
SENATE BILL 6227

State of Washington

68th Legislature

2024 Regular Session

By Senators Dhingra, Cleveland, Hasegawa, Keiser, Nobles, Randall, Torres, and C. Wilson

Read first time 01/15/24. Referred to Committee on Law & Justice.

1 AN ACT Relating to allowing entry of a civil protection order to
2 protect victims when a person is found not guilty by reason of
3 insanity; amending RCW 10.77.110 and 7.105.450; and adding a new
4 section to chapter 10.77 RCW.

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

6 **Sec. 1.** RCW 10.77.110 and 2000 c 94 s 14 are each amended to
7 read as follows:

8 (1) If a defendant is acquitted of a crime by reason of insanity,
9 and it is found that he or she is not a substantial danger to other
10 persons, and does not present a substantial likelihood of committing
11 criminal acts jeopardizing public safety or security, unless kept
12 under further control by the court or other persons or institutions,
13 the court shall direct the defendant's release. If it is found that
14 such defendant is a substantial danger to other persons, or presents
15 a substantial likelihood of committing criminal acts jeopardizing
16 public safety or security, unless kept under further control by the
17 court or other persons or institutions, the court shall order his or
18 her hospitalization, or any appropriate alternative treatment less
19 restrictive than detention in a state mental hospital, pursuant to
20 the terms of this chapter.

1 ~~((2) If the defendant has been found not guilty by reason of~~
2 ~~insanity and a substantial danger, or presents a substantial~~
3 ~~likelihood of committing criminal acts jeopardizing public safety or~~
4 ~~security, so as to require treatment then the secretary shall~~
5 ~~immediately cause the defendant to be evaluated to ascertain if the~~
6 ~~defendant is developmentally disabled. When appropriate, and subject~~
7 ~~to available funds, the defendant may be committed to a program~~
8 ~~specifically reserved for the treatment and training of~~
9 ~~developmentally disabled persons. A person so committed shall receive~~
10 ~~habilitation services according to an individualized service plan~~
11 ~~specifically developed to treat the behavior which was the subject of~~
12 ~~the criminal proceedings. The treatment program shall be administered~~
13 ~~by developmental disabilities professionals and others trained~~
14 ~~specifically in the needs of developmentally disabled persons. The~~
15 ~~treatment program shall provide physical security to a degree~~
16 ~~consistent with the finding that the defendant is dangerous and may~~
17 ~~incorporate varying conditions of security and alternative sites when~~
18 ~~the dangerousness of any particular defendant makes this necessary.~~
19 ~~The department may limit admissions to this specialized program in~~
20 ~~order to ensure that expenditures for services do not exceed amounts~~
21 ~~appropriated by the legislature and allocated by the department for~~
22 ~~such services. The department may establish admission priorities in~~
23 ~~the event that the number of eligible persons exceeds the limits set~~
24 ~~by the department.~~

25 ~~(3))~~ If it is found that such defendant is not a substantial
26 danger to other persons, and does not present a substantial
27 likelihood of committing criminal acts jeopardizing public safety or
28 security, but that he or she is in need of control by the court or
29 other persons or institutions, the court shall direct the defendant's
30 conditional release.

31 (2) (a) Upon placement of the defendant under control by the court
32 or other persons and institutions or placement of the defendant on
33 conditional release, or upon application by the prosecuting attorney
34 at any subsequent time during which the court retains supervision of
35 the defendant, the court may enter a stand-alone no-contact order to
36 protect any victim of the defendant's conduct in addition to the
37 defendant's order of commitment. The maximum term of the no-contact
38 order shall be the defendant's maximum term of commitment, or until
39 the defendant's release under RCW 10.77.200, whichever comes sooner.

1 The court shall provide a written certified copy of the no-contact
2 order to the victim.

3 (b) The no-contact order shall contain the court's directives and
4 shall state that a violation of the order is a criminal offense under
5 chapter 7.105 RCW and will subject the person who violates the order
6 to arrest, and that any assault, drive-by shooting, or reckless
7 endangerment that is a violation of the order is a felony.

8 (c) Any willful violation of a no-contact order issued under this
9 section is punishable under RCW 7.105.450.

10 (d) For the purpose of this subsection, "victim" means a family
11 or household member or an intimate partner who has been subjected to
12 domestic violence.

13 **Sec. 2.** RCW 7.105.450 and 2022 c 268 s 21 are each amended to
14 read as follows:

15 (1)(a) Whenever a domestic violence protection order, a sexual
16 assault protection order, a stalking protection order, or a
17 vulnerable adult protection order is granted under this chapter, or
18 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,
19 10.77, 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid
20 foreign protection order as defined in RCW 26.52.020, or there is a
21 Canadian domestic violence protection order as defined in RCW
22 26.55.010, and the respondent or person to be restrained knows of the
23 order, a violation of any of the following provisions of the order is
24 a gross misdemeanor, except as provided in subsections (4) and (5) of
25 this section:

26 (i) The restraint provisions prohibiting acts or threats of
27 violence against, or stalking of, a protected party, or the restraint
28 provisions prohibiting contact with a protected party;

29 (ii) A provision excluding the person from a residence,
30 workplace, school, or day care;

31 (iii) A provision prohibiting the person from knowingly coming
32 within, or knowingly remaining within, a specified distance of a
33 location, a protected party's person, or a protected party's vehicle;

34 (iv) A provision prohibiting interfering with the protected
35 party's efforts to remove a pet owned, possessed, leased, kept, or
36 held by the petitioner, the respondent, or a minor child residing
37 with either the petitioner or the respondent; or

1 (v) A provision of a foreign protection order or a Canadian
2 domestic violence protection order specifically indicating that a
3 violation will be a crime.

4 (b) Upon conviction, and in addition to any other penalties
5 provided by law, the court:

6 (i) May require that the respondent submit to electronic
7 monitoring. The court shall specify who must provide the electronic
8 monitoring services and the terms under which the monitoring must be
9 performed. The order also may include a requirement that the
10 respondent pay the costs of the monitoring. The court shall consider
11 the ability of the convicted person to pay for electronic monitoring;
12 and

13 (ii) Shall impose a fine of \$15, in addition to any penalty or
14 fine imposed, for a violation of a domestic violence protection order
15 issued under this chapter. Revenue from the \$15 fine must be remitted
16 monthly to the state treasury for deposit in the domestic violence
17 prevention account.

18 (2) A law enforcement officer shall arrest without a warrant and
19 take into custody a person whom the law enforcement officer has
20 probable cause to believe has violated a domestic violence protection
21 order, a sexual assault protection order, a stalking protection
22 order, or a vulnerable adult protection order, or an order issued
23 under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99, 26.09,
24 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
25 in RCW 26.52.020, or a Canadian domestic violence protection order as
26 defined in RCW 26.55.010, that restrains the person or excludes the
27 person from a residence, workplace, school, or day care, or prohibits
28 the person from knowingly coming within, or knowingly remaining
29 within, a specified distance of a location, a protected party's
30 person, or a protected party's vehicle, if the person restrained
31 knows of the order. Presence of the order in the law enforcement
32 computer-based criminal intelligence information system is not the
33 only means of establishing knowledge of the order.

34 (3) A violation of a domestic violence protection order, a sexual
35 assault protection order, a stalking protection order, or a
36 vulnerable adult protection order, or an order issued under chapter
37 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99, 26.09, 26.26A, or
38 26.26B RCW, or a valid foreign protection order as defined in RCW
39 26.52.020, or a Canadian domestic violence protection order as

1 defined in RCW 26.55.010, shall also constitute contempt of court,
2 and is subject to the penalties prescribed by law.

3 (4) Any assault that is a violation of a domestic violence
4 protection order, a sexual assault protection order, a stalking
5 protection order, or a vulnerable adult protection order, or an order
6 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99,
7 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as
8 defined in RCW 26.52.020, or a Canadian domestic violence protection
9 order as defined in RCW 26.55.010, and that does not amount to
10 assault in the first or second degree under RCW 9A.36.011 or
11 9A.36.021 is a class C felony, and any conduct in violation of such
12 an order that is reckless and creates a substantial risk of death or
13 serious physical injury to another person is a class C felony.

14 (5) A violation of a domestic violence protection order, a sexual
15 assault protection order, a stalking protection order, or a
16 vulnerable adult protection order, or a court order issued under
17 chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99, 26.09,
18 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
19 in RCW 26.52.020, or a Canadian domestic violence protection order as
20 defined in RCW 26.55.010, is a class C felony if the offender has at
21 least two previous convictions for violating the provisions of a
22 domestic violence protection order, a sexual assault protection
23 order, a stalking protection order, or a vulnerable adult protection
24 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,
25 9.94A, 10.77, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
26 protection order as defined in RCW 26.52.020, or a Canadian domestic
27 violence protection order as defined in RCW 26.55.010. The previous
28 convictions may involve the same victim or other victims specifically
29 protected by the orders the offender violated.

30 (6) (a) A defendant arrested for violating a domestic violence
31 protection order, sexual assault protection order, stalking
32 protection order, or vulnerable adult protection order, or an order
33 granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77,
34 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection
35 order as defined in RCW 26.52.020, or a Canadian domestic violence
36 protection order as defined in RCW 26.55.010, is required to appear
37 in person before a magistrate within one judicial day after the
38 arrest. At the time of the appearance, the court shall determine the
39 necessity of imposing a no-contact order or other conditions of
40 pretrial release.

1 (b) A defendant who is charged by citation, complaint, or
2 information with violating any protection order identified in (a) of
3 this subsection and not arrested shall appear in court for
4 arraignment in person as soon as practicable, but in no event later
5 than 14 days after the next day on which court is in session
6 following the issuance of the citation or the filing of the complaint
7 or information.

8 (7) Upon the filing of an affidavit by the petitioner or any law
9 enforcement officer alleging that the respondent has violated a
10 domestic violence protection order, a sexual assault protection
11 order, a stalking protection order, or a vulnerable adult protection
12 order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88,
13 9.94A, 10.77, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
14 protection order as defined in RCW 26.52.020, or a Canadian domestic
15 violence protection order as defined in RCW 26.55.010, the court may
16 issue an order to the respondent, requiring the respondent to appear
17 and show cause within 14 days as to why the respondent should not be
18 found in contempt of court and punished accordingly. The hearing may
19 be held in the court of any county or municipality in which the
20 petitioner or respondent temporarily or permanently resides at the
21 time of the alleged violation.

22 (8) Appearances required under this section are mandatory and
23 cannot be waived.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.77
25 RCW to read as follows:

26 If the defendant has been found not guilty by reason of insanity
27 and a substantial danger, or presents a substantial likelihood of
28 committing criminal acts jeopardizing public safety or security, so
29 as to require treatment then the secretary shall immediately cause
30 the defendant to be evaluated to ascertain if the defendant has a
31 developmental disability. When appropriate, and subject to available
32 funds, the defendant may be committed to a program specifically
33 reserved for the treatment and training of persons with developmental
34 disabilities. A person so committed shall receive habilitation
35 services according to an individualized service plan specifically
36 developed to treat the behavior which was the subject of the criminal
37 proceedings. The treatment program shall be administered by
38 developmental disabilities professionals and others trained
39 specifically in the needs of persons with developmental disabilities.

1 The treatment program shall provide physical security to a degree
2 consistent with the finding that the defendant is dangerous and may
3 incorporate varying conditions of security and alternative sites when
4 the dangerousness of any particular defendant makes this necessary.
5 The department may limit admissions to this specialized program in
6 order to ensure that expenditures for services do not exceed amounts
7 appropriated by the legislature and allocated by the department for
8 such services. The department may establish admission priorities in
9 the event that the number of eligible persons exceeds the limits set
10 by the department.

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