 26.52.010, or a  
28 Canadian domestic violence protection order, as defined in RCW  
29 26.55.010, has been issued of which the person under restraint has  
30 knowledge and the person under restraint has violated a provision of  
31 the foreign protection order or the Canadian domestic violence  
32 protection order prohibiting the person under restraint from  
33 contacting or communicating with another person, or excluding the  
34 person under restraint from a residence, workplace, school, or day  
35 care, or prohibiting the person from knowingly coming within, or  
36 knowingly remaining within, a specified distance of a location, a  
37 protected party's person, or a protected party's vehicle, or a  
38 violation of any provision for which the foreign protection order or  
39 the Canadian domestic violence protection order specifically  
40 indicates that a violation will be a crime; or

1 (d) The person is eighteen years or older and within the  
2 preceding four hours has assaulted a family or household member or  
3 intimate partner as defined in RCW 10.99.020 and the officer  
4 believes: (i) A felonious assault has occurred; (ii) an assault has  
5 occurred which has resulted in bodily injury to the victim, whether  
6 the injury is observable by the responding officer or not; or (iii)  
7 that any physical action has occurred which was intended to cause  
8 another person reasonably to fear imminent serious bodily injury or  
9 death. Bodily injury means physical pain, illness, or an impairment  
10 of physical condition. When the officer has probable cause to believe  
11 that family or household members or intimate partners have assaulted  
12 each other, the officer is not required to arrest both persons. The  
13 officer shall arrest the person whom the officer believes to be the  
14 primary (~~physical~~) aggressor. In making this determination, the  
15 officer shall make every reasonable effort to consider: (A) The  
16 intent to protect victims of domestic violence under RCW 10.99.010;  
17 (B) the comparative extent of injuries inflicted or serious threats  
18 creating fear of physical injury; and (C) the history of domestic  
19 violence of each person involved, including whether the conduct was  
20 part of an ongoing pattern of abuse.

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

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

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

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

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

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

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

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

38 (4) A law enforcement officer investigating at the scene of a  
39 motor vehicle accident may arrest the driver of a motor vehicle  
40 involved in the accident if the officer has probable cause to believe

1 that the driver has committed, in connection with the accident, a  
2 violation of any traffic law or regulation.

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

8 (b) A law enforcement officer investigating at the scene of a  
9 motor vessel accident may issue a citation for an infraction to the  
10 operator of a motor vessel involved in the accident if the officer  
11 has probable cause to believe that the operator has committed, in  
12 connection with the accident, a violation of any boating safety law  
13 of chapter 79A.60 RCW.

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

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

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

26 (9) A police officer may arrest and take into custody, pending  
27 release on bail, personal recognizance, or court order, a person  
28 without a warrant when the officer has probable cause to believe that  
29 an antiharassment protection order has been issued of which the  
30 person has knowledge under chapter 7.105 RCW or former chapter 10.14  
31 RCW and the person has violated the terms of that order.

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

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



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

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

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

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

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

17 (16)(a) Except as provided in (b) of this subsection, a police  
18 officer shall arrest and keep in custody, until release by a judicial  
19 officer on bail, personal recognizance, or court order, a person  
20 without a warrant when the officer has probable cause to believe that  
21 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent  
22 local ordinance and the police officer: (i) Has knowledge that the  
23 person has a prior offense as defined in RCW 46.61.5055 within ten  
24 years; or (ii) has knowledge, based on a review of the information  
25 available to the officer at the time of arrest, that the person is  
26 charged with or is awaiting arraignment for an offense that would  
27 qualify as a prior offense as defined in RCW 46.61.5055 if it were a  
28 conviction.

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

## 32 **Part VIII. Miscellaneous**

33 NEW SECTION. **Sec. 801.** If any provision of this act or its  
34 application to any person or circumstance is held invalid, the  
35 remainder of the act or the application of the provision to other  
36 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 802.**    If specific funding for the purposes of  
2 this act, referencing this act by bill or chapter number, is not  
3 provided by June 30, 2023, in the omnibus appropriations act, this  
4 act is null and void."

**E2SHB 1715** - S AMD  
By Senator Dhingra

**ADOPTED 04/22/2023**

5        On page 1, line 3 of the title, after "partners;" strike the  
6 remainder of the title and insert "amending RCW 7.105.155, 7.105.255,  
7 10.99.033, 10.99.040, 9.41.340, 9.41.345, 9.41.801, 9.41.804,  
8 7.105.340, 10.21.050, 40.24.030, 42.17A.710, 9.41.800, and 10.31.100;  
9 adding a new section to chapter 2.56 RCW; adding a new section to  
10 chapter 7.105 RCW; adding a new section to chapter 43.330 RCW; adding  
11 a new section to chapter 28B.20 RCW; adding a new section to chapter  
12 43.101 RCW; and creating a new section."

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