

By Senator Salomon

WITHDRAWN 04/10/2023

1 On page 3, line 19, after "infeasible" insert ". If an emergency
2 situation prevents a first attempt at service within 24 hours, law
3 enforcement must attempt service as soon as possible"

4 On page 4, line 39, after "prevention," insert "electronic
5 monitoring with victim notification technology,"

6 On page 5, after line 10, insert the following:

7 "NEW SECTION. Sec. 303. A new section is added to chapter 7.105
8 RCW to read as follows:

9 (1) The legislature recognizes the inherent volatility and danger
10 associated with domestic violence, particularly when the court has
11 made a finding that an ex parte order to surrender and prohibit
12 weapons is necessary. The risk of domestic violence homicide is most
13 acute when a victim is ending the relationship and throughout legal
14 proceedings. The presence of a firearm in a domestic violence
15 situation increases the risk of homicide by 11 times. The legislature
16 acknowledges the potential for error in hearings on full protection
17 orders. Therefore, in any proceeding in which the court enters a
18 temporary protection order that includes a temporary order to
19 surrender and prohibit weapons and, after the hearing, the court
20 denies the petition for a full protection order, the order to
21 surrender and prohibit weapons must remain in effect until the period
22 for a petitioner to file a motion for reconsideration or revision has
23 passed. If a motion for reconsideration or revision is filed, the
24 order to surrender and prohibit weapons must remain in effect until
25 the motion for reconsideration or revision is resolved.

26 (2) The court must notify the petitioner verbally and provide the
27 petitioner with written information at the hearing in which the court
28 denies the petition for a full protection order explaining the
29 procedures and timelines for filing a motion for reconsideration or a
30 motion for revision. The information must also include contact
31 information for civil legal aid organizations that may assist the

1 petitioner with a motion for reconsideration or a motion for
2 revision.

3 (3) Subsection (1) of this section does not apply if allowing the
4 order to surrender and prohibit weapons to remain in effect would be
5 manifestly unjust including, but not limited to, situations where the
6 court finds the temporary protection order was entirely without
7 merit, the petitioner was engaged in abusive use of litigation, or
8 the petitioner was exerting coercive control over the respondent.

9 **Sec. 304.** RCW 7.105.115 and 2022 c 268 s 7 are each amended to
10 read as follows:

11 (1) By December 30, 2022, the administrative office of the courts
12 shall:

13 (a) Develop and distribute standard forms for petitions and
14 orders issued under this chapter, and facilitate the use of online
15 forms for electronic filings.

16 (i) For all protection orders except extreme risk protection
17 orders, the protection order must include, in a conspicuous location,
18 a notice of criminal penalties resulting from a violation of the
19 order, and the following statement: "You can be arrested even if the
20 protected person or persons invite or allow you to violate the order.
21 You alone are responsible for following the order. Only the court may
22 change the order. Requests for changes must be made in writing."

23 (ii) For extreme risk protection orders, the protection order
24 must include, in a conspicuous location, a notice of criminal
25 penalties resulting from a violation of the order, and the following
26 statement: "You have the sole responsibility to avoid or refrain from
27 violating this order's provisions. Only the court may change the
28 order. Requests for changes must be made in writing.";

29 (b) Develop and distribute instructions and informational
30 brochures regarding protection orders and a court staff handbook on
31 the protection order process, which shall be made available online to
32 view and download at no cost. Developing additional methods to inform
33 the public about protection orders in understandable terms and in
34 languages other than English through videos and social media should
35 also be considered. The instructions, brochures, forms, and handbook
36 must be prepared in consultation with civil legal aid, culturally
37 specific advocacy programs, and domestic violence and sexual assault
38 advocacy programs. The instructions must be designed to assist
39 petitioners in completing the petition, and must include a sample of

1 standard petition and protection order forms. The instructions and
2 standard petition must include a means for the petitioner to
3 identify, with only lay knowledge, the firearms the respondent may
4 own, possess, receive, have access to, or have in the respondent's
5 custody or control. The instructions must provide pictures of types
6 of firearms that the petitioner may choose from to identify the
7 relevant firearms, or an equivalent means to allow petitioners to
8 identify firearms without requiring specific or technical knowledge
9 regarding the firearms. The court staff handbook must allow for the
10 addition of a community resource list by the court clerk. The
11 informational brochure must describe the use of, and the process for,
12 obtaining, renewing, modifying, terminating, and enforcing protection
13 orders as provided under this chapter, as well as the process for
14 obtaining, modifying, terminating, and enforcing an antiharassment
15 no-contact order as provided under chapter 9A.46 RCW, a domestic
16 violence no-contact order as provided under chapter 10.99 RCW, a
17 restraining order as provided under chapters 26.09, 26.26A, 26.26B,
18 and 26.44 RCW, a foreign protection order as defined in chapter 26.52
19 RCW, and a Canadian domestic violence protection order as defined in
20 RCW 26.55.010;

21 (c) Determine the significant non-English-speaking or limited
22 English-speaking populations in the state. The administrative office
23 of the courts shall then arrange for translation of the instructions
24 and informational brochures required by this section, which must
25 contain a sample of the standard petition and protection order forms,
26 into the languages spoken by at least the top five significant non-
27 English-speaking populations, and shall distribute a master copy of
28 the translated instructions and informational brochures to all court
29 clerks and to the Washington supreme court's interpreter commission,
30 minority and justice commission, and gender and justice commission.
31 Such materials must be updated and distributed if needed due to
32 relevant changes in the law;

33 (d) (i) Distribute a master copy of the petition and order forms,
34 instructions, and informational brochures to all court clerks, and
35 distribute a master copy of the petition and order forms to all
36 superior, district, and municipal courts;

37 (ii) In collaboration with civil legal aid attorneys, domestic
38 violence advocates, sexual assault advocates, elder abuse advocates,
39 clerks, and judicial officers, develop and distribute a single
40 petition form that a petitioner may use to file for any type of

1 protection order authorized by this chapter, with the exception of
2 extreme risk protection orders;

3 (iii) For extreme risk protection orders, develop and prepare:

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

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

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

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

16 (C) An informational brochure to be served on any respondent who
17 is subject to a temporary or full protection order under (d)(iii)(A)
18 of this subsection;

19 (e) Create a new confidential party information form to satisfy
20 the purposes of the confidential information form and the law
21 enforcement information sheet that will serve both the court's and
22 law enforcement's data entry needs without requiring a redundant
23 effort for the petitioner, and ensure the petitioner's confidential
24 information is protected for the purpose of safety. The form should
25 be created with the presumption that it will also be used by the
26 respondent to provide all current contact information needed by the
27 court and law enforcement, and full identifying information for
28 improved data entry. The form should also prompt the petitioner to
29 disclose on the form whether the person who the petitioner is seeking
30 to restrain has a disability, brain injury, or impairment requiring
31 special assistance; and

32 (f) Update the instructions, brochures, standard petition and
33 order for protection forms, and court staff handbook when changes in
34 the law make an update necessary.

35 (2) By July 1, 2022, the administrative office of the courts,
36 through the gender and justice commission of the Washington state
37 supreme court, and with the support of the Washington state women's
38 commission, shall work with representatives of superior, district,
39 and municipal court judicial officers, court clerks, and
40 administrators, including those with experience in protection order

1 proceedings, as well as advocates and practitioners with expertise in
2 each type of protection order, and others with relevant expertise, to
3 develop for the courts:

4 (a) Standards for filing evidence in protection order proceedings
5 in a manner that protects victim safety and privacy, including
6 evidence in the form of text messages, social media messages, voice
7 mails, and other recordings, and the development of a sealed cover
8 sheet for explicit or intimate images and recordings; and

9 (b) Requirements for private vendors who provide services related
10 to filing systems for protection orders, as well as what data should
11 be collected.

12 (3) By January 1, 2024, the administrative office of the courts
13 shall update the law enforcement information sheet pattern form to
14 allow law enforcement to contact the petitioner by phone, even if the
15 petitioner's address is confidential, to allow the petitioner to
16 provide additional officer safety information regarding the
17 respondent, and to allow the petitioner to provide suggestions
18 regrading where and when to serve the order in order to successfully
19 locate the respondent. The administrative office of the courts must
20 consult with domestic violence survivors and law enforcement
21 regrading this update of the law enforcement information sheet."

22 Renumber the remaining section consecutively and correct any
23 internal references accordingly.

24 On page 5, beginning on line 24, after "(2)" strike all material
25 through "order" on line 26 and insert "At the hearing in which the
26 court denies the petition for a full protection order, if the
27 petitioner is present, the court must notify the petitioner verbally
28 of the procedures and timelines for filing a motion for
29 reconsideration or a motion for revision. The court must provide the
30 petitioner with written information"

31 On page 7, line 4, after "orders," insert "best practices for
32 implementation and enforcement of orders to surrender and prohibit
33 weapons and extreme risk protection orders, the impacts that trauma
34 may have on domestic violence victims,"

35 On page 19, line 21, after "~~procedures~~)" insert "and, if
36 available,"

1 On page 21, line 3, after "firearm" strike ", dangerous weapon,"

2 On page 21, line 4, after "there" strike "is" and insert
3 "becomes"

4 On page 34, line 40, after "there" strike "is" and insert
5 "becomes"

6 On page 35, after line 35, insert the following:

7 "NEW SECTION. **Sec. 702.** A new section is added to chapter
8 28B.20 RCW to read as follows:

9 (1) Subject to funds appropriated for this purpose, the
10 University of Washington center of excellence in domestic violence
11 research, policy, and practice is established. The center is created
12 to:

13 (a) Conduct scientifically rigorous intimate partner violence
14 research that informs policy and practice in Washington;

15 (b) Disseminate existing research findings and best practices in
16 order to proliferate evidence-based intimate partner violence policy
17 and practice;

18 (c) Promote effective strategies to reduce the incidence of
19 domestic violence and domestic violence homicide; and

20 (d) Engage in strategic planning efforts with relevant
21 stakeholders, particularly communities disproportionately impacted by
22 intimate partner violence, to develop policy recommendations to
23 improve the state's response to domestic violence.

24 (2) The center of excellence in domestic violence research,
25 policy, and practice must:

26 (a) Use a collaborative, interdisciplinary approach with
27 significant engagement from multiple departments across the
28 University of Washington;

29 (b) Establish an advisory council for the center with
30 representation from relevant disciplines across the University of
31 Washington, survivors of intimate partner violence, representatives
32 from systems that interact with survivors and perpetrators, and
33 representatives from communities disproportionately impacted by
34 intimate partner violence, in order to guide development of the
35 center's overarching goals and strategic vision; and

36 (c) Ensure that all work conducted by the center is informed by
37 survivors of domestic violence, including Black, indigenous, and

1 survivors of color, and LGBTQ survivors, to ensure that research
2 interventions and policy recommendations are appropriate and
3 effective for Washington's diverse communities."

4 On page 36, line 38, after "July 1," strike "2026" and insert
5 "2027"

6 Beginning on page 41, line 10, strike all of sections 803 and 804

7 Correct any internal references accordingly.

8 On page 43, line 8, after "7.105.255," insert "7.105.115,"

9 On page 43, beginning on line 10, after "9.41.800," strike all
10 material through "sections" on line 11 and insert "and 10.31.100;
11 adding a new section"

12 On page 43, line 12, after "RCW;" strike "adding a new section"
13 and insert "adding new sections"

14 On page 43, line 13, after "43.330 RCW;" insert "adding a new
15 section to chapter 28B.20 RCW;"

EFFECT: (1) Requires personal service of a protection order as soon as possible, if due to an emergency situation, law enforcement is unable to effect service within 24 hours of a court order.

(2) Includes electronic monitoring with victim notification technology for training for judicial officers.

(3) Adds legislative findings language on the inherent danger associated with domestic violence, particularly when the court has made a finding that an ex parte order to surrender and prohibit weapons is necessary.

(4) Requires verbal notification, if the petitioner is present, of the procedures and timelines for filing a motion for reconsideration or revision when a full protection order is denied.

(5) Requires the Criminal Justice Training Commission annual domestic violence training program to include best practices for implementation and enforcement of orders to surrender and prohibit weapons, extreme risk protection orders, and the impact of trauma on domestic violence victims.

(6) Requires the annual report of certain information, if available, related to protection orders issued.

(7) Clarifies that where there becomes probable cause to find that a person is violating an extreme risk protection order, a search and seizure order is limited to firearms, and not dangerous weapons.

(8) Clarifies that other orders to search and seize may be issued if there becomes probable cause to find that a person is violating a court order to surrender any firearm, dangerous weapon, or concealed pistol license.

(9) Delays the effective date by one year to July 1, 2027, for officers to complete training developed by the CJTC related to investigating domestic violence cases.

(10) Removes sections 803 and 804 related to the creation and operation of a notification system for protected persons by the WA Association of Sheriffs and Police Chiefs with assistance from the Administrative Office of the Courts.

(11) Establishes the University of Washington center of excellence in domestic violence research, policy, and practice to: (a) Conduct research, (b) disseminate findings and best practices, (c) promote effective strategies, and (d) develop policy recommendations to improve the state's response to domestic violence.

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