

**E2SHB 1715** - S COMM AMD  
By Committee on Law & Justice

**NOT CONSIDERED 04/10/2023**

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 43.101  
5 RCW to read as follows:

6 (1) By December 1, 2023, the commission must adopt rules:

7 (a) Establishing standards for the operation of electronic  
8 monitoring with victim notification technology by monitoring  
9 agencies, with the goal of implementing best practices to improve  
10 victim safety;

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

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

21 (2) In developing the rules required under this section, the  
22 commission must solicit input from courts of general and limited  
23 jurisdiction, local governments, monitoring agencies, and statewide  
24 associations representing law enforcement leaders, prosecutors,  
25 domestic violence victims, and domestic violence agencies.

26 (3) The commission must develop a model policy on electronic  
27 monitoring with victim notification technology based on best  
28 practices where the technology is being currently used in Washington.  
29 Each law enforcement agency in the state must adopt its own policy  
30 based on the model policy.

31 (4) For the purposes of this section:

1 (a) "Electronic monitoring" has the meaning provided in RCW  
2 9.94A.030; and

3 (b) "Monitoring agency" has the meaning provided in RCW  
4 9.94A.736.

5 **Part II. Access to Counsel**

6 NEW SECTION. **Sec. 201.** (1) The office of civil legal aid shall  
7 propose a plan to standardize and expand statewide access to civil  
8 legal assistance for survivors of domestic violence as defined in RCW  
9 7.105.010 in protection order proceedings initiated in superior and  
10 district courts and in family law proceedings. The plan must include  
11 the following specific areas of focus:

12 (a) Exploration of how deployment of publicly funded attorneys  
13 could integrate with existing networks of community and nonprofit  
14 organizations already providing support for domestic violence  
15 survivors;

16 (b) Strategies for expanding the number of private attorneys  
17 available to provide effective civil legal representation to domestic  
18 violence survivors;

19 (c) Strategies for incorporating high quality, culturally  
20 responsive, equity and trauma-informed assistance by nonattorneys  
21 into delivery systems where appropriate;

22 (d) A proposed implementation schedule and priorities;

23 (e) Provisions to ensure effective training, support, technical,  
24 and other assistance to ensure equity and trauma-informed legal  
25 assistance targeted to survivors at greatest risk of lethal and other  
26 aggravated harms who are unable to afford counsel;

27 (f) Provisions for effective training to ensure the courts  
28 differentiate between victims who may need civil legal assistance,  
29 and abusers who may allege to be victims in order to secure civil  
30 legal assistance;

31 (g) Any statutory changes necessary to implement the plan,  
32 including a description of how expanded access to counsel interacts  
33 with the appointment of counsel under RCW 7.105.240; and

34 (h) Any other information deemed appropriate by the office of  
35 civil legal aid.

36 (2) The office of civil legal aid must report the plan to the  
37 appropriate legislative committees by September 30, 2024.

38 (3) This section expires December 31, 2024.



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

4 (3) Where personal service is required, the first attempt at  
5 service must occur within 24 hours of receiving the order from the  
6 court (~~whenever practicable, but not more than five days after~~  
7 ~~receiving the order~~) unless an emergency situation renders the  
8 service infeasible. If the first attempt is not successful, no fewer  
9 than two additional attempts should be made to serve the order,  
10 particularly for respondents who present heightened risk of lethality  
11 or other risk of physical harm to the petitioner or petitioner's  
12 family or household members. All attempts at service must be  
13 documented on a proof of service form and submitted to the court in a  
14 timely manner;

15 (4) If service cannot be completed within 10 calendar days, the  
16 law enforcement officer shall notify the petitioner. The petitioner  
17 shall provide information sufficient to permit notification. Law  
18 enforcement shall continue to attempt to complete service unless  
19 otherwise directed by the court. In the event that the petitioner  
20 does not provide a service address for the respondent or there is  
21 evidence that the respondent is evading service, the law enforcement  
22 officer shall use law enforcement databases to assist in locating the  
23 respondent;

24 (5) If the respondent is in a protected person's presence at the  
25 time of contact for service, the law enforcement officer should take  
26 reasonable steps to separate the parties when possible prior to  
27 completing the service or inquiring about or collecting firearms.  
28 When the order requires the respondent to vacate the parties' shared  
29 residence, law enforcement shall take reasonable steps to ensure that  
30 the respondent has left the premises and is on notice that (~~his or~~  
31 ~~her~~) the respondent's return is a violation of the terms of the  
32 order. The law enforcement officer shall provide the respondent with  
33 copies of all forms with the exception of the confidential  
34 information form completed by the protected party and the proof of  
35 service form;

36 (6) Any law enforcement officer who serves a protection order on  
37 a respondent with the knowledge that the respondent requires special  
38 assistance due to a disability, brain injury, or impairment shall  
39 make a reasonable effort to accommodate the needs of the respondent

1 to the extent practicable without compromise to the safety of the  
2 petitioner;

3 (7) Proof of service must be submitted to the court on the proof  
4 of service form. The form must include the date and time of service  
5 and each document that was served in order for the service to be  
6 complete, along with any details such as conduct at the time of  
7 service, threats, or avoidance of service, as well as statements  
8 regarding possession of firearms, including any denials of ownership  
9 despite positive purchase history, active concealed pistol license,  
10 or sworn statements in the petition that allege the respondent's  
11 access to, or possession of, firearms; or

12 (8) If attempts at service were not successful, the proof of  
13 service form or the form letter showing that the order was not  
14 served, and stating the reason it was not served, must be returned to  
15 the court by the next judicial day following the last unsuccessful  
16 attempt at service. Each attempt at service must be noted and  
17 reflected in computer aided dispatch records, with the date, time,  
18 address, and reason service was not completed.

19 **Sec. 302.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to  
20 read as follows:

21 (1) To help ensure familiarity with the unique nature of  
22 protection order proceedings, and an understanding of trauma-informed  
23 practices and best practices in the use of new technologies for  
24 remote hearings, judicial officers, including persons who serve as  
25 judicial officers pro tempore, should receive evidence-based training  
26 on procedural justice, trauma-informed practices, gender-based  
27 violence dynamics, coercive control, elder abuse, juvenile sex  
28 offending, teen dating violence, domestic violence homicide  
29 prevention, and requirements and best practices for the surrender of  
30 weapons before presiding over protection order hearings. Trainings  
31 should be provided on an ongoing basis as best practices, research on  
32 trauma, and legislation continue to evolve. As a method of continuous  
33 training, court commissioners, including pro tempore commissioners,  
34 shall be notified by the presiding judge or court administrator upon  
35 revision of any decision made under this chapter.

36 (2) The administrative office of the courts shall develop  
37 training for judicial officers on the topics listed in subsection (1)  
38 of this section, which must be provided free of charge to judicial  
39 officers.



1 (2) The criminal justice training commission shall implement by  
2 July 28, 2019, a course of instruction for the training of law  
3 enforcement officers in Washington in the handling of domestic  
4 violence complaints. The basic law enforcement curriculum of the  
5 criminal justice training commission must include at least twenty  
6 hours of basic training instruction on the law enforcement response  
7 to domestic violence. The course of instruction, the learning and  
8 performance objectives, and the standards for the training must be  
9 developed by the commission and focus on enforcing the criminal laws,  
10 safety of the victim, and holding the perpetrator accountable for the  
11 violence. The curriculum must include training on the extent and  
12 prevalence of domestic violence, the importance of criminal justice  
13 intervention, techniques for responding to incidents that minimize  
14 the likelihood of officer injury and that promote victim safety,  
15 trauma-informed investigation and interviewing skills, evidence  
16 gathering and report writing, assistance to and services for victims  
17 and children, domestic violence homicide prevention, the intersection  
18 of firearms and domestic violence, best practices for serving and  
19 enforcing protection orders, best practices for implementation and  
20 enforcement of orders to surrender and prohibit weapons and extreme  
21 risk protection orders, the impacts that trauma may have on domestic  
22 violence victims, understanding the risks of traumatic brain injury  
23 posed by domestic violence, verification and enforcement of court  
24 orders, liability, and any additional provisions that are necessary  
25 to carry out the intention of this subsection.

26 (3) The criminal justice training commission shall develop and  
27 update annually an in-service training program to familiarize law  
28 enforcement officers with domestic violence laws. The program must  
29 include techniques for handling incidents of domestic violence that  
30 minimize the likelihood of injury to the officer and that promote the  
31 safety of all parties. The program must also include training on  
32 domestic violence homicide prevention, the intersection of firearms  
33 and domestic violence, best practices for serving and enforcing  
34 protection orders, and assistance to and services for victims and  
35 children. The commission shall make the training program available to  
36 all law enforcement agencies in the state.

37 (4) Development of the training in subsections (2) and (3) of  
38 this section must be conducted in conjunction with agencies having a  
39 primary responsibility for serving victims of domestic violence with  
40 emergency shelter and other services, and representatives to the

1 statewide organization providing training and education to these  
2 organizations and to the general public.

3 **Sec. 402.** 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 V. Firearms and Dangerous Weapons**

32 **Sec. 501.** 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, once the portal created under section 804 of this  
4 act is available, immediate law enforcement entry in a portal created  
5 and maintained by the Washington association of sheriffs and police  
6 chiefs with the intended purpose to provide timely and accurate  
7 information to the statewide automated protected person notification  
8 system created under RCW 36.28A.410 when a law enforcement agency  
9 returns a privately owned firearm to any respondent identified in a  
10 no-contact order, restraining order, protection order, or order  
11 restoring firearm rights.

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

15 ~~((b))~~ (ii) If a law enforcement agency is in possession of more  
16 than one privately owned firearm from ~~((a—single person))~~ an  
17 individual, notification relating to the return of one firearm shall  
18 be considered notification for all privately owned firearms for that  
19 person.

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

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

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

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

1       **Sec. 502.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to  
2 read as follows:

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

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

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

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

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

18       (e) If a family or household member or intimate partner has  
19 requested notification, provide notice to the family or household  
20 member or intimate partner who has requested notification within one  
21 business day of verifying that the requirements in (a) through (c) of  
22 this subsection have been met; and

23       (f) Once the portal created under section 804 of this act is  
24 available, immediately enter in the portal created and maintained by  
25 the Washington association of sheriffs and police chiefs with the  
26 intended purpose to provide timely and accurate information to the  
27 statewide automated protected person notification system created  
28 under RCW 36.28A.410, when any respondent identified in a no-contact  
29 order, restraining order, protection order, or order to restore  
30 firearm rights, has met the requirements in (a) through (c) of this  
31 subsection. Law enforcement must provide the respondent's name, date  
32 of birth, protection order number, and date the respondent is  
33 eligible to have the respondent's firearms returned.

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

38       (b) (i) If a firearm cannot be returned because it is required to  
39 be held in custody or is otherwise prohibited from being released, a  
40 law enforcement agency must provide written notice to the individual

1 from whom it was obtained within five business days of the individual  
2 requesting return of ~~((his or her))~~ the firearm and specify the  
3 reason the firearm must be held in custody.

4 (ii) Notification may be made via email, text message, mail  
5 service, or personal service. For methods other than personal  
6 service, service shall be considered complete once the notification  
7 is sent.

8 (3) If ~~((a family or household member or intimate partner has  
9 requested to be notified pursuant to RCW 9.41.340))~~ notification is  
10 required under subsections (1)(e) or (f) of this section, a law  
11 enforcement agency must(~~+~~

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

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

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

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

28 (5) The provisions of chapter 130, Laws of 2015 and subsection  
29 (4) of this section shall not apply to circumstances where a law  
30 enforcement officer has momentarily obtained a firearm or concealed  
31 pistol license from an individual and would otherwise immediately  
32 return the firearm or concealed pistol license to the individual  
33 during the same interaction.

34 **Sec. 503.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to  
35 read as follows:

36 (1) Because of the heightened risk of lethality to petitioners  
37 when respondents to protection orders become aware of court  
38 involvement and continue to have access to firearms, and the  
39 frequency of noncompliance with court orders prohibiting possession

1 of firearms, law enforcement and judicial processes must emphasize  
2 swift and certain compliance with court orders prohibiting access,  
3 possession, and ownership of all firearms.

4 (2) A law enforcement officer serving a protection order, no-  
5 contact order, or restraining order that includes an order to  
6 surrender all firearms, dangerous weapons, and a concealed pistol  
7 license under RCW 9.41.800 shall inform the respondent that the order  
8 is effective upon service and the respondent must immediately  
9 surrender all firearms and dangerous weapons in the respondent's  
10 custody, control, or possession and any concealed pistol license  
11 issued under RCW 9.41.070, and conduct any search permitted by law  
12 for such firearms, dangerous weapons, and concealed pistol license.  
13 The law enforcement officer shall take possession of all firearms,  
14 dangerous weapons, and any concealed pistol license belonging to the  
15 respondent that are surrendered, in plain sight, or discovered  
16 pursuant to a lawful search. If the order is entered in open court  
17 and the respondent appears in person, the respondent shall be  
18 provided a copy and further service is not required. If the  
19 respondent refuses to receive a copy, an agent of the court may  
20 indicate on the record that the respondent refused to receive a copy  
21 of the order. If the respondent appears remotely for the hearing, or  
22 leaves the hearing before a final ruling is issued or order signed,  
23 and the court believes the respondent has sufficient notice such that  
24 additional service is not necessary, the order must recite that the  
25 respondent appeared before the court, has actual notice of the order,  
26 the necessity for further service is waived, and proof of service of  
27 the order is not necessary. The court shall enter the service and  
28 receipt into the record. A copy of the order and service shall be  
29 transmitted immediately to law enforcement. The respondent must  
30 immediately surrender all firearms, dangerous weapons, and any  
31 concealed pistol license in a safe manner to the control of the local  
32 law enforcement agency on the day of the hearing at which the  
33 respondent was present in person or remotely. Alternatively, if  
34 personal service by a law enforcement officer is not possible, and  
35 the respondent did not appear in person or remotely at the hearing,  
36 the respondent shall surrender the firearms in a safe manner to the  
37 control of the local law enforcement agency within 24 hours of being  
38 served with the order by alternate service.

39 (3) At the time of surrender, a law enforcement officer taking  
40 possession of firearms, dangerous weapons, and any concealed pistol

1 license shall issue a receipt identifying all firearms, dangerous  
2 weapons, and any concealed pistol license that have been surrendered  
3 and provide a copy of the receipt to the respondent. The law  
4 enforcement agency shall file the original receipt with the court  
5 within 24 hours after service of the order and retain a copy of the  
6 receipt, electronically whenever electronic filing is available.

7 (4) Upon the sworn statement or testimony of the petitioner or of  
8 any law enforcement officer alleging that the respondent has failed  
9 to comply with the surrender of firearms or dangerous weapons as  
10 required by an order issued under RCW 9.41.800 or 10.99.100, the  
11 court shall determine whether probable cause exists to believe that  
12 the respondent has failed to surrender all firearms and dangerous  
13 weapons in their possession, custody, or control. If probable cause  
14 exists that a crime occurred, the court shall issue a warrant  
15 describing the firearms or dangerous weapons and authorizing a search  
16 of the locations where the firearms and dangerous weapons are  
17 reasonably believed to be and the seizure of all firearms and  
18 dangerous weapons discovered pursuant to such search.

19 (5) If a person other than the respondent claims title to any  
20 firearms or dangerous weapons surrendered pursuant to this section,  
21 and the person is determined by the law enforcement agency to be the  
22 lawful owner of the firearm or dangerous weapon, the firearm or  
23 dangerous weapon shall be returned to the lawful owner, provided  
24 that:

25 (a) The firearm or dangerous weapon is removed from the  
26 respondent's access, custody, control, or possession and the lawful  
27 owner agrees by written document signed under penalty of perjury to  
28 store the firearm or dangerous weapon in a manner such that the  
29 respondent does not have access to or control of the firearm or  
30 dangerous weapon;

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

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

34 (6) (a) Courts shall develop procedures to verify timely and  
35 complete compliance with orders to surrender and prohibit weapons  
36 under RCW 9.41.800 or 10.99.100, including compliance review hearings  
37 to be held as soon as possible upon receipt from law enforcement of  
38 proof of service. (~~(A compliance review hearing is not required if  
39 the court can otherwise enter findings on the record or enter written  
40 findings that the proof of surrender or declaration of nonsurrender))~~)

1 For any case where the court has indication that the respondent has  
2 in the respondent's possession, custody, or control firearms,  
3 dangerous weapons, or a concealed pistol license, a compliance review  
4 hearing shall be held. A compliance review hearing may be waived by  
5 the court or held at a later date if the information attested to by  
6 the person subject to the order, along with verification from law  
7 enforcement and any other relevant evidence, makes a sufficient  
8 showing that the person has timely and completely surrendered all  
9 firearms and dangerous weapons in the person's custody, control, or  
10 possession, and any concealed pistol license issued under RCW  
11 9.41.070, to a law enforcement agency, and the court is able to make  
12 a finding of compliance. If the court does not have a sufficient  
13 record before it on which to make such a finding, the court must set  
14 a review hearing to occur as soon as possible ((at which the)) and  
15 service by law enforcement shall be prioritized to minimize the time  
16 during which the respondent could access their firearms, dangerous  
17 weapons, or concealed pistol license. The respondent must be present  
18 and provide proof of compliance with the court's order. Courts shall  
19 make available forms that petitioners may complete and submit to the  
20 court in response to a respondent's declaration of whether the  
21 respondent has surrendered weapons.

22 (b) In making its findings regarding compliance, the court shall  
23 also consider any department of licensing and Washington state patrol  
24 firearm records; for criminal cases, the police report and any  
25 documentation of firearms, or their recovery pursuant to RCW  
26 10.99.030(3)(a); and for civil protection order cases, the protection  
27 order narrative, any sections of the protection order petition that  
28 specifically reference or inquire about firearms and other dangerous  
29 weapons, any attachments to the protection order petition, any  
30 affidavits from law enforcement or the petitioner in response to a  
31 respondent's declaration regarding firearm surrender, or other  
32 relevant evidence regarding firearms, dangerous weapons, or a  
33 concealed pistol license in the person's custody, control, or  
34 possession.

35 (c) If the court is considering waiving or delaying the  
36 compliance review hearing, the petitioner, law enforcement, or the  
37 state or city attorney may request that the compliance hearing be  
38 held, if there is reasonable suspicion to believe that the respondent  
39 has not surrendered all firearms, dangerous weapons, and any



1 concealed pistol license, or is otherwise out of compliance with the  
2 court's order.

3 (7) (a) If a court finds at the compliance review hearing, or any  
4 other hearing where compliance with the order to surrender and  
5 prohibit weapons is addressed, that there is probable cause to  
6 believe the respondent was aware of and failed to fully comply with  
7 the order, failed to appear at the compliance review hearing, or  
8 violated the order after the court entered findings of compliance,  
9 pursuant to its authority under chapter 7.21 RCW, the court may issue  
10 an arrest warrant and initiate a contempt proceeding to impose  
11 remedial sanctions on its own motion, or upon the motion of the  
12 prosecutor, city attorney, or the petitioner's counsel, and issue an  
13 order requiring the respondent to appear, with additional sanctions  
14 for failure to appear, provide proof of compliance with the order,  
15 and show cause why the respondent should not be held in contempt of  
16 court.

17 (b) If the respondent is not present in court at the compliance  
18 review hearing or if the court issues an order to appear and show  
19 cause after a compliance review hearing, the clerk of the court shall  
20 electronically transmit a copy of the order to show cause to the law  
21 enforcement agency where the respondent resides for personal service  
22 or service in the manner provided in the civil rules of superior  
23 court or applicable statute. Law enforcement shall also serve a copy  
24 of the order to show cause on the petitioner, either electronically  
25 or in person, at no cost.

26 (c) The order to show cause served upon the respondent shall  
27 state the date, time, and location of the hearing and shall include a  
28 warning that the respondent may be held in contempt of court if the  
29 respondent fails to promptly comply with the terms of the order to  
30 surrender and prohibit weapons and a warning that an arrest warrant  
31 could be issued if the respondent fails to appear on the date and  
32 time provided in the order.

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

37 (ii) The court shall take judicial notice of the receipt filed  
38 with the court by the law enforcement agency pursuant to subsection  
39 (3) of this section. The court shall also provide sufficient notice

1 to the law enforcement agency of the hearing. Upon receiving notice  
2 pursuant to this subsection, a law enforcement agency must:

3 (A) Provide the court with a complete list of firearms and other  
4 dangerous weapons surrendered by the respondent or otherwise  
5 belonging to the respondent that are in the possession of the law  
6 enforcement agency; and

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

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

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

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

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

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

35 (9) (a) ~~((An order to surrender and prohibit weapons issued  
36 pursuant to RCW 9.41.800 must state that the))~~ The act of voluntarily  
37 surrendering firearms or weapons, ~~((or))~~ providing testimony relating  
38 to the surrender of firearms or weapons, ~~((pursuant to such an  
39 order,))~~ or complying with an order to surrender and prohibit weapons  
40 issued pursuant to RCW 9.41.800 or 10.99.100, and any information

1 directly or indirectly derived from such act or testimony, may not be  
2 used against the ((respondent)) person subject to the order in any  
3 criminal prosecution under this chapter, chapter 7.105 RCW, or RCW  
4 9A.56.310, or in any criminal prosecution pursuant to which such  
5 order to surrender and prohibit weapons was issued, except a  
6 prosecution for perjury, giving a false statement, or otherwise  
7 failing to comply with the order. Every such order issued subsequent  
8 to the effective date of this section shall contain language  
9 consistent with the statutory immunity set forth in this subsection.

10 (b) If a person subject to such an order invokes the privilege  
11 against self-incrimination at the time of issuance of the order or at  
12 a subsequent hearing, the court may afford the person subject to the  
13 order an opportunity to demonstrate that compliance with the  
14 surrender provision of the order would expose that person to a  
15 realistic threat of self-incrimination in a subsequent or pending  
16 criminal proceeding. The court may conduct this portion of the  
17 proceeding ex parte or receive evidence in camera, without the  
18 presence of the prosecuting attorney, after the court conducts an  
19 analysis under *State v. Bone-Club*, 128 wn.2d 254, and concludes that  
20 the courtroom may be closed.

21 (c) If the person subject to the order establishes such a  
22 realistic threat of self-incrimination regarding possible criminal  
23 prosecution that is not addressed by the immunity from prosecution  
24 set forth in (a) of this subsection, the court shall afford the  
25 relevant prosecuting attorney an opportunity to offer an immunity  
26 agreement tailored specifically to the firearms or weapons implicated  
27 by the potential self-incrimination. To achieve the purposes of this  
28 section, any immunity offered should be narrowly tailored to address  
29 any realistic threat of self-incrimination while ensuring that any  
30 other firearms not implicated are surrendered.

31 (d) Any immunity from prosecution beyond the immunity set forth  
32 in (a) of this subsection, may only be extended by the prosecuting  
33 attorney. If the prosecuting attorney declines to extend immunity  
34 such that the person subject to the order cannot fully comply with  
35 its surrender provision without facing a realistic threat of self-  
36 incrimination, the court's order must provide for the surrender of  
37 every firearm, dangerous weapon, and concealed pistol license that  
38 does not implicate a realistic threat of self-incrimination. The  
39 order's prohibitions regarding accessing, purchasing, receiving, or

1 attempting to purchase or receive, any firearms or other dangerous  
2 weapons, or concealed pistol license, remain in effect.

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

7 ~~((b))~~ (10) To provide relevant information to the court to  
8 determine compliance with the order, the court may allow the  
9 prosecuting attorney or city attorney to question the respondent  
10 regarding compliance.

11 ~~((10))~~ (11) All law enforcement agencies must have policies and  
12 procedures to provide for the acceptance, storage, and return of  
13 firearms, dangerous weapons, and concealed pistol licenses that a  
14 court requires must be surrendered under RCW 9.41.800. A law  
15 enforcement agency holding any firearm or concealed pistol license  
16 that has been surrendered under RCW 9.41.800 shall comply with the  
17 provisions of RCW 9.41.340 and 9.41.345 before the return of the  
18 firearm or concealed pistol license to the owner or individual from  
19 whom it was obtained.

20 ~~((11))~~ (12) The administrative office of the courts shall  
21 create a statewide pattern form to assist the courts in ensuring  
22 timely and complete compliance in a consistent manner with orders  
23 issued under this chapter. The administrative office of the courts  
24 shall report annually on the number of ex parte and full orders  
25 issued under this chapter by each court, ~~((the degree of compliance,~~  
26 ~~and the number of firearms obtained, and may make recommendations~~  
27 ~~regarding additional procedures))~~ the type of protection order, no  
28 contact order, restraining order, or criminal charge with which the  
29 order was issued, the duration of the order, the period of time from  
30 issuance of the order until the court's finding of compliance, any  
31 violations, the nature of the violations, any sanctions imposed, the  
32 number of firearms obtained pursuant to each order, whether  
33 subsequent orders were issued involving the same respondent, and may  
34 make recommendations regarding additional procedures, training, or  
35 data collection and reporting to enhance compliance and victim  
36 safety.

37 **Sec. 504.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to  
38 read as follows:

1       (~~A party ordered~~) (1) To prove full compliance with the court's  
2 order to surrender firearms, dangerous weapons, and (~~his or her~~)  
3 any concealed pistol license under RCW 9.41.800 the person subject to  
4 the order must file with the clerk of the court (~~(a)~~): (a) A  
5 completed proof of surrender and receipt form (~~or a declaration of~~  
6 nonsurrender form within five judicial days of the entry of the  
7 order)); (b) a declaration that the person has no firearms, dangerous  
8 weapons, or concealed pistol license; or (c) other evidence  
9 sufficient to establish full and timely compliance with the order.

10       (2) The verification of compliance required in subsection (1) of  
11 this section must be provided to the court within 48 hours of service  
12 of the order, unless the order is pursuant to a criminal proceeding.  
13 In a criminal proceeding, if the person subject to the order is in  
14 custody, proof of compliance must be provided to the court before the  
15 person subject to the order is released from custody; otherwise,  
16 proof of compliance must be provided before the conclusion of the  
17 sentencing hearing. If the court finds that surrender of all  
18 firearms, dangerous weapons, and any concealed pistol license is not  
19 possible prior to release or prior to the conclusion of the hearing,  
20 then arrangements for surrender shall be made and approved by the  
21 court before the person's release from custody or before the  
22 conclusion of the sentencing hearing, and the court shall order a law  
23 enforcement officer to accompany the person to the location where the  
24 firearms, dangerous weapons, and concealed pistol license are located  
25 so that they are surrendered directly to the law enforcement officer.  
26 Surrender to local law enforcement shall occur in a safe manner and  
27 proof of compliance provided by law enforcement to the court within  
28 24 hours of either the person's release from custody or the  
29 conclusion of the sentencing hearing.

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

34       **Sec. 505.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to  
35 read as follows:

36       (1) Upon the issuance of any extreme risk protection order under  
37 this chapter, including a temporary extreme risk protection order,  
38 the court shall:

1 (a) Order the respondent to surrender to the local law  
2 enforcement agency all firearms in the respondent's custody, control,  
3 or possession, or subject to the respondent's immediate possession or  
4 control, and any concealed pistol license issued under RCW 9.41.070;  
5 and

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

9 (2) The court may, at the same time it issues an order pursuant  
10 to this section, also issue an order authorizing the search for and  
11 seizure of any firearm, dangerous weapon, or concealed pistol  
12 license, if there is probable cause to find that the person subject  
13 to the court's order issued pursuant to this section is violating the  
14 order by refusing to comply after being served with the order. The  
15 court's order authorizing such search and seizure must state with  
16 specificity the location and scope of the search and seizure  
17 authorized.

18 (3) The law enforcement officer serving any extreme risk  
19 protection order under this chapter, including a temporary extreme  
20 risk protection order, shall request that the respondent immediately  
21 surrender all firearms in (~~his or her~~) the respondent's custody,  
22 control, or possession, and any concealed pistol license issued under  
23 RCW 9.41.070, and conduct any search permitted by law for such  
24 firearms. The law enforcement officer shall take possession of all  
25 firearms belonging to the respondent that are surrendered, in plain  
26 sight, or discovered pursuant to a lawful search. If the order is  
27 entered in open court and the respondent appears in person, the  
28 respondent must be provided a copy and further service is not  
29 required. If the respondent refuses to accept a copy, an agent of the  
30 court may indicate on the record that the respondent refused to  
31 accept a copy of the order. If the respondent appears remotely for  
32 the hearing, or leaves the hearing before a final ruling is issued or  
33 order signed, and the court believes the respondent has sufficient  
34 notice such that additional service is not necessary, the order must  
35 recite that the respondent appeared before the court, has actual  
36 notice of the order, the necessity for further service is waived, and  
37 proof of service of the order is not necessary. The court shall enter  
38 the service and receipt into the record. A copy of the order and  
39 service must be transmitted immediately to law enforcement. The  
40 respondent must immediately surrender all firearms and any concealed

1 pistol license, not previously surrendered, in a safe manner to the  
2 control of the local law enforcement agency on the day of the hearing  
3 at which the respondent was present in person or remotely. If the  
4 respondent is in custody, arrangements to recover the firearms must  
5 be made prior to release. Alternatively, if personal service by a law  
6 enforcement officer is not possible, and the respondent did not  
7 appear in person or remotely at the hearing, the respondent shall  
8 surrender the firearms in a safe manner to the control of the local  
9 law enforcement agency within 24 hours of being served with the order  
10 by alternate service.

11 ~~((3))~~ (4) At the time of surrender, a law enforcement officer  
12 taking possession of a firearm or concealed pistol license shall  
13 issue a receipt identifying all firearms that have been surrendered  
14 and provide a copy of the receipt to the respondent. Within 72 hours  
15 after service of the order, the officer serving the order shall file  
16 the original receipt with the court and shall ensure that ~~((his or~~  
17 ~~her))~~ the officer's law enforcement agency retains a copy of the  
18 receipt.

19 ~~((4))~~ (5) Upon the sworn statement or testimony of the  
20 petitioner or of any law enforcement officer alleging that the  
21 respondent has failed to comply with the surrender of firearms as  
22 required by an order issued under this chapter, the court shall  
23 determine whether probable cause exists to believe that the  
24 respondent has failed to surrender all firearms in ~~((his or her))~~ the  
25 respondent's possession, custody, or control. If probable cause for a  
26 violation of the order exists, the court shall issue a warrant  
27 describing the firearms and authorizing a search of the locations  
28 where the firearms are reasonably believed to be and the seizure of  
29 any firearms discovered pursuant to such search.

30 ~~((5))~~ (6) If a person other than the respondent claims title to  
31 any firearms surrendered pursuant to this section, and that person is  
32 determined by the law enforcement agency to be the lawful owner of  
33 the firearm, the firearm must be returned to that person, provided  
34 that:

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

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

3 (c) The firearm is not otherwise unlawfully possessed by the  
4 owner.

5 ~~((+6))~~ (7) Upon the issuance of a one-year extreme risk  
6 protection order, the court shall order a new compliance review  
7 hearing date and require the respondent to appear not later than  
8 three judicial days from the issuance of the order. The court shall  
9 require a showing that the respondent has surrendered any firearms in  
10 the respondent's custody, control, or possession, and any concealed  
11 pistol license issued under RCW 9.41.070 to a law enforcement agency.  
12 The compliance review hearing is not required upon a satisfactory  
13 showing on which the court can otherwise enter findings on the record  
14 that the respondent has timely and completely surrendered all  
15 firearms in the respondent's custody, control, or possession, and any  
16 concealed pistol license issued under RCW 9.41.070 to a law  
17 enforcement agency, and is in compliance with the order. If the court  
18 does not have a sufficient record before it on which to make such a  
19 finding, the court must set a review hearing to occur as soon as  
20 possible, at which the respondent must be present and provide proof  
21 of compliance with the court's order.

22 ~~((+7))~~ (8)(a) If a court finds at the compliance review hearing,  
23 or any other hearing where compliance with the order is addressed,  
24 that there is probable cause to believe the respondent was aware of,  
25 and failed to fully comply with, the order, failed to appear at the  
26 compliance review hearing, or violated the order after the court  
27 entered findings of compliance, pursuant to its authority under  
28 chapter 7.21 RCW, the court may initiate a contempt proceeding on its  
29 own motion, or upon the motion of the prosecutor, city attorney, or  
30 the petitioner's counsel, to impose remedial sanctions, and issue an  
31 order requiring the respondent to appear, provide proof of compliance  
32 with the order, and show cause why the respondent should not be held  
33 in contempt of court.

34 (b) If the respondent is not present in court at the compliance  
35 review hearing or if the court issues an order to appear and show  
36 cause after a compliance review hearing, the clerk of the court shall  
37 electronically transmit a copy of the order to show cause to the law  
38 enforcement agency where the respondent resides for personal service  
39 or service in the manner provided in the civil rules of superior  
40 court or applicable statute.



1 (c) The order to show cause served upon the respondent shall  
2 state the date, time, and location of the hearing, and shall include  
3 a warning that the respondent may be held in contempt of court if the  
4 respondent fails to promptly comply with the terms of the extreme  
5 risk protection order and a warning that an arrest warrant could be  
6 issued if the respondent fails to appear on the date and time  
7 provided in the order to show cause.

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

11 (ii) The court shall take judicial notice of the receipt filed  
12 with the court by the law enforcement agency pursuant to subsection  
13 (~~((3))~~) (4) of this section. The court shall also provide sufficient  
14 notice to the law enforcement agency of the hearing. Upon receiving  
15 notice pursuant to this subsection, a law enforcement agency must:

16 (A) Provide the court with a complete list of firearms  
17 surrendered by the respondent or otherwise belonging to the  
18 respondent that are in the possession of the law enforcement agency;  
19 and

20 (B) Provide the court with verification that any concealed pistol  
21 license issued to the respondent has been surrendered and that a law  
22 enforcement agency with authority to revoke the license has been  
23 notified.

24 (iii) If the law enforcement agency has a reasonable suspicion  
25 that the respondent is not in full compliance with the terms of the  
26 order, the law enforcement agency must submit the basis for its  
27 belief to the court, and may do so through the filing of an  
28 affidavit.

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

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

37 (~~((8))~~) (9)(a) To help ensure that accurate and comprehensive  
38 information about firearms compliance is provided to judicial  
39 officers, a representative from either the prosecuting attorney's  
40 office or city attorney's office, or both, from the relevant

1 jurisdiction may appear and be heard or submit written information at  
2 any hearing that concerns compliance with an extreme risk protection  
3 order.

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

9 ~~((9))~~ (10)(a) An extreme risk protection order must state that  
10 the act of voluntarily surrendering firearms, or providing testimony  
11 relating to the surrender of firearms, pursuant to such an order, may  
12 not be used against the respondent in any criminal prosecution under  
13 this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

14 (b) To provide relevant information to the court to determine  
15 compliance with the order, the court may allow the prosecuting  
16 attorney or city attorney to question the respondent regarding  
17 compliance.

18 ~~((10))~~ (11) All law enforcement agencies must develop and  
19 implement policies and procedures regarding the acceptance, storage,  
20 and return of firearms required to be surrendered under this chapter.  
21 Any surrendered firearms must be handled and stored properly to  
22 prevent damage or degradation in appearance or function, and the  
23 condition of the surrendered firearms documented, including by  
24 digital photograph. A law enforcement agency holding any surrendered  
25 firearm or concealed pistol license shall comply with the provisions  
26 of RCW 9.41.340 and 9.41.345 before the return of the firearm or  
27 concealed pistol license to the owner or individual from whom it was  
28 obtained.

29 **Sec. 506.** RCW 10.21.050 and 2018 c 276 s 5 are each amended to  
30 read as follows:

31 The judicial officer in any felony, misdemeanor, or gross  
32 misdemeanor case must, in determining whether there are conditions of  
33 release that will reasonably assure the safety of any other person  
34 and the community, take into account the available information  
35 concerning:

- 36 (1) The nature and circumstances of the offense charged,  
37 including whether the offense is a crime of violence;  
38 (2) The weight of the evidence against the defendant; and  
39 (3) The history and characteristics of the defendant, including:

1 (a) The (~~person's~~) defendant's character, physical and mental  
2 condition, family ties, employment, financial resources, length of  
3 residence in the community, community ties, past conduct, history  
4 relating to drug or alcohol abuse, criminal history, and record  
5 concerning appearance at court proceedings;

6 (b) Whether, at the time of the current offense or arrest, the  
7 defendant was on community supervision, probation, parole, or on  
8 other release pending trial, sentencing, appeal, or completion of  
9 sentence for an offense under federal, state, or local law; (~~and~~)

10 (c) The nature and seriousness of the danger to any person or the  
11 community that would be posed by the defendant's release; and

12 (d) The defendant's firearms history, including purchase history,  
13 any concealed pistol license history, and the requirements of RCW  
14 9.41.800 regarding issuance of an order to surrender and prohibit  
15 weapons.

## 16 **Part VI. Residential Protections**

17 **Sec. 601.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to  
18 read as follows:

19 (1)(a) An adult person, a parent or guardian acting on behalf of  
20 a minor, or a guardian acting on behalf of an incapacitated person,  
21 (~~as defined in RCW 11.88.010,~~) (b) any election official as  
22 described in RCW 9A.90.120 who is a target for threats or harassment  
23 prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any (~~family~~  
24 ~~members~~) person residing with (~~him or her~~) the election official,  
25 and (c) any criminal justice participant as defined in RCW 9A.46.020  
26 who is a target for threats or harassment prohibited under RCW  
27 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant as  
28 defined in RCW 9A.90.120 who is a target for threats or harassment  
29 prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any (~~family~~  
30 ~~members~~) person residing with (~~him or her~~) the criminal justice  
31 participant, may apply to the secretary of state to have an address  
32 designated by the secretary of state serve as the person's address or  
33 the address of the minor or incapacitated person. The secretary of  
34 state shall approve an application if it is filed in the manner and  
35 on the form prescribed by the secretary of state and if it contains:

36 (i) A sworn statement, under penalty of perjury, by the applicant  
37 that the applicant has good reason to believe (A) that the applicant,  
38 or the minor or incapacitated person on whose behalf the application

1 is made, is a victim of domestic violence, sexual assault,  
2 trafficking, or stalking and that the applicant fears for (~~his or~~  
3 ~~her~~) the applicant's safety or (~~his or her~~) the applicant's  
4 children's safety, or the safety of the minor or incapacitated person  
5 on whose behalf the application is made((~~+~~)) (B) that the applicant,  
6 as an election official as described in RCW 9A.90.120, is a target  
7 for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii)  
8 or (iv); or (C) that the applicant, as a criminal justice participant  
9 as defined in RCW 9A.46.020, is a target for threats or harassment  
10 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the  
11 applicant, as a criminal justice participant as defined in RCW  
12 9A.90.120 is a target for threats or harassment prohibited under RCW  
13 9A.90.120(2)(b) (iii) or (iv);

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

20 (iii) A designation of the secretary of state as agent for  
21 purposes of service of process and for the purpose of receipt of  
22 mail;

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

29 (v) The signature of the applicant and of any individual or  
30 representative of any office designated in writing under RCW  
31 40.24.080 who assisted in the preparation of the application, and the  
32 date on which the applicant signed the application.

33 (2) Applications shall be filed with the office of the secretary  
34 of state.

35 (3) Upon filing a properly completed application, the secretary  
36 of state shall certify the applicant as a program participant.  
37 Applicants shall be certified for four years following the date of  
38 filing unless the certification is withdrawn or invalidated before  
39 that date. The secretary of state shall by rule establish a renewal  
40 procedure.

1 (4) (a) During the application process, the secretary of state  
2 shall provide each applicant a form to direct the department of  
3 licensing to change the address of registration for vehicles or  
4 vessels solely or jointly registered to the applicant and the address  
5 associated with the applicant's driver's license or identicard to the  
6 applicant's address as designated by the secretary of state upon  
7 certification in the program. The directive to the department of  
8 licensing is only valid if signed by the applicant. The directive may  
9 only include information required by the department of licensing to  
10 verify the applicant's identity and ownership information for  
11 vehicles and vessels. This information is limited to the:

12 (i) Applicant's full legal name;

13 (ii) Applicant's Washington driver's license or identicard  
14 number;

15 (iii) Applicant's date of birth;

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

18 (v) Hull identification number or vessel document number and  
19 vessel decal number for each vessel solely or jointly registered to  
20 the applicant.

21 (b) Upon certification of the applicants, the secretary of state  
22 shall transmit completed and signed directives to the department of  
23 licensing.

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

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

29 (5) A person who knowingly provides false or incorrect  
30 information upon making an application or falsely attests in an  
31 application that disclosure of the applicant's address would endanger

32 (a) the applicant's safety or the safety of the applicant's children  
33 or the minor or incapacitated person on whose behalf the application  
34 is made, (b) the safety of any election official as described in RCW  
35 9A.90.120 who is a target for threats or harassment prohibited under  
36 RCW 9A.90.120(2)(b) (iii) or (iv), or (c) the safety of any criminal  
37 justice participant as defined in RCW 9A.46.020 who is a target for  
38 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or  
39 (iv) or of any criminal justice participant as defined in RCW  
40 9A.90.120 who is a target for threats or harassment prohibited under

1 RCW 9A.90.120(2)(b) (iii) or (iv), or any family members residing  
2 with (~~him or her~~) the criminal justice participant, shall be  
3 punished under RCW 40.16.030 or other applicable statutes.

4 **Sec. 602.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to  
5 read as follows:

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

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

10 (b) Each bank account, savings account, and insurance policy in  
11 which a direct financial interest was held that exceeds twenty  
12 thousand dollars at any time during the reporting period; each other  
13 item of intangible personal property in which a direct financial  
14 interest was held that exceeds two thousand dollars during the  
15 reporting period; the name, address, and nature of the entity; and  
16 the nature and highest value of each direct financial interest during  
17 the reporting period;

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

25 (d) Every public or private office, directorship, and position  
26 held as trustee; except that an elected official or executive state  
27 officer need not report the elected official's or executive state  
28 officer's service on a governmental board, commission, association,  
29 or functional equivalent, when such service is part of the elected  
30 official's or executive state officer's official duties;

31 (e) All persons for whom any legislation, rule, rate, or standard  
32 has been prepared, promoted, or opposed for current or deferred  
33 compensation. For the purposes of this subsection, "compensation"  
34 does not include payments made to the person reporting by the  
35 governmental entity for which the person serves as an elected  
36 official or state executive officer or professional staff member for  
37 the person's service in office; the description of such actual or  
38 proposed legislation, rules, rates, or standards; and the amount of  
39 current or deferred compensation paid or promised to be paid;

1 (f) The name and address of each governmental entity,  
2 corporation, partnership, joint venture, sole proprietorship,  
3 association, union, or other business or commercial entity from whom  
4 compensation has been received in any form of a total value of two  
5 thousand dollars or more; the value of the compensation; and the  
6 consideration given or performed in exchange for the compensation;

7 (g) The name of any corporation, partnership, joint venture,  
8 association, union, or other entity in which is held any office,  
9 directorship, or any general partnership interest, or an ownership  
10 interest of ten percent or more; the name or title of that office,  
11 directorship, or partnership; the nature of ownership interest; and:

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

17 and (ii) the name of each governmental unit, corporation,  
18 partnership, joint venture, sole proprietorship, association, union,  
19 or other business or commercial entity from which the entity has  
20 received compensation in any form in the amount of ten thousand  
21 dollars or more during the preceding twelve months and the  
22 consideration given or performed in exchange for the compensation. As  
23 used in (g)(ii) of this subsection, "compensation" does not include  
24 payment for water and other utility services at rates approved by the  
25 Washington state utilities and transportation commission or the  
26 legislative authority of the public entity providing the service.  
27 With respect to any bank or commercial lending institution in which  
28 is held any office, directorship, partnership interest, or ownership  
29 interest, it shall only be necessary to report either the name,  
30 address, and occupation of every director and officer of the bank or  
31 commercial lending institution and the average monthly balance of  
32 each account held during the preceding twelve months by the bank or  
33 commercial lending institution from the governmental entity for which  
34 the individual is an official or candidate or professional staff  
35 member, or all interest paid by a borrower on loans from and all  
36 interest paid to a depositor by the bank or commercial lending  
37 institution if the interest exceeds two thousand four hundred  
38 dollars;

39 (h) A list, including legal or other sufficient descriptions as  
40 prescribed by the commission, of all real property in the state of

1 Washington, the assessed valuation of which exceeds ten thousand  
2 dollars in which any direct financial interest was acquired during  
3 the preceding calendar year, and a statement of the amount and nature  
4 of the financial interest and of the consideration given in exchange  
5 for that interest;

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

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

20 (k) A list, including legal or other sufficient descriptions as  
21 prescribed by the commission, of all real property in the state of  
22 Washington, the assessed valuation of which exceeds twenty thousand  
23 dollars, in which a corporation, partnership, firm, enterprise, or  
24 other entity had a direct financial interest, in which corporation,  
25 partnership, firm, or enterprise a ten percent or greater ownership  
26 interest was held;

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

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

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

36 (2)(a) When judges, prosecutors, sheriffs, participants in the  
37 address confidentiality program under RCW 40.24.030, or their  
38 immediate family members are required to disclose real property that  
39 is the personal residence of the judge, prosecutor, ((~~or~~)) sheriff,  
40 or address confidentiality program participant, the requirements of



1 subsection (1)(h) through (k) of this section may be satisfied for  
2 that property by substituting:

- 3 (i) The city or town;
- 4 (ii) The type of residence, such as a single-family or  
5 multifamily residence, and the nature of ownership; and
- 6 (iii) Such other identifying information the commission  
7 prescribes by rule for the mailing address where the property is  
8 located.

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

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

15 (b)

16 Code A	Less than thirty thousand dollars;
17 Code B	At least thirty thousand dollars, but less 18 than sixty thousand dollars;
19 Code C	At least sixty thousand dollars, but less 20 than one hundred thousand dollars;
21 Code D	At least one hundred thousand dollars, but 22 less than two hundred thousand dollars;
23 Code E	At least two hundred thousand dollars, but 24 less than five hundred thousand dollars;
25 Code F	At least five hundred thousand dollars, but 26 less than seven hundred and fifty 27 thousand dollars;
28 Code G	At least seven hundred fifty thousand 29 dollars, but less than one million dollars; 30 or
31 Code H	One million dollars or more.

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

36 (4) Items of value given to an official's or employee's spouse,  
37 domestic partner, or family member are attributable to the official

1 or employee, except the item is not attributable if an independent  
2 business, family, or social relationship exists between the donor and  
3 the spouse, domestic partner, or family member.

4 **Sec. 603.** RCW 9.41.800 and 2022 c 268 s 29 are each amended to  
5 read as follows:

6 (1) Any court when entering an order authorized under chapter  
7 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040,  
8 10.99.045, 26.09.050, 26.09.060, 26.26B.020, ((~~or~~)) 26.26A.470, or  
9 46.61.5055 shall, upon a showing by a preponderance of the evidence,  
10 that a party has: Used, displayed, or threatened to use a firearm or  
11 other dangerous weapon in a felony, or is ineligible to possess a  
12 firearm under the provisions of RCW 9.41.040:

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

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

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

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

22 (e) Other than for ex parte temporary protection orders, unless  
23 the ex parte temporary protection order was reissued after the party  
24 received noticed and had an opportunity to be heard, direct law  
25 enforcement to revoke any concealed pistol license issued to the  
26 party.

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

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

35 (b) Restrains the party from harassing, stalking, or threatening  
36 an intimate partner of the party, the protected person, or child of  
37 the intimate partner, party, or protected person, or engaging in  
38 other conduct that would place an intimate partner or protected

1 person in reasonable fear of bodily injury to the intimate partner,  
2 protected person, or child; and

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

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

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

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

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

17 (D) Prohibit the party from obtaining or possessing a concealed  
18 pistol license.

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

25 (4) In addition to the provisions of subsections (1) and (3) of  
26 this section, the court may enter an order requiring a party to  
27 comply with the provisions in subsection (1) of this section if it  
28 finds that the possession of a firearm or other dangerous weapon by  
29 any party presents a serious and imminent threat to public health or  
30 safety, or to the health or safety of any individual.

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

33 (6) The court shall require the party to surrender all firearms  
34 and other dangerous weapons in (~~his or her immediate~~) the party's  
35 custody, control, or possession (~~or control~~), or subject to (~~his~~  
36 ~~or her~~) the party's immediate possession or control, and any  
37 concealed pistol license issued under RCW 9.41.070, to the local law  
38 enforcement agency. (~~Law enforcement officers shall use law~~  
39 ~~enforcement databases to assist in locating the party in situations~~  
40 ~~where the protected person does not know where the party lives or~~

1 ~~where there is evidence that the party is trying to evade service.))~~  
2 The court may, at the same time it issues an order pursuant to this  
3 section, also issue an order authorizing the search for and seizure  
4 of any firearm, dangerous weapon, or concealed pistol license, if  
5 there is probable cause to find that the party subject to the court's  
6 order issued pursuant to this section is violating the order by  
7 refusing to comply after being served with the order. The court's  
8 order authorizing such search and seizure must state with specificity  
9 the location and scope of the search and seizure authorized.

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

14 (a) The order must be served by a law enforcement officer;  
15 ((and))

16 (b) Law enforcement must immediately ensure entry of the order to  
17 surrender and prohibit weapons and the revocation of any concealed  
18 pistol license is made into the appropriate databases making the  
19 party ineligible to possess firearms and a concealed pistol license;  
20 and

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

## 25 **Part VII. Statewide Resources**

26 NEW SECTION. Sec. 701. A new section is added to chapter 43.101  
27 RCW to read as follows:

28 (1) Subject to the availability of amounts appropriated for this  
29 specific purpose, the commission must administer a grant program for  
30 establishing a statewide resource prosecutor for domestic violence  
31 cases.

32 (2) The grant recipient must be a statewide organization or  
33 association representing prosecuting attorneys. The grant recipient  
34 must hire a resource prosecutor for the following purposes:

35 (a) To provide technical assistance and research to prosecutors  
36 for prosecuting domestic violence cases;

37 (b) To provide training on implementation and enforcement of  
38 orders to surrender and prohibit weapons, extreme risk protection

1 orders, first appearances, case resolution, duties regarding recovery  
2 of firearms at the scene of domestic violence incidents, service of  
3 orders to surrender and prohibit weapons and extreme risk protection  
4 orders, and firearm rights restoration petitions for domestic  
5 violence perpetrators;

6 (c) To provide additional training and resources to prosecutors  
7 to support a trauma-informed, victim-centered approach to prosecuting  
8 domestic violence cases;

9 (d) To meet regularly with law enforcement agencies and  
10 prosecutors to explain legal issues and prosecutorial approaches to  
11 domestic violence cases and provide and receive feedback to improve  
12 case outcomes;

13 (e) To consult with the commission with respect to developing and  
14 implementing best practices for prosecuting domestic violence cases  
15 across the state; and

16 (f) To comply with other requirements established by the  
17 commission under this section.

18 (3) The commission may establish additional appropriate  
19 conditions for any grant awarded under this section. The commission  
20 may adopt necessary policies and procedures to implement and  
21 administer the grant program, including monitoring the use of grant  
22 funds and compliance with the grant requirements.

23 NEW SECTION. **Sec. 702.** A new section is added to chapter 43.330  
24 RCW to read as follows:

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

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

31 (b) Increased access to supportive services for high-risk  
32 victims;

33 (c) Increased perpetrator monitoring and accountability; and

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

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

38 **Part VIII. Law Enforcement**

1        NEW SECTION.    **Sec. 801.**    A new section is added to chapter 43.101

2    RCW to read as follows:

3        (1) Subject to the availability of amounts appropriated for this  
4    specific purpose, the commission must provide ongoing specialized,  
5    intensive, and integrative training for persons responsible for  
6    investigating domestic violence cases involving intimate partners.  
7    The training must be based on a victim-centered, trauma-informed  
8    approach to responding to domestic violence. Among other subjects,  
9    the training must include content on the neurobiology of trauma and  
10   trauma-informed interviewing, counseling, and investigative  
11   techniques.

12        (2) The training must: Be based on research-based practices and  
13   standards; offer participants an opportunity to practice interview  
14   skills and receive feedback from instructors; minimize the trauma of  
15   all persons who are interviewed during investigations; provide  
16   methods of reducing the number of investigative interviews necessary  
17   whenever possible; assure, to the extent possible, that investigative  
18   interviews are thorough, objective, and complete; recognize needs of  
19   special populations; recognize the nature and consequences of  
20   domestic violence victimization; require investigative interviews to  
21   be conducted in a manner most likely to permit the interviewed  
22   persons the maximum emotional comfort under the circumstances;  
23   address record retention and retrieval; address documentation of  
24   investigative interviews; and educate investigators on the best  
25   practices for notifying victims of significant events in the  
26   investigative process.

27        (3) In developing the training, the commission must seek advice  
28   from the Washington association of sheriffs and police chiefs,  
29   organizations representing victims of domestic violence, and experts  
30   on domestic violence and the neurobiology of trauma. The commission  
31   must consult with the Washington association of prosecuting attorneys  
32   in an effort to design training containing consistent elements for  
33   all professionals engaged in interviewing and interacting with  
34   domestic violence victims in the criminal legal system.

35        (4) The commission must develop the training and begin offering  
36   it by January 1, 2025. Officers assigned to regularly investigate  
37   domestic violence must complete the training within one year of being  
38   assigned or by July 1, 2026, whichever is later.

1       **Sec. 802.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to  
2 read as follows:

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

10       (1) Any police officer having probable cause to believe that a  
11 person has committed or is committing a misdemeanor or gross  
12 misdemeanor, involving physical harm or threats of harm to any person  
13 or property or the unlawful taking of property or involving the use  
14 or possession of cannabis, or involving the acquisition, possession,  
15 or consumption of alcohol by a person under the age of twenty-one  
16 years under RCW 66.44.270, or involving criminal trespass under RCW  
17 9A.52.070 or 9A.52.080, shall have the authority to arrest the  
18 person.

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

23       (a) A domestic violence protection order, a sexual assault  
24 protection order, a stalking protection order, or a vulnerable adult  
25 protection order has been issued, of which the person has knowledge,  
26 under chapter 7.105 RCW, or an order has been issued, of which the  
27 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,  
28 9A.88, 10.99, 26.09, (~~26.107~~) 26.26A, 26.26B, or 74.34 RCW, or any  
29 of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the  
30 person and the person has violated the terms of the order restraining  
31 the person from acts or threats of violence, or restraining the  
32 person from going onto the grounds of, or entering, a residence,  
33 workplace, school, or day care, or prohibiting the person from  
34 knowingly coming within, or knowingly remaining within, a specified  
35 distance of a location, a protected party's person, or a protected  
36 party's vehicle, or requiring the person to submit to electronic  
37 monitoring, or, in the case of an order issued under RCW 26.44.063,  
38 imposing any other restrictions or conditions upon the person;

39       (b) An extreme risk protection order has been issued against the  
40 person under chapter 7.105 RCW or former RCW 7.94.040, the person has

1 knowledge of the order, and the person has violated the terms of the  
2 order prohibiting the person from having in (~~his or her~~) the  
3 person's custody or control, purchasing, possessing, accessing, or  
4 receiving a firearm or concealed pistol license;

5 (c) A foreign protection order, as defined in RCW 26.52.010, or a  
6 Canadian domestic violence protection order, as defined in RCW  
7 26.55.010, has been issued of which the person under restraint has  
8 knowledge and the person under restraint has violated a provision of  
9 the foreign protection order or the Canadian domestic violence  
10 protection order prohibiting the person under restraint from  
11 contacting or communicating with another person, or excluding the  
12 person under restraint from a residence, workplace, school, or day  
13 care, or prohibiting the person from knowingly coming within, or  
14 knowingly remaining within, a specified distance of a location, a  
15 protected party's person, or a protected party's vehicle, or a  
16 violation of any provision for which the foreign protection order or  
17 the Canadian domestic violence protection order specifically  
18 indicates that a violation will be a crime; or

19 (d) The person is eighteen years or older and within the  
20 preceding four hours has assaulted a family or household member or  
21 intimate partner as defined in RCW 10.99.020 and the officer  
22 believes: (i) A felonious assault has occurred; (ii) an assault has  
23 occurred which has resulted in bodily injury to the victim, whether  
24 the injury is observable by the responding officer or not; or (iii)  
25 that any physical action has occurred which was intended to cause  
26 another person reasonably to fear imminent serious bodily injury or  
27 death. Bodily injury means physical pain, illness, or an impairment  
28 of physical condition. When the officer has probable cause to believe  
29 that family or household members or intimate partners have assaulted  
30 each other, the officer is not required to arrest both persons. The  
31 officer shall arrest the person whom the officer believes to be the  
32 primary (~~physical~~) aggressor. In making this determination, the  
33 officer shall make every reasonable effort to consider: (A) The  
34 intent to protect victims of domestic violence under RCW 10.99.010;  
35 (B) the comparative extent of injuries inflicted or serious threats  
36 creating fear of physical injury; and (C) the history of domestic  
37 violence of each person involved, including whether the conduct was  
38 part of an ongoing pattern of abuse.



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

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

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

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

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

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

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

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

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

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

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

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

37 (7) An officer may act upon the request of a law enforcement  
38 officer, in whose presence a traffic infraction was committed, to  
39 stop, detain, arrest, or issue a notice of traffic infraction to the  
40 driver who is believed to have committed the infraction. The request

1 by the witnessing officer shall give an officer the authority to take  
2 appropriate action under the laws of the state of Washington.

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

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

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

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

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

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

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

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

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

35 (16)(a) Except as provided in (b) of this subsection, a police  
36 officer shall arrest and keep in custody, until release by a judicial  
37 officer on bail, personal recognizance, or court order, a person  
38 without a warrant when the officer has probable cause to believe that  
39 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent  
40 local ordinance and the police officer: (i) Has knowledge that the

1 person has a prior offense as defined in RCW 46.61.5055 within ten  
2 years; or (ii) has knowledge, based on a review of the information  
3 available to the officer at the time of arrest, that the person is  
4 charged with or is awaiting arraignment for an offense that would  
5 qualify as a prior offense as defined in RCW 46.61.5055 if it were a  
6 conviction.

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

10 **Sec. 803.** RCW 36.28A.410 and 2021 c 215 s 147 are each amended  
11 to read as follows:

12 (1)(a) Subject to the availability of amounts appropriated for  
13 this specific purpose, the Washington association of sheriffs and  
14 police chiefs shall create and operate a statewide automated  
15 protected person notification system to automatically notify a  
16 registered person via the registered person's choice of telephone or  
17 email when a respondent subject to a court order specified in (b) of  
18 this subsection has attempted to purchase or acquire a firearm and  
19 been denied based on a background check or completed and submitted  
20 firearm purchase or transfer application that indicates the  
21 respondent is ineligible to possess a firearm under state or federal  
22 law. The system must permit a person to register for notification, or  
23 a registered person to update the person's registration information,  
24 for the statewide automated protected person notification system by  
25 calling a toll-free telephone number or by accessing a public  
26 website.

27 (b) The notification requirements of this section apply to any  
28 court order issued under chapter 7.105 RCW or former chapter 7.92  
29 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,  
30 26.10.040, 26.26A.470, or 26.26B.020, any of the former RCW 7.90.090,  
31 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign  
32 protection order filed with a Washington court pursuant to chapter  
33 26.52 RCW, and any Canadian domestic violence protection order filed  
34 with a Washington court pursuant to chapter 26.55 RCW, where the  
35 order prohibits the respondent from possessing firearms or where by  
36 operation of law the respondent is ineligible to possess firearms  
37 during the term of the order. The notification requirements of this  
38 section apply even if the respondent has notified the Washington

1 state patrol that ((he or she)) the respondent has appealed a  
2 background check denial under RCW 43.43.823.

3 (c) The statewide automated protected person notification system  
4 must interface with the Washington state patrol, the administrative  
5 office of the courts, and any court not contributing data to the  
6 administrative office of the courts in real time.

7 (2) An appointed or elected official, public employee, or public  
8 agency as defined in RCW 4.24.470, or combination of units of  
9 government and its employees, as provided in RCW 36.28A.010, are  
10 immune from civil liability for damages for any release of  
11 information or the failure to release information related to the  
12 statewide automated protected person notification system in this  
13 section, so long as the release or failure to release was without  
14 gross negligence. The immunity provided under this subsection applies  
15 to the release of relevant and necessary information to other public  
16 officials, public employees, or public agencies, and to the general  
17 public.

18 (3) Information and records prepared, owned, used, or retained by  
19 the Washington association of sheriffs and police chiefs pursuant to  
20 chapter 261, Laws of 2017, including information a person submits to  
21 register and participate in the statewide automated protected person  
22 notification system, are exempt from public inspection and copying  
23 under chapter 42.56 RCW.

24 NEW SECTION. Sec. 804. A new section is added to chapter 36.28A  
25 RCW to read as follows:

26 Subject to the availability of amounts appropriated for this  
27 specific purpose, the Washington association of sheriffs and police  
28 chiefs must create and maintain an electronic portal for law  
29 enforcement to enter when any respondent identified in a no-contact  
30 order, restraining order, protection order, or order to restore  
31 firearm rights, has met the requirements in RCW 9.41.345. The portal  
32 shall collect the respondent's name, date of birth, protection order  
33 number, and date the respondent is eligible to have the respondent's  
34 firearms returned.

35 NEW SECTION. Sec. 805. A new section is added to chapter 2.56  
36 RCW to read as follows:

37 The administrative office of the courts shall work with the  
38 Washington association of sheriffs and police chiefs to develop and

1 maintain an interface to the statewide automated victim information  
2 and notification system created under RCW 36.28A.040 and the  
3 statewide automated protected person notification system created  
4 under RCW 36.28A.410 to provide notifications per RCW 36.28A.040,  
5 36.28A.410, and 7.105.105, and chapter 9.41 RCW. The interface shall  
6 provide updated information not less than once per hour, 24 hours per  
7 day, seven days per week, without exception.

8 **Part IX. Miscellaneous**

9 NEW SECTION. **Sec. 901.** If any provision of this act or its  
10 application to any person or circumstance is held invalid, the  
11 remainder of the act or the application of the provision to other  
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 902.** If specific funding for the purposes of  
14 this act, referencing this act by bill or chapter number, is not  
15 provided by June 30, 2023, in the omnibus appropriations act, this  
16 act is null and void."

**E2SHB 1715** - S COMM AMD  
By Committee on Law & Justice

**NOT CONSIDERED 04/10/2023**

17 On page 1, line 3 of the title, after "partners;" strike the  
18 remainder of the title and insert "amending RCW 7.105.155, 7.105.255,  
19 10.99.033, 10.99.040, 9.41.340, 9.41.345, 9.41.801, 9.41.804,  
20 7.105.340, 10.21.050, 40.24.030, 42.17A.710, 9.41.800, 10.31.100, and  
21 36.28A.410; adding new sections to chapter 43.101 RCW; adding a new  
22 section to chapter 2.53 RCW; adding a new section to chapter 7.105  
23 RCW; adding a new section to chapter 43.330 RCW; adding a new section  
24 to chapter 36.28A RCW; adding a new section to chapter 2.56 RCW;  
25 creating new sections; and providing an expiration date."

EFFECT: Section 201 requires the plan to include training for the  
courts to differentiate between victims who may need civil legal  
assistance, and abusers who may allege to be victims in order to  
secure civil legal assistance.

Section 402(1)(c) changes "his or her" to "the attorney's."

Section 402(2)(a) changes "protective order" to "protection order."

Section 501(1)(a)(ii) includes "or order restoring firearm rights" in the notification protocol that would require entry in a portal for information to the statewide automated protected person notification system.

Section 502(1)(d) changes the wait period from 24 hours to 5 days before a law enforcement agency returns a privately owned firearm.

Section 502(1)(f) includes "or order to restore firearm rights" that would require entry in a portal for information to the statewide automated protected person notification system prior to returning a firearm; and changes "protective order" to "protection order."

Section 502(3) changes the wait period from 72 hours to 5 days from the time notification has been provided before a law enforcement agency returns a privately owned firearm where notification is required prior to return of a firearm.

Section 503 makes numerous changes:

- Subsection (6)(a), (b), and (c) make changes related to compliance review hearings.
- Sets factors for when a court may hold a hearing.
- Allows a court to waive a hearing with sufficient evidence and a finding of compliance.
- Provides service requirements for a hearing.
- Allows the court to consider a variety of different records and evidence in different types of cases at a compliance review hearing.
- Allows a request for a compliance review hearing to be held with reasonable suspicion that the respondent is out of compliance when a court is considering waiving the hearing.
- Subsection (7)(a) allows additional sanctions for failure to appear at a compliance review hearing.
- Subsection (7)(d)(ii)(B) changes "the" to "an" for an agency with authority to revoke a concealed pistol license.
- Subsection (8)(a) removes a condition on an order to surrender and prohibit weapons "issued in connection with another type of protection order."
- Subsection (9)(a) clarifies immunity language - that the voluntary surrender of firearms or weapons pursuant to an order issued under RCW 9.41.800 or 10.99.100 may not be used in any criminal prosecution except for perjury, false statement, or failing to comply with the order.
- Subsection (9)(b) provides a process for the court to hear an objection to an order to surrender a firearm or weapon on the basis that compliance with the order would violate a privilege against self-incrimination where there is no immunity under subsection (9)(a).
- Subsection (9)(c) affords the prosecuting attorney an opportunity to offer limited immunity from prosecution for the surrender of specific weapons where the threat of self-incrimination is established as realistic under subsection (9)(b), while ensuring that firearms not implicated are surrendered.
- Subsection (9)(d) directs the court's order of surrender to be limited to only those weapons that don't implicate a threat of self-incrimination where the prosecutor declines to offer limited immunity.
- Subsection (9)(e) requires a person to fully comply with the order issued by the court and the burden for compliance remains on the person subject to the order.
- Subsection (10) old (9)(b) is renumbered as (10). Remainder of the subsequent subsections for section 503 are also renumbered.

- Subsection (12) expands the reporting requirements of the Administrative Office of the Courts for compliance with surrender orders.

Section 504 makes numerous changes:

- Subsection (1) provides detail for what a person subject to an order to surrender must file with the court to prove full compliance, either:

- A completed proof of surrender and receipt form;
- A declaration that the person has no firearms, dangerous weapons, or concealed pistol license; or
- Other evidence sufficient to establish full and timely compliance.

- Subsection (2) sets a process for individuals to provide to the court the verification of compliance required in section 504(1):

- Within 48 hours after service of the order of surrender unless the order is pursuant to a criminal proceeding; or

- If the person is in custody, proof of compliance must be provided prior to release; otherwise

- Proof of compliance must be provided prior to the conclusion of the sentencing hearing.

Arrangements for surrender of weapons may be made and the court may order law enforcement to accompany the person to the location of the weapons for surrender of them directly to law enforcement.

- Subsection (3) requires the Administrative Office of the Courts to develop new or updated forms to implement section 504 or other sections of the act requiring form updates.

Section 505(2) provides that extreme risk protection orders may also include an order authorizing the search for and seizure of weapons if there is probable cause to find the person subject to an order to surrender weapons is violating that order after being served with it. The remaining subsections are renumbered and internal references are corrected accordingly.

Section 601 changes references to "them" in three places to "the election official," and "the criminal justice participant," as appropriate.

Section 603 amends RCW 9.41.800 relating to the surrender of firearms, dangerous weapons, and concealed pistol licenses, and prohibition on future possession or purchase.

- Subsection (1) authorizes a court to issue an order to surrender and prohibit weapons for additional types of no-contact orders - offenses involving trafficking, sex offense, and promoting prostitution in the 1st or 2nd degree - and for certain impaired driving offenses.

- Subsections (1)(c), (2)(c)(ii)(C), and (6) remove references to "his or her" and replace the references with "the party's" where appropriate.

- Subsection (6) provides that a court, in addition to issuing an order to surrender and prohibit weapons, may also include an order authorizing the search for and seizure of weapons if there is probable cause to find the person subject to an order to surrender and prohibit weapons is violating the order by refusing to comply after being served with that order.

- Subsection (7) moves a provision relating to law enforcement officers to subsection (7)(c). This provision was previously in subsection (6).

Section 804 adds "an order to restore firearms rights" to the provision that requires the Washington Association of Sheriffs and

Police Chiefs to enter the order into an electronic portal when the respondent in the order has met the requirements for the return of a privately owned firearm. Changes "protective order" to "protection order."

Section 805 adds a reference to the firearms and dangerous weapons state laws for the purpose of required notifications through an interface with the statewide automated victim information and notification system, and statewide automated protected person notification system.

--- END ---