
SENATE BILL 6000

State of Washington 52nd Legislature 1991 1st Special Session

By Senator L. Smith.

Read first time June 21, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to domestic violence; amending RCW 9.94A.386,
2 9A.20.021, 10.99.040, and 26.50.110; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.94A.386 and 1984 c 209 s 23 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (2) of this section, on all
7 sentences under this chapter the court may impose fines according to
8 the following ranges:

9	Class A felonies	\$0 - 50,000
10	Class B felonies	\$0 - 20,000
11	Class C felonies	\$0 - 10,000

12 (2) The court may not impose a fine for any crime of domestic
13 violence as defined in RCW 10.99.020.

1 **Sec. 2.** RCW 9A.20.021 and 1982 c 192 s 10 are each amended to read
2 as follows:

3 (1) Felony. No person convicted of a classified felony shall be
4 punished by confinement or fine exceeding the following:

5 (a) For a class A felony, by confinement in a state correctional
6 institution for a term of life imprisonment, or by a fine in an amount
7 fixed by the court of fifty thousand dollars, or by both such
8 confinement and fine;

9 (b) For a class B felony, by confinement in a state correctional
10 institution for a term of ten years, or by a fine in an amount fixed by
11 the court of twenty thousand dollars, or by both such confinement and
12 fine;

13 (c) For a class C felony, by confinement in a state correctional
14 institution for five years, or by a fine in an amount fixed by the
15 court of ten thousand dollars, or by both such confinement and fine.

16 (2) Gross Misdemeanor. Every person convicted of a gross
17 misdemeanor defined in Title 9A RCW shall be punished by imprisonment
18 in the county jail for a maximum term fixed by the court of not more
19 than one year, or by a fine in an amount fixed by the court of not more
20 than five thousand dollars, or by both such imprisonment and fine.

21 (3) Misdemeanor. Every person convicted of a misdemeanor defined
22 in Title 9A RCW shall be punished by imprisonment in the county jail
23 for a maximum term fixed by the court of not more than ninety days, or
24 by a fine in an amount fixed by the court of not more than one thousand
25 dollars, or by both such imprisonment and fine.

26 (4) The court may not impose a fine for any crime of domestic
27 violence as defined in RCW 10.99.020.

1 (5) This section applies to only those crimes committed on or after
2 July 1, 1984.

3 **Sec. 3.** RCW 10.99.040 and 1991 c 301 s 4 are each amended to read
4 as follows:

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

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

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

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

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

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

1 shall also be issued in writing as soon as possible. If the court has
2 probable cause to believe that the person charged or arrested is likely
3 to use or display or threaten to use a deadly weapon as defined in RCW
4 9A.04.110 in any further acts of violence, the court may also require
5 that person to surrender any deadly weapon in that person's immediate
6 possession or control, or subject to that person's immediate possession
7 or control, to the sheriff of the county or chief of police of the
8 municipality in which that person resides or to the defendant's counsel
9 for safekeeping.

10 (3) At the time of arraignment the court shall determine whether a
11 no-contact order shall be issued or extended.

12 (4) Willful violation of a court order issued under subsection (2)
13 or (3) of this section is a misdemeanor. Any assault that is a
14 violation of an order issued under this section and that does not
15 amount to assault in the first or second degree under RCW 9A.36.011 or
16 9A.36.021 is a class C felony, and any conduct in violation of a
17 protective order issued under this section that is reckless and creates
18 a substantial risk of death or serious physical injury to another
19 person is a class C felony. The written order releasing the person
20 charged or arrested shall contain the court's directives and shall bear
21 the legend: Violation of this order is a criminal offense under
22 chapter 10.99 RCW and will subject a violator to arrest; any assault or
23 reckless endangerment that is a violation of this order is a felony.
24 A certified copy of the order shall be provided to the victim. If a
25 no-contact order has been issued prior to charging, that order shall
26 expire at arraignment or within seventy-two hours if charges are not
27 filed. Such orders need not be entered into the computer information
28 system in this state which is used by law enforcement agencies to list
29 outstanding warrants.

1 (5) The court may not impose a fine for any crime of domestic
2 violence as defined in RCW 10.99.020 or for any crime described in
3 subsection (4) of this section.

4 (6) Whenever an order prohibiting contact is issued, modified, or
5 terminated under subsection (2) or (3) of this section, the clerk of
6 the court shall forward a copy of the order on or before the next
7 judicial day to the appropriate law enforcement agency specified in the
8 order. Upon receipt of the copy of the order the law enforcement
9 agency shall forthwith enter the order for one year or until the
10 expiration date specified on the order into any computer information
11 system available in this state used by law enforcement agencies to list
12 outstanding warrants. Entry into the law enforcement information
13 system constitutes notice to all law enforcement agencies of the
14 existence of the order. The order is fully enforceable in any
15 jurisdiction in the state.

16 **Sec. 4.** RCW 26.50.110 and 1991 c 301 s 6 are each amended to read
17 as follows:

18 (1) Whenever an order for protection is granted under this chapter
19 and the respondent or person to be restrained knows of the order, a
20 violation of the restraint provisions or of a provision excluding the
21 person from a residence is a misdemeanor.

22 (2) A peace officer shall arrest without a warrant and take into
23 custody a person whom the peace officer has probable cause to believe
24 has violated an order issued under this chapter that restrains the
25 person or excludes the person from a residence, if the person
26 restrained knows of the order.

27 (3) A violation of an order for protection shall also constitute
28 contempt of court, and is subject to the penalties prescribed by law.

1 (4) Any assault that is a violation of an order issued under this
2 chapter and that does not amount to assault in the first or second
3 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any
4 conduct in violation of a protective order issued under this chapter
5 that is reckless and creates a substantial risk of death or serious
6 physical injury to another person is a class C felony.

7 (5) Upon the filing of an affidavit by the petitioner or any peace
8 officer alleging that the respondent has violated an order for
9 protection granted under this chapter, the court may issue an order to
10 the respondent, requiring the respondent to appear and show cause
11 within fourteen days why the respondent should not be found in contempt
12 of court and punished accordingly. The hearing may be held in the
13 court of any county or municipality in which the petitioner or
14 respondent temporarily or permanently resides at the time of the
15 alleged violation.

16 (6) The court may not impose a fine for any violation of this
17 section.