

E2SHB 1715 - S COMM AMD
By Committee on Ways & Means

ADOPTED AS AMENDED 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 2.56
5 RCW to read as follows:

6 (1) By December 1, 2023, the administrative office of the courts
7 must adopt rules:

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

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

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

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

28 (3) The administrative office of the courts must develop a model
29 policy on electronic monitoring with victim notification technology
30 based on best practices where the technology is being currently used

1 in Washington. Each law enforcement agency in the state must adopt
2 its own policy based on the model policy.

3 (4) For the purposes of this section:

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

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

8 **Part II. Access to Counsel**

9 NEW SECTION. **Sec. 201.** A new section is added to chapter 2.53
10 RCW to read as follows:

11 The legislature recognizes: The authority of tribes to exercise
12 tribal court civil jurisdiction in domestic violence matters; that
13 tribal courts and tribal programs serve residents of this state; that
14 consistent with tribal sovereignty and the centennial accord, the
15 state of Washington does not have the authority to direct tribal
16 court practices or direct that counsel be appointed in tribal court
17 civil protection proceedings; and that provisions of chapter 7.105
18 RCW do not apply in tribal courts. Where consistent with tribal
19 justice system rules and practices, and upon agreement with
20 individual tribal courts or justice systems, the state should support
21 the provision of indigenous-informed, culturally appropriate legal
22 support for indigenous survivors of domestic violence in tribal court
23 domestic violence protection proceedings. To this end, and subject to
24 appropriations for this purpose, the office of civil legal aid shall
25 coordinate with the Indian policy advisory council at the department
26 of social and health services and representatives of tribal justice
27 systems to develop a plan and implementation schedule to provide
28 indigenous-informed, culturally appropriate legal support for
29 survivors in tribal court domestic violence protection proceedings.
30 The office of civil legal aid shall submit the plan along with fiscal
31 projections for its implementation to the appropriate legislative
32 committees by December 1, 2024.

33 **Part III. Civil Proceedings**

34 **Sec. 301.** RCW 7.105.155 and 2022 c 268 s 10 are each amended to
35 read as follows:

1 When service is to be completed under this chapter by a law
2 enforcement officer:

3 (1) The clerk of the court shall have a copy of any order issued
4 under this chapter, the confidential information form, as well as the
5 petition for a protection order and any supporting materials,
6 electronically forwarded on or before the next judicial day to the
7 law enforcement agency in the county or municipality where the
8 respondent resides, as specified in the order, for service upon the
9 respondent. If the respondent has moved from that county or
10 municipality and personal service is not required, the law
11 enforcement agency specified in the order may serve the order;

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

15 (3) Where personal service is required, the first attempt at
16 service must occur within 24 hours of receiving the order from the
17 court (~~whenever practicable, but not more than five days after~~
18 ~~receiving the order~~) unless an emergency situation renders the
19 service infeasible. If the first attempt is not successful, no fewer
20 than two additional attempts should be made to serve the order,
21 particularly for respondents who present heightened risk of lethality
22 or other risk of physical harm to the petitioner or petitioner's
23 family or household members. All attempts at service must be
24 documented on a proof of service form and submitted to the court in a
25 timely manner;

26 (4) If service cannot be completed within 10 calendar days, the
27 law enforcement officer shall notify the petitioner. The petitioner
28 shall provide information sufficient to permit notification. Law
29 enforcement shall continue to attempt to complete service unless
30 otherwise directed by the court. In the event that the petitioner
31 does not provide a service address for the respondent or there is
32 evidence that the respondent is evading service, the law enforcement
33 officer shall use law enforcement databases to assist in locating the
34 respondent;

35 (5) If the respondent is in a protected person's presence at the
36 time of contact for service, the law enforcement officer should take
37 reasonable steps to separate the parties when possible prior to
38 completing the service or inquiring about or collecting firearms.
39 When the order requires the respondent to vacate the parties' shared
40 residence, law enforcement shall take reasonable steps to ensure that

1 the respondent has left the premises and is on notice that (~~his or~~
2 ~~her~~) the respondent's return is a violation of the terms of the
3 order. The law enforcement officer shall provide the respondent with
4 copies of all forms with the exception of the confidential
5 information form completed by the protected party and the proof of
6 service form;

7 (6) Any law enforcement officer who serves a protection order on
8 a respondent with the knowledge that the respondent requires special
9 assistance due to a disability, brain injury, or impairment shall
10 make a reasonable effort to accommodate the needs of the respondent
11 to the extent practicable without compromise to the safety of the
12 petitioner;

13 (7) Proof of service must be submitted to the court on the proof
14 of service form. The form must include the date and time of service
15 and each document that was served in order for the service to be
16 complete, along with any details such as conduct at the time of
17 service, threats, or avoidance of service, as well as statements
18 regarding possession of firearms, including any denials of ownership
19 despite positive purchase history, active concealed pistol license,
20 or sworn statements in the petition that allege the respondent's
21 access to, or possession of, firearms; or

22 (8) If attempts at service were not successful, the proof of
23 service form or the form letter showing that the order was not
24 served, and stating the reason it was not served, must be returned to
25 the court by the next judicial day following the last unsuccessful
26 attempt at service. Each attempt at service must be noted and
27 reflected in computer aided dispatch records, with the date, time,
28 address, and reason service was not completed.

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

31 (1) To help ensure familiarity with the unique nature of
32 protection order proceedings, and an understanding of trauma-informed
33 practices and best practices in the use of new technologies for
34 remote hearings, judicial officers, including persons who serve as
35 judicial officers pro tempore, should receive evidence-based training
36 on procedural justice, trauma-informed practices, gender-based
37 violence dynamics, coercive control, elder abuse, juvenile sex
38 offending, teen dating violence, domestic violence homicide
39 prevention, and requirements and best practices for the surrender of

1 weapons before presiding over protection order hearings. Trainings
2 should be provided on an ongoing basis as best practices, research on
3 trauma, and legislation continue to evolve. As a method of continuous
4 training, court commissioners, including pro tempore commissioners,
5 shall be notified by the presiding judge or court administrator upon
6 revision of any decision made under this chapter.

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

11 NEW SECTION. Sec. 303. A new section is added to chapter 7.105
12 RCW to read as follows:

13 (1) Because of the potential for error in protection order
14 proceedings and the danger associated with firearm access in domestic
15 violence situations, in any proceeding in which the court enters a
16 temporary protection order that includes a temporary order to
17 surrender and prohibit weapons, and after the hearing the court
18 denies the petition for a full protection order, the order to
19 surrender and prohibit weapons must remain in effect until the period
20 for a petitioner to file a motion for reconsideration or revision has
21 passed. If a motion for reconsideration or revision is filed, the
22 order to surrender and prohibit weapons must remain in effect until
23 the motion for reconsideration or revision is resolved.

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

32 (3) Subsection (1) of this section does not apply if allowing the
33 order to surrender and prohibit weapons to remain in effect would be
34 manifestly unjust including, but not limited to, situations where the
35 court finds the temporary protection order was entirely without
36 merit, the petitioner was engaged in abusive use of litigation, or
37 the petitioner was exerting coercive control, as defined in RCW
38 7.105.010, over the respondent.

1 **Part IV. Domestic Violence Protections**

2 **Sec. 401.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to
3 read as follows:

4 (1) All training relating to the handling of domestic violence
5 complaints by law enforcement officers must stress enforcement of
6 criminal laws in domestic situations, availability of community
7 resources, and protection of the victim. Law enforcement agencies and
8 community organizations with expertise in the issue of domestic
9 violence shall cooperate in all aspects of such training.

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

35 (3) The criminal justice training commission shall develop and
36 update annually an in-service training program to familiarize law
37 enforcement officers with domestic violence laws. The program must
38 include techniques for handling incidents of domestic violence that
39 minimize the likelihood of injury to the officer and that promote the

1 safety of all parties. The program must also include training on
2 domestic violence homicide prevention, the intersection of firearms
3 and domestic violence, best practices for serving and enforcing
4 protection orders, and assistance to and services for victims and
5 children. The commission shall make the training program available to
6 all law enforcement agencies in the state.

7 (4) Development of the training in subsections (2) and (3) of
8 this section must be conducted in conjunction with agencies having a
9 primary responsibility for serving victims of domestic violence with
10 emergency shelter and other services, and representatives to the
11 statewide organization providing training and education to these
12 organizations and to the general public.

13 **Sec. 402.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to
14 read as follows:

15 (1) Because of the serious nature of domestic violence, the court
16 in domestic violence actions:

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

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

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

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

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

32 (2) (a) Because of the likelihood of repeated violence directed at
33 those who have been victims of domestic violence in the past, when
34 any person charged with or arrested for a crime involving domestic
35 violence is released from custody before arraignment or trial on bail
36 or personal recognizance, the court authorizing the release may
37 prohibit that person from having any contact with the victim. The
38 jurisdiction authorizing the release shall determine whether that
39 person should be prohibited from having any contact with the victim.

1 If there is no outstanding restraining or (~~protective~~) protection
2 order prohibiting that person from having contact with the victim,
3 the court authorizing release may issue, by telephone, a no-contact
4 order prohibiting the person charged or arrested from having contact
5 with the victim or from knowingly coming within, or knowingly
6 remaining within, a specified distance of a location.

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

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

18 (3)(a) At the time of arraignment the court shall determine
19 whether a no-contact order shall be issued or extended. So long as
20 the court finds probable cause, the court may issue or extend a no-
21 contact order even if the defendant fails to appear at arraignment.
22 The no-contact order shall terminate if the defendant is acquitted or
23 the charges are dismissed.

24 (b) In issuing the order, the court shall consider all
25 information documented in the incident report concerning the person's
26 possession of and access to firearms and whether law enforcement took
27 temporary custody of firearms at the time of the arrest. The court
28 may as a condition of release prohibit the defendant from possessing
29 or accessing firearms and order the defendant to immediately
30 surrender all firearms and any concealed pistol license to a law
31 enforcement agency upon release.

32 (c) If a no-contact order is issued or extended, the court may
33 also include in the conditions of release a requirement that the
34 defendant submit to electronic monitoring as defined in RCW
35 9.94A.030. If electronic monitoring is ordered, the court shall
36 specify who shall provide the monitoring services, and the terms
37 under which the monitoring shall be performed. Upon conviction, the
38 court may require as a condition of the sentence that the defendant
39 (~~reimburse the providing agency for~~) pay the costs of the
40 electronic monitoring. If a defendant enters into a deferred

1 prosecution or stipulated order of continuance, the applicable order
2 or agreement may require the defendant pay the costs of the
3 electronic monitoring.

4 (4) (a) Willful violation of a court order issued under subsection
5 (2), (3), or (7) of this section is punishable under RCW 7.105.450.

6 (b) The written order releasing the person charged or arrested
7 shall contain the court's directives and shall bear the legend:
8 "Violation of this order is a criminal offense under chapter 7.105
9 RCW and will subject a violator to arrest; any assault, drive-by
10 shooting, or reckless endangerment that is a violation of this order
11 is a felony. You can be arrested even if any person protected by the
12 order invites or allows you to violate the order's prohibitions. You
13 have the sole responsibility to avoid or refrain from violating the
14 order's provisions. Only the court can change the order."

15 (c) A certified copy of the order shall be provided to the
16 victim.

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

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

36 (7) All courts shall develop policies and procedures by January
37 1, 2011, to grant victims a process to modify or rescind a no-contact
38 order issued under this chapter. The administrative office of the
39 courts shall develop a model policy to assist the courts in
40 implementing the requirements of this subsection.

1 **Part V. Firearms and Dangerous Weapons**

2 **Sec. 501.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to
3 read as follows:

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

6 (i) Allows a family or household member or intimate partner to
7 use an incident or case number to request to be notified when a law
8 enforcement agency returns a privately owned firearm to the
9 individual from whom it was obtained or to an authorized
10 representative of that person; and

11 (ii) Requires notification to any person identified in a no-
12 contact order, restraining order, or protection order and any
13 identified victim of the crime that resulted in the firearm
14 surrender.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (ii) Notification may be made via email, text message, mail
37 service, or personal service. For methods other than personal
38 service, service shall be considered complete once the notification
39 is sent.

1 (3) If (~~a family or household member or intimate partner has~~
2 ~~requested to be notified pursuant to RCW 9.41.340~~) notification is
3 required under subsection (1)(e) of this section, a law enforcement
4 agency must (~~(~~

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

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

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

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

21 (5) The provisions of chapter 130, Laws of 2015 and subsection
22 (4) of this section shall not apply to circumstances where a law
23 enforcement officer has momentarily obtained a firearm or concealed
24 pistol license from an individual and would otherwise immediately
25 return the firearm or concealed pistol license to the individual
26 during the same interaction.

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

29 (1) Because of the heightened risk of lethality to petitioners
30 when respondents to protection orders become aware of court
31 involvement and continue to have access to firearms, and the
32 frequency of noncompliance with court orders prohibiting possession
33 of firearms, law enforcement and judicial processes must emphasize
34 swift and certain compliance with court orders prohibiting access,
35 possession, and ownership of all firearms.

36 (2) A law enforcement officer serving a protection order, no-
37 contact order, or restraining order that includes an order to
38 surrender all firearms, dangerous weapons, and a concealed pistol
39 license under RCW 9.41.800 shall inform the respondent that the order

1 is effective upon service and the respondent must immediately
2 surrender all firearms and dangerous weapons in the respondent's
3 custody, control, or possession and any concealed pistol license
4 issued under RCW 9.41.070, and conduct any search permitted by law
5 for such firearms, dangerous weapons, and concealed pistol license.
6 The law enforcement officer shall take possession of all firearms,
7 dangerous weapons, and any concealed pistol license belonging to the
8 respondent that are surrendered, in plain sight, or discovered
9 pursuant to a lawful search. If the order is entered in open court
10 and the respondent appears in person, the respondent shall be
11 provided a copy and further service is not required. If the
12 respondent refuses to receive a copy, an agent of the court may
13 indicate on the record that the respondent refused to receive a copy
14 of the order. If the respondent appears remotely for the hearing, or
15 leaves the hearing before a final ruling is issued or order signed,
16 and the court believes the respondent has sufficient notice such that
17 additional service is not necessary, the order must recite that the
18 respondent appeared before the court, has actual notice of the order,
19 the necessity for further service is waived, and proof of service of
20 the order is not necessary. The court shall enter the service and
21 receipt into the record. A copy of the order and service shall be
22 transmitted immediately to law enforcement. The respondent must
23 immediately surrender all firearms, dangerous weapons, and any
24 concealed pistol license in a safe manner to the control of the local
25 law enforcement agency on the day of the hearing at which the
26 respondent was present in person or remotely. Alternatively, if
27 personal service by a law enforcement officer is not possible, and
28 the respondent did not appear in person or remotely at the hearing,
29 the respondent shall surrender the firearms in a safe manner to the
30 control of the local law enforcement agency within 24 hours of being
31 served with the order by alternate service.

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

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

13 (5) If a person other than the respondent claims title to any
14 firearms or dangerous weapons surrendered pursuant to this section,
15 and the person is determined by the law enforcement agency to be the
16 lawful owner of the firearm or dangerous weapon, the firearm or
17 dangerous weapon shall be returned to the lawful owner, provided
18 that:

19 (a) The firearm or dangerous weapon is removed from the
20 respondent's access, custody, control, or possession and the lawful
21 owner agrees by written document signed under penalty of perjury to
22 store the firearm or dangerous weapon in a manner such that the
23 respondent does not have access to or control of the firearm or
24 dangerous weapon;

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

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

28 (6) (a) Courts shall develop procedures to verify timely and
29 complete compliance with orders to surrender and prohibit weapons
30 under RCW 9.41.800 or 10.99.100, including compliance review hearings
31 to be held as soon as possible upon receipt from law enforcement of
32 proof of service. ~~((A compliance review hearing is not required if
33 the court can otherwise enter findings on the record or enter written
34 findings that the proof of surrender or declaration of nonsurrender))~~
35 For any case where the court has indication that the respondent has
36 in the respondent's possession, custody, or control firearms,
37 dangerous weapons, or a concealed pistol license, a compliance review
38 hearing shall be held. A compliance review hearing may be waived by
39 the court or held at a later date if the information attested to by
40 the person subject to the order, along with verification from law

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

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

29 (c) If the court is considering waiving or delaying the
30 compliance review hearing, the petitioner, law enforcement, or the
31 state or city attorney may request that the compliance hearing be
32 held, if there is reasonable suspicion to believe that the respondent
33 has not surrendered all firearms, dangerous weapons, and any
34 concealed pistol license, or is otherwise out of compliance with the
35 court's order.

36 (7) (a) If a court finds at the compliance review hearing, or any
37 other hearing where compliance with the order to surrender and
38 prohibit weapons is addressed, that there is probable cause to
39 believe the respondent was aware of and failed to fully comply with
40 the order, failed to appear at the compliance review hearing, or

1 violated the order after the court entered findings of compliance,
2 pursuant to its authority under chapter 7.21 RCW, the court may issue
3 an arrest warrant and initiate a contempt proceeding to impose
4 remedial sanctions on its own motion, or upon the motion of the
5 prosecutor, city attorney, or the petitioner's counsel, and issue an
6 order requiring the respondent to appear, with additional sanctions
7 for failure to appear, provide proof of compliance with the order,
8 and show cause why the respondent should not be held in contempt of
9 court.

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

19 (c) The order to show cause served upon the respondent shall
20 state the date, time, and location of the hearing and shall include a
21 warning that the respondent may be held in contempt of court if the
22 respondent fails to promptly comply with the terms of the order to
23 surrender and prohibit weapons and a warning that an arrest warrant
24 could be issued if the respondent fails to appear on the date and
25 time provided in the order.

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

30 (ii) The court shall take judicial notice of the receipt filed
31 with the court by the law enforcement agency pursuant to subsection
32 (3) of this section. The court shall also provide sufficient notice
33 to the law enforcement agency of the hearing. Upon receiving notice
34 pursuant to this subsection, a law enforcement agency must:

35 (A) Provide the court with a complete list of firearms and other
36 dangerous weapons surrendered by the respondent or otherwise
37 belonging to the respondent that are in the possession of the law
38 enforcement agency; and

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

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

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

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

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

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

29 (9) (a) ~~((An order to surrender and prohibit weapons issued~~
30 ~~pursuant to RCW 9.41.800 must state that the))~~ The act of voluntarily
31 surrendering firearms or weapons, ((~~or~~)) providing testimony relating
32 to the surrender of firearms or weapons, ((~~pursuant to such an~~
33 ~~order,~~)) or complying with an order to surrender and prohibit weapons
34 issued pursuant to RCW 9.41.800 or 10.99.100, and any information
35 directly or indirectly derived from such act or testimony, may not be
36 used against the ((~~respondent~~)) person subject to the order in any
37 criminal prosecution under this chapter, chapter 7.105 RCW, or RCW
38 9A.56.310, or in any criminal prosecution pursuant to which such
39 order to surrender and prohibit weapons was issued, except a
40 prosecution for perjury, giving a false statement, or otherwise

1 failing to comply with the order. Every such order issued subsequent
2 to the effective date of this section shall contain language
3 consistent with the statutory immunity set forth in this subsection.

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

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

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

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

1 ~~((b))~~ (10) To provide relevant information to the court to
2 determine compliance with the order, the court may allow the
3 prosecuting attorney or city attorney to question the respondent
4 regarding compliance.

5 ~~((10))~~ (11) All law enforcement agencies must have policies and
6 procedures to provide for the acceptance, storage, and return of
7 firearms, dangerous weapons, and concealed pistol licenses that a
8 court requires must be surrendered under RCW 9.41.800. A law
9 enforcement agency holding any firearm or concealed pistol license
10 that has been surrendered under RCW 9.41.800 shall comply with the
11 provisions of RCW 9.41.340 and 9.41.345 before the return of the
12 firearm or concealed pistol license to the owner or individual from
13 whom it was obtained.

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

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

33 ~~((A party ordered))~~ (1) To prove full compliance with the court's
34 order to surrender firearms, dangerous weapons, and ~~((his or her))~~
35 any concealed pistol license under RCW 9.41.800 the person subject to
36 the order must file with the clerk of the court ~~((a))~~: (a) A
37 completed proof of surrender and receipt form ~~((or a declaration of~~
38 ~~nonsurrender form within five judicial days of the entry of the~~
39 ~~order)); (b) a declaration that the person has no firearms, dangerous~~

1 weapons, or concealed pistol license; or (c) other evidence
2 sufficient to establish full and timely compliance with the order.

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

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

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

29 (1) Upon the issuance of any extreme risk protection order under
30 this chapter, including a temporary extreme risk protection order,
31 the court shall:

32 (a) Order the respondent to surrender to the local law
33 enforcement agency all firearms in the respondent's custody, control,
34 or possession, or subject to the respondent's immediate possession or
35 control, and any concealed pistol license issued under RCW 9.41.070;
36 and

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

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

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

1 law enforcement agency within 24 hours of being served with the order
2 by alternate service.

3 ((+3)) (4) At the time of surrender, a law enforcement officer
4 taking possession of a firearm or concealed pistol license shall
5 issue a receipt identifying all firearms that have been surrendered
6 and provide a copy of the receipt to the respondent. Within 72 hours
7 after service of the order, the officer serving the order shall file
8 the original receipt with the court and shall ensure that ((his or
9 her)) the officer's law enforcement agency retains a copy of the
10 receipt.

11 ((+4)) (5) Upon the sworn statement or testimony of the
12 petitioner or of any law enforcement officer alleging that the
13 respondent has failed to comply with the surrender of firearms as
14 required by an order issued under this chapter, the court shall
15 determine whether probable cause exists to believe that the
16 respondent has failed to surrender all firearms in ((his or her)) the
17 respondent's possession, custody, or control. If probable cause for a
18 violation of the order exists, the court shall issue a warrant
19 describing the firearms and authorizing a search of the locations
20 where the firearms are reasonably believed to be and the seizure of
21 any firearms discovered pursuant to such search.

22 ((+5)) (6) If a person other than the respondent claims title to
23 any firearms surrendered pursuant to this section, and that person is
24 determined by the law enforcement agency to be the lawful owner of
25 the firearm, the firearm must be returned to that person, provided
26 that:

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

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

34 (c) The firearm is not otherwise unlawfully possessed by the
35 owner.

36 ((+6)) (7) Upon the issuance of a one-year extreme risk
37 protection order, the court shall order a new compliance review
38 hearing date and require the respondent to appear not later than
39 three judicial days from the issuance of the order. The court shall
40 require a showing that the respondent has surrendered any firearms in

1 the respondent's custody, control, or possession, and any concealed
2 pistol license issued under RCW 9.41.070 to a law enforcement agency.
3 The compliance review hearing is not required upon a satisfactory
4 showing on which the court can otherwise enter findings on the record
5 that the respondent has timely and completely surrendered all
6 firearms in the respondent's custody, control, or possession, and any
7 concealed pistol license issued under RCW 9.41.070 to a law
8 enforcement agency, and is in compliance with the order. If the court
9 does not have a sufficient record before it on which to make such a
10 finding, the court must set a review hearing to occur as soon as
11 possible, at which the respondent must be present and provide proof
12 of compliance with the court's order.

13 ((+7)) (8)(a) If a court finds at the compliance review hearing,
14 or any other hearing where compliance with the order is addressed,
15 that there is probable cause to believe the respondent was aware of,
16 and failed to fully comply with, the order, failed to appear at the
17 compliance review hearing, or violated the order after the court
18 entered findings of compliance, pursuant to its authority under
19 chapter 7.21 RCW, the court may initiate a contempt proceeding on its
20 own motion, or upon the motion of the prosecutor, city attorney, or
21 the petitioner's counsel, to impose remedial sanctions, and issue an
22 order requiring the respondent to appear, provide proof of compliance
23 with the order, and show cause why the respondent should not be held
24 in contempt of court.

25 (b) If the respondent is not present in court at the compliance
26 review hearing or if the court issues an order to appear and show
27 cause after a compliance review hearing, the clerk of the court shall
28 electronically transmit a copy of the order to show cause to the law
29 enforcement agency where the respondent resides for personal service
30 or service in the manner provided in the civil rules of superior
31 court or applicable statute.

32 (c) The order to show cause served upon the respondent shall
33 state the date, time, and location of the hearing, and shall include
34 a warning that the respondent may be held in contempt of court if the
35 respondent fails to promptly comply with the terms of the extreme
36 risk protection order and a warning that an arrest warrant could be
37 issued if the respondent fails to appear on the date and time
38 provided in the order to show cause.

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

4 (ii) The court shall take judicial notice of the receipt filed
5 with the court by the law enforcement agency pursuant to subsection
6 (~~(3)~~) (4) of this section. The court shall also provide sufficient
7 notice to the law enforcement agency of the hearing. Upon receiving
8 notice pursuant to this subsection, a law enforcement agency must:

9 (A) Provide the court with a complete list of firearms
10 surrendered by the respondent or otherwise belonging to the
11 respondent that are in the possession of the law enforcement agency;
12 and

13 (B) Provide the court with verification that any concealed pistol
14 license issued to the respondent has been surrendered and that a law
15 enforcement agency with authority to revoke the license has been
16 notified.

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

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

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

30 (~~(8)~~) (9) (a) To help ensure that accurate and comprehensive
31 information about firearms compliance is provided to judicial
32 officers, a representative from either the prosecuting attorney's
33 office or city attorney's office, or both, from the relevant
34 jurisdiction may appear and be heard or submit written information at
35 any hearing that concerns compliance with an extreme risk protection
36 order.

37 (b) Either the prosecuting attorney's office or city attorney's
38 office, or both, from the relevant jurisdiction may designate an
39 advocate or a staff person from their office who is not an attorney

1 to appear on behalf of their office. Such appearance does not
2 constitute the unauthorized practice of law.

3 ~~((9))~~ (10)(a) An extreme risk protection order must state that
4 the act of voluntarily surrendering firearms, or providing testimony
5 relating to the surrender of firearms, pursuant to such an order, may
6 not be used against the respondent in any criminal prosecution under
7 this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

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

12 ~~((10))~~ (11) All law enforcement agencies must develop and
13 implement policies and procedures regarding the acceptance, storage,
14 and return of firearms required to be surrendered under this chapter.
15 Any surrendered firearms must be handled and stored properly to
16 prevent damage or degradation in appearance or function, and the
17 condition of the surrendered firearms documented, including by
18 digital photograph. A law enforcement agency holding any surrendered
19 firearm or concealed pistol license shall comply with the provisions
20 of RCW 9.41.340 and 9.41.345 before the return of the firearm or
21 concealed pistol license to the owner or individual from whom it was
22 obtained.

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

25 The judicial officer in any felony, misdemeanor, or gross
26 misdemeanor case must, in determining whether there are conditions of
27 release that will reasonably assure the safety of any other person
28 and the community, take into account the available information
29 concerning:

30 (1) The nature and circumstances of the offense charged,
31 including whether the offense is a crime of violence;

32 (2) The weight of the evidence against the defendant; and

33 (3) The history and characteristics of the defendant, including:

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

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

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

7 (d) The defendant's firearms history, including purchase history,
8 any concealed pistol license history, and the requirements of RCW
9 9.41.800 regarding issuance of an order to surrender and prohibit
10 weapons.

11 Part VI. Residential Protections

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

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

31 (i) A sworn statement, under penalty of perjury, by the applicant
32 that the applicant has good reason to believe (A) that the applicant,
33 or the minor or incapacitated person on whose behalf the application
34 is made, is a victim of domestic violence, sexual assault,
35 trafficking, or stalking and that the applicant fears for ~~((his or~~
36 ~~her))~~ the applicant's safety or ~~((his or her))~~ the applicant's
37 children's safety, or the safety of the minor or incapacitated person
38 on whose behalf the application is made~~((+))~~ (B) that the applicant,

1 as an election official as described in RCW 9A.90.120, is a target
2 for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii)
3 or (iv); or (C) that the applicant, as a criminal justice participant
4 as defined in RCW 9A.46.020, is a target for threats or harassment
5 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the
6 applicant, as a criminal justice participant as defined in RCW
7 9A.90.120 is a target for threats or harassment prohibited under RCW
8 9A.90.120(2)(b) (iii) or (iv);

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

15 (iii) A designation of the secretary of state as agent for
16 purposes of service of process and for the purpose of receipt of
17 mail;

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

24 (v) The signature of the applicant and of any individual or
25 representative of any office designated in writing under RCW
26 40.24.080 who assisted in the preparation of the application, and the
27 date on which the applicant signed the application.

28 (2) Applications shall be filed with the office of the secretary
29 of state.

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

36 (4)(a) During the application process, the secretary of state
37 shall provide each applicant a form to direct the department of
38 licensing to change the address of registration for vehicles or
39 vessels solely or jointly registered to the applicant and the address
40 associated with the applicant's driver's license or identicard to the

1 applicant's address as designated by the secretary of state upon
2 certification in the program. The directive to the department of
3 licensing is only valid if signed by the applicant. The directive may
4 only include information required by the department of licensing to
5 verify the applicant's identity and ownership information for
6 vehicles and vessels. This information is limited to the:

7 (i) Applicant's full legal name;

8 (ii) Applicant's Washington driver's license or identicard
9 number;

10 (iii) Applicant's date of birth;

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

13 (v) Hull identification number or vessel document number and
14 vessel decal number for each vessel solely or jointly registered to
15 the applicant.

16 (b) Upon certification of the applicants, the secretary of state
17 shall transmit completed and signed directives to the department of
18 licensing.

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

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

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

27 (a) the applicant's safety or the safety of the applicant's children
28 or the minor or incapacitated person on whose behalf the application
29 is made, (b) the safety of any election official as described in RCW

30 9A.90.120 who is a target for threats or harassment prohibited under
31 RCW 9A.90.120(2)(b) (iii) or (iv), or (c) the safety of any criminal
32 justice participant as defined in RCW 9A.46.020 who is a target for

33 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
34 (iv) or of any criminal justice participant as defined 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 any family members residing
37 with (~~him or her~~) the criminal justice participant, shall be
38 punished under RCW 40.16.030 or other applicable statutes.

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

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

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

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

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

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

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

37 (f) The name and address of each governmental entity,
38 corporation, partnership, joint venture, sole proprietorship,
39 association, union, or other business or commercial entity from whom
40 compensation has been received in any form of a total value of two

1 thousand dollars or more; the value of the compensation; and the
2 consideration given or performed in exchange for the compensation;

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

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

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

35 (h) A list, including legal or other sufficient descriptions as
36 prescribed by the commission, of all real property in the state of
37 Washington, the assessed valuation of which exceeds ten thousand
38 dollars in which any direct financial interest was acquired during
39 the preceding calendar year, and a statement of the amount and nature

1 of the financial interest and of the consideration given in exchange
2 for that interest;

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

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

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

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

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

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

33 (2)(a) When judges, prosecutors, sheriffs, participants in the
34 address confidentiality program under RCW 40.24.030, or their
35 immediate family members are required to disclose real property that
36 is the personal residence of the judge, prosecutor, ((~~or~~)) sheriff,
37 or address confidentiality program participant, the requirements of
38 subsection (1)(h) through (k) of this section may be satisfied for
39 that property by substituting:

40 (i) The city or town;

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

3 (iii) Such other identifying information the commission
4 prescribes by rule for the mailing address where the property is
5 located.

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

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

12 (b)

13 Code A	Less than thirty thousand dollars;
14 Code B	At least thirty thousand dollars, but less 15 than sixty thousand dollars;
16 Code C	At least sixty thousand dollars, but less 17 than one hundred thousand dollars;
18 Code D	At least one hundred thousand dollars, but 19 less than two hundred thousand dollars;
20 Code E	At least two hundred thousand dollars, but 21 less than five hundred thousand dollars;
22 Code F	At least five hundred thousand dollars, but 23 less than seven hundred and fifty 24 thousand dollars;
25 Code G	At least seven hundred fifty thousand 26 dollars, but less than one million dollars; 27 or
28 Code H	One million dollars or more.

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

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

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

3 (1) Any court when entering an order authorized under chapter
4 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040,
5 10.99.045, 26.09.050, 26.09.060, 26.26B.020, ((~~or~~)) 26.26A.470, or
6 46.61.5055 shall, upon a showing by a preponderance of the evidence,
7 that a party has: Used, displayed, or threatened to use a firearm or
8 other dangerous weapon in a felony, or is ineligible to possess a
9 firearm under the provisions of RCW 9.41.040:

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

12 (b) Require that the party immediately surrender any 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;

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

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

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

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

32 (b) Restrains the party from harassing, stalking, or threatening
33 an intimate partner of the party, the protected person, or child of
34 the intimate partner, party, or protected person, or engaging in
35 other conduct that would place an intimate partner or protected
36 person in reasonable fear of bodily injury to the intimate partner,
37 protected person, or child; and

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

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

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

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

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

12 (D) Prohibit the party from obtaining or possessing a concealed
13 pistol license.

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

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

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

28 (6) The court shall require the party to surrender all firearms
29 and other dangerous weapons in (~~his or her immediate~~) the party's
30 custody, control, or possession (~~or control~~), or subject to (~~his~~
31 ~~or her~~) the party's immediate possession or control, and any
32 concealed pistol license issued under RCW 9.41.070, to the local law
33 enforcement agency. (~~Law enforcement officers shall use law~~
34 ~~enforcement databases to assist in locating the party in situations~~
35 ~~where the protected person does not know where the party lives or~~
36 ~~where there is evidence that the party is trying to evade service.))
37 The court may, at the same time it issues an order pursuant to this
38 section, also issue an order authorizing the search for and seizure
39 of any firearm, dangerous weapon, or concealed pistol license, if
40 there is probable cause to find that the party subject to the court's~~

1 order issued pursuant to this section is violating the order by
2 refusing to comply after being served with the order. The court's
3 order authorizing such search and seizure must state with specificity
4 the location and scope of the search and seizure authorized.

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

9 (a) The order must be served by a law enforcement officer;
10 (~~and~~)

11 (b) Law enforcement must immediately ensure entry of the order to
12 surrender and prohibit weapons and the revocation of any concealed
13 pistol license is made into the appropriate databases making the
14 party ineligible to possess firearms and a concealed pistol license;
15 and

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

20 **Part VII. Statewide Resources**

21 NEW SECTION. Sec. 701. A new section is added to chapter 43.330
22 RCW to read as follows:

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

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

29 (b) Increased access to supportive services for high-risk
30 victims;

31 (c) Increased perpetrator monitoring and accountability; and

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

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

36 **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 2.56
25 RCW to read as follows:

26 The administrative office of the courts shall work with the
27 Washington association of sheriffs and police chiefs to develop and
28 maintain an interface to the statewide automated victim information
29 and notification system created under RCW 36.28A.040 and the
30 statewide automated protected person notification system created
31 under RCW 36.28A.410 to provide notifications per RCW 36.28A.040,
32 36.28A.410, and 7.105.105, and chapter 9.41 RCW. The interface shall
33 provide updated information not less than once per hour, 24 hours per
34 day, seven days per week, without exception.

35 **Part IX. Miscellaneous**

36 NEW SECTION. Sec. 901. If any provision of this act or its
37 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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

E2SHB 1715 - S COMM AMD
By Committee on Ways & Means

ADOPTED AS AMENDED 04/10/2023

7 On page 1, line 3 of the title, after "partners;" strike the
8 remainder of the title and insert "amending RCW 7.105.155, 7.105.255,
9 10.99.033, 10.99.040, 9.41.340, 9.41.345, 9.41.801, 9.41.804,
10 7.105.340, 10.21.050, 40.24.030, 42.17A.710, 9.41.800, 10.31.100, and
11 36.28A.410; adding new sections to chapter 2.56 RCW; adding a new
12 section to chapter 2.53 RCW; adding a new section to chapter 7.105
13 RCW; adding a new section to chapter 43.330 RCW; adding a new section
14 to chapter 43.101 RCW; and creating a new section."

EFFECT: (1) Replaces the Criminal Justice Training Commission (CJTC) with the Administrative Office of the Courts (AOC) in section 101 and adds the Department of Corrections for input in rule making by the AOC.

(2) Removes the section that directs the Office of Civil Legal Aid to propose a plan to standardize and expand statewide access to civil legal assistance for survivors in protection order proceedings.

(3) Removes the section that established a grant program for a statewide resource prosecutor to be administered by the CJTC.

(4) Removes the section and related cross-references requiring the WA Association of Sheriffs and Police Chiefs to create an electronic portal for law enforcement to enter when any respondent subject to a protection order meets the requirements for the return of a firearm or weapon.

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