

2 EHB 2472 - S AMD - 236  
3 By Senator Smith

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 9.94A.370 and 1989 c 124 s 2 are each amended to read  
8 as follows:

9 (1) The intersection of the column defined by the offender score  
10 and the row defined by the offense seriousness score determines the  
11 presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The  
12 additional time for deadly weapon findings or for those offenses  
13 enumerated in RCW 9.94A.310(4) that were committed in a state  
14 correctional facility or county jail shall be added to the entire  
15 presumptive sentence range. The court may impose any sentence within  
16 the range that it deems appropriate. All presumptive sentence ranges  
17 are expressed in terms of total confinement.

18 (2) In determining any sentence, the trial court may rely on no  
19 more information than is admitted by the plea agreement, or admitted,  
20 acknowledged, or proved in a trial or at the time of sentencing.  
21 Acknowledgement includes not objecting to information stated in the  
22 presentence reports. Where the defendant disputes material facts, the  
23 court must either not consider the fact or grant an evidentiary hearing  
24 on the point. The facts shall be deemed proved at the hearing by a  
25 preponderance of the evidence. Facts that establish the elements of a  
26 more serious crime or additional crimes may not be used to go outside  
27 the presumptive sentence range except upon stipulation or when  
28 specifically provided for in RCW 9.94A.390(2) (c), (d), (f), and  
29 ~~((e))~~ (g).

30 **Sec. 2.** RCW 9.94A.390 and 1995 c 316 s 2 are each amended to read  
31 as follows:

32 If the sentencing court finds that an exceptional sentence outside  
33 the standard range should be imposed in accordance with RCW  
34 9.94A.120(2), the sentence is subject to review only as provided for in  
35 RCW 9.94A.210(4).

1 The following are illustrative factors which the court may consider  
2 in the exercise of its discretion to impose an exceptional sentence.  
3 The following are illustrative only and are not intended to be  
4 exclusive reasons for exceptional sentences.

5 (1) Mitigating Circumstances

6 (a) To a significant degree, the victim was an initiator, willing  
7 participant, aggressor, or provoker of the incident.

8 (b) Before detection, the defendant compensated, or made a good  
9 faith effort to compensate, the victim of the criminal conduct for any  
10 damage or injury sustained.

11 (c) The defendant committed the crime under duress, coercion,  
12 threat, or compulsion insufficient to constitute a complete defense but  
13 which significantly affected his or her conduct.

14 (d) The defendant, with no apparent predisposition to do so, was  
15 induced by others to participate in the crime.

16 (e) The defendant's capacity to appreciate the wrongfulness of his  
17 or her conduct or to conform his or her conduct to the requirements of  
18 the law, was significantly impaired (voluntary use of drugs or alcohol  
19 is excluded).

20 (f) The offense was principally accomplished by another person and  
21 the defendant manifested extreme caution or sincere concern for the  
22 safety or well-being of the victim.

23 (g) The operation of the multiple offense policy of RCW 9.94A.400  
24 results in a presumptive sentence that is clearly excessive in light of  
25 the purpose of this chapter, as expressed in RCW 9.94A.010.

26 (h) The defendant or the defendant's children suffered a continuing  
27 pattern of physical or sexual abuse by the victim of the offense and  
28 the offense is a response to that abuse.

29 (2) Aggravating Circumstances

30 (a) The defendant's conduct during the commission of the current  
31 offense manifested deliberate cruelty to the victim.

32 (b) The defendant knew or should have known that the victim of the  
33 current offense was particularly vulnerable or incapable of resistance  
34 due to extreme youth, advanced age, disability, or ill health.

35 (c) The current offense was a major economic offense or series of  
36 offenses, so identified by a consideration of any of the following  
37 factors:

38 (i) The current offense involved multiple victims or multiple  
39 incidents per victim;

1 (ii) The current offense involved attempted or actual monetary loss  
2 substantially greater than typical for the offense;

3 (iii) The current offense involved a high degree of sophistication  
4 or planning or occurred over a lengthy period of time; or

5 (iv) The defendant used his or her position of trust, confidence,  
6 or fiduciary responsibility to facilitate the commission of the current  
7 offense.

8 (d) The current offense was a major violation of the Uniform  
9 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to  
10 trafficking in controlled substances, which was more onerous than the  
11 typical offense of its statutory definition: The presence of ANY of  
12 the following may identify a current offense as a major VUCSA:

13 (i) The current offense involved at least three separate  
14 transactions in which controlled substances were sold, transferred, or  
15 possessed with intent to do so;

16 (ii) The current offense involved an attempted or actual sale or  
17 transfer of controlled substances in quantities substantially larger  
18 than for personal use;

19 (iii) The current offense involved the manufacture of controlled  
20 substances for use by other parties;

21 (iv) The circumstances of the current offense reveal the offender  
22 to have occupied a high position in the drug distribution hierarchy;

23 (v) The current offense involved a high degree of sophistication or  
24 planning or occurred over a lengthy period of time or involved a broad  
25 geographic area of disbursement; or

26 (vi) The offender used his or her position or status to facilitate  
27 the commission of the current offense, including positions of trust,  
28 confidence or fiduciary responsibility (e.g., pharmacist, physician, or  
29 other medical professional).

30 (e) The current offense included a finding of sexual motivation  
31 pursuant to RCW 9.94A.127.

32 (f) The offense was part of an ongoing pattern of sexual abuse of  
33 the same victim under the age of eighteen years manifested by multiple  
34 incidents over a prolonged period of time.

35 (g) The current offense involved domestic violence, as defined in  
36 RCW 10.99.020 and one or more of the following was present:

37 (i) The offense was part of an ongoing pattern of psychological,  
38 physical, or sexual abuse of the victim manifested by multiple  
39 incidents over a prolonged period of time;

1        (ii) The offense occurred within sight or sound of the victim's or  
2 the offender's minor children under the age of eighteen years; or

3        (iii) The offender's conduct during the commission of the current  
4 offense manifested deliberate cruelty or intimidation of the victim.

5        (h) The operation of the multiple offense policy of RCW 9.94A.400  
6 results in a presumptive sentence that is clearly too lenient in light  
7 of the purpose of this chapter, as expressed in RCW 9.94A.010.

8        (~~(h)~~) (i) The defendant's prior unscored misdemeanor or prior  
9 unscored foreign criminal history results in a presumptive sentence  
10 that is clearly too lenient in light of the purpose of this chapter as  
11 expressed in RCW 9.94A.010.

12        NEW SECTION. Sec. 3. A new section is added to chapter 9A.36 RCW  
13 to read as follows:

14        (1) A person commits the crime of interfering with the reporting of  
15 domestic violence if the person:

16        (a) Commits a crime of domestic violence, as defined in RCW  
17 10.99.020; and

18        (b) Prevents or attempts to prevent the victim of or a witness to  
19 that domestic violence crime from calling a 911 emergency communication  
20 system, obtaining medical assistance, or making a report to any law  
21 enforcement official.

22        (2) Commission of a crime of domestic violence under subsection (1)  
23 of this section is a necessary element of the crime of interfering with  
24 the reporting of domestic violence.

25        (3) Interference with the reporting of domestic violence is a gross  
26 misdemeanor.

27        **Sec. 4.** RCW 10.31.100 and 1995 c 246 s 20, 1995 c 184 s 1, and  
28 1995 c 93 s 1 are each reenacted and amended to read as follows:

29        A police officer having probable cause to believe that a person has  
30 committed or is committing a felony shall have the authority to arrest  
31 the person without a warrant. A police officer may arrest a person  
32 without a warrant for committing a misdemeanor or gross misdemeanor  
33 only when the offense is committed in the presence of the officer,  
34 except as provided in subsections (1) through (10) of this section.

35        (1) Any police officer having probable cause to believe that a  
36 person has committed or is committing a misdemeanor or gross  
37 misdemeanor, involving physical harm or threats of harm to any person

1 or property or the unlawful taking of property or involving the use or  
2 possession of cannabis, or involving the acquisition, possession, or  
3 consumption of alcohol by a person under the age of twenty-one years  
4 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070  
5 or 9A.52.080, shall have the authority to arrest the person.

6 (2) A police officer shall 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 (a) An order has been issued of which the person has knowledge  
10 under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,  
11 26.10.115, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW  
12 restraining the person and the person has violated the terms of the  
13 order restraining the person from acts or threats of violence or  
14 ~~((excluding))~~ restraining the person from ((a)) going onto the grounds  
15 of or entering a residence, workplace, school, or day care or, in the  
16 case of an order issued under RCW 26.44.063, imposing any other  
17 restrictions or conditions upon the person; or

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

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

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

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

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

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

9 (e) RCW 46.20.342, relating to driving a motor vehicle while  
10 operator's license is suspended or revoked;

11 (f) RCW 46.61.525, relating to operating a motor vehicle in a  
12 negligent manner.

13 (4) A law enforcement officer investigating at the scene of a motor  
14 vehicle accident may arrest the driver of a motor vehicle involved in  
15 the accident if the officer has probable cause to believe that the  
16 driver has committed in connection with the accident a violation of any  
17 traffic law or regulation.

18 (5) Any police officer having probable cause to believe that a  
19 person has committed or is committing a violation of RCW 88.12.025  
20 shall have the authority to arrest the person.

21 (6) An officer may act upon the request of a law enforcement  
22 officer in whose presence a traffic infraction was committed, to stop,  
23 detain, arrest, or issue a notice of traffic infraction to the driver  
24 who is believed to have committed the infraction. The request by the  
25 witnessing officer shall give an officer the authority to take  
26 appropriate action under the laws of the state of Washington.

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

30 (8) A police officer may arrest and take into custody, pending  
31 release on bail, personal recognizance, or court order, a person  
32 without a warrant when the officer has probable cause to believe that  
33 an order has been issued of which the person has knowledge under  
34 chapter 10.14 RCW and the person has violated the terms of that order.

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

38 (10) A police officer having probable cause to believe that a  
39 person illegally possesses or illegally has possessed a firearm or

1 other dangerous weapon on private or public elementary or secondary  
2 school premises shall have the authority to arrest the person.

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

6 (11) Except as specifically provided in subsections (2), (3), (4),  
7 and (6) of this section, nothing in this section extends or otherwise  
8 affects the powers of arrest prescribed in Title 46 RCW.

9 (12) No police officer may be held criminally or civilly liable for  
10 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police  
11 officer acts in good faith and without malice.

12 **Sec. 5.** RCW 10.99.020 and 1995 c 246 s 21 are each amended to read  
13 as follows:

14 Unless the context clearly requires otherwise, the definitions in  
15 this section apply throughout this chapter.

16 (1) "Family or household members" means spouses, former spouses,  
17 persons who have a child in common regardless of whether they have been  
18 married or have lived together at any time, adult persons related by  
19 blood or marriage, adult persons who are presently residing together or  
20 who have resided together in the past, persons sixteen years of age or  
21 older who are presently residing together or who have resided together  
22 in the past and who have or have had a dating relationship, persons  
23 sixteen years of age or older with whom a (~~respondent~~) person sixteen  
24 years of age or older has or has had a dating relationship, and persons  
25 who have a biological or legal parent-child relationship, including  
26 stepparents and stepchildren and grandparents and grandchildren.

27 (2) "Dating relationship" has the same meaning as in RCW 26.50.010.

28 (3) "Domestic violence" includes but is not limited to any of the  
29 following crimes when committed by one family or household member  
30 against another:

31 (a) Assault in the first degree (RCW 9A.36.011);

32 (b) Assault in the second degree (RCW 9A.36.021);

33 (c) Assault in the third degree (RCW 9A.36.031);

34 (d) Assault in the fourth degree (RCW 9A.36.041);

35 (e) Reckless endangerment in the first degree (RCW 9A.36.045);

36 (f) Reckless endangerment in the second degree (RCW 9A.36.050);

37 (g) Coercion (RCW 9A.36.070);

38 (h) Burglary in the first degree (RCW 9A.52.020);

- 1 (i) Burglary in the second degree (RCW 9A.52.030);  
2 (j) Criminal trespass in the first degree (RCW 9A.52.070);  
3 (k) Criminal trespass in the second degree (RCW 9A.52.080);  
4 (l) Malicious mischief in the first degree (RCW 9A.48.070);  
5 (m) Malicious mischief in the second degree (RCW 9A.48.080);  
6 (n) Malicious mischief in the third degree (RCW 9A.48.090);  
7 (o) Kidnapping in the first degree (RCW 9A.40.020);  
8 (p) Kidnapping in the second degree (RCW 9A.40.030);  
9 (q) Unlawful imprisonment (RCW 9A.40.040);  
10 (r) Violation of the provisions of a restraining order restraining  
11 the person or (~~excluding~~) restraining the person from going onto the  
12 grounds of or entering a residence, workplace, school, or day care (RCW  
13 26.09.300, 26.10.220, or 26.26.138);  
14 (s) Violation of the provisions of a protection order or no-contact  
15 order restraining the person or (~~excluding~~) restraining the person  
16 from going onto the grounds of or entering a residence, workplace,  
17 school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, (~~or~~)  
18 10.99.040, or 10.99.050);  
19 (t) Rape in the first degree (RCW 9A.44.040);  
20 (u) Rape in the second degree (RCW 9A.44.050);  
21 (v) Residential burglary (RCW 9A.52.025); (~~and~~)  
22 (w) Stalking (RCW 9A.46.110); and  
23 (x) Interference with the reporting of domestic violence (section  
24 3 of this act).

25 (4) "Victim" means a family or household member who has been  
26 subjected to domestic violence.

27 **Sec. 6.** RCW 10.99.030 and 1995 c 246 s 22 are each amended to read  
28 as follows:

29 (1) All training relating to the handling of domestic violence  
30 complaints by law enforcement officers shall stress enforcement of  
31 criminal laws in domestic situations, availability of community  
32 resources, and protection of the victim. Law enforcement agencies and  
33 community organizations with expertise in the issue of domestic  
34 violence shall cooperate in all aspects of such training.

35 (2) The criminal justice training commission shall implement by  
36 January 1, 1997, a course of instruction for the training of law  
37 enforcement officers in Washington in the handling of domestic violence  
38 complaints. The basic law enforcement curriculum of the criminal



1 justice training commission shall include at least twenty hours of  
2 basic training instruction on the law enforcement response to domestic  
3 violence. The course of instruction, the learning and performance  
4 objectives, and the standards for the training shall be developed by  
5 the commission and focus on enforcing the criminal laws, safety of the  
6 victim, and holding the perpetrator accountable for the violence. The  
7 curriculum shall include training on the extent and prevalence of  
8 domestic violence, the importance of criminal justice intervention,  
9 techniques for responding to incidents that minimize the likelihood of  
10 officer injury and that promote victim safety, investigation and  
11 interviewing skills, evidence gathering and report writing, assistance  
12 to and services for victims and children, verification and enforcement  
13 of court orders, liability, and any additional provisions that are  
14 necessary to carry out the intention of this subsection.

15 (3) The criminal justice training commission shall develop and  
16 update annually an in-service training program to familiarize law  
17 enforcement officers with the domestic violence laws. The program  
18 shall include techniques for handling incidents of domestic violence  
19 that minimize the likelihood of injury to the officer and that promote  
20 the safety of all parties. The commission shall make the training  
21 program available to all law enforcement agencies in the state.

22 (4) Development of the training in subsections (2) and (3) of this  
23 section shall be conducted in conjunction with agencies having a  
24 primary responsibility for serving victims of domestic violence with  
25 emergency shelter and other services, and representatives to the state-  
26 wide organization providing training and education to these  
27 organizations and to the general public.

28 (5) The primary duty of peace officers, when responding to a  
29 domestic violence situation, is to enforce the laws allegedly violated  
30 and to protect the complaining party.

31 (6)(a) When a peace officer responds to a domestic violence call  
32 and has probable cause to believe that a crime has been committed, the  
33 peace officer shall exercise arrest powers with reference to the  
34 criteria in RCW 10.31.100. The officer shall notify the victim of the  
35 victim's right to initiate a criminal proceeding in all cases where the  
36 officer has not exercised arrest powers or decided to initiate criminal  
37 proceedings by citation or otherwise. The parties in such cases shall  
38 also be advised of the importance of preserving evidence.

1 (b) A peace officer responding to a domestic violence call shall  
2 take a complete offense report including the officer's disposition of  
3 the case.

4 (7) When a peace officer responds to a domestic violence call, the  
5 officer shall advise victims of all reasonable means to prevent further  
6 abuse, including advising each person of the availability of a shelter  
7 or other services in the community, and giving each person immediate  
8 notice of the legal rights and remedies available. The notice shall  
9 include handing each person a copy of the following statement:

10 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the  
11 city or county prosecuting attorney to file a criminal  
12 complaint. You also have the right to file a petition in  
13 superior, district, or municipal court requesting an order for  
14 protection from domestic abuse which could include any of the  
15 following: (a) An order restraining your abuser from further  
16 acts of abuse; (b) an order directing your abuser to leave your  
17 household; (c) an order preventing your abuser from entering  
18 your residence, school, business, or place of employment; (d)  
19 an order awarding you or the other parent custody of or  
20 visitation with your minor child or children; and (e) an order  
21 restraining your abuser from molesting or interfering with  
22 minor children in your custody. The forms you need to obtain  
23 a protection order are available in any municipal, district, or  
24 superior court.

25 Information about shelters and alternatives to domestic  
26 violence is available from a state-wide twenty-four-hour toll-  
27 free hotline at (include appropriate phone number). The  
28 battered women's shelter and other resources in your area are  
29 . . . . (include local information)"

30 (8) The peace officer may offer, arrange, or facilitate  
31 transportation for the victim to a hospital for treatment of injuries  
32 or to a place of safety or shelter.

33 (9) The law enforcement agency shall forward the offense report to  
34 the appropriate prosecutor within ten days of making such report if  
35 there is probable cause to believe that an offense has been committed,  
36 unless the case is under active investigation.

1 (10) Each law enforcement agency shall make as soon as practicable  
2 a written record and shall maintain records of all incidents of  
3 domestic violence reported to it.

4 (11) Records kept pursuant to subsections (6) and (10) of this  
5 section shall be made identifiable by means of a departmental code for  
6 domestic violence.

7 (12) Commencing January 1, 1994, records of incidents of domestic  
8 violence shall be submitted, in accordance with procedures described in  
9 this subsection, to the Washington association of sheriffs and police  
10 chiefs by all law enforcement agencies. The Washington criminal  
11 justice training commission shall amend its contract for collection of  
12 state-wide crime data with the Washington association of sheriffs and  
13 police chiefs:

14 (a) To include a table, in the annual report of crime in Washington  
15 produced by the Washington association of sheriffs and police chiefs  
16 pursuant to the contract, showing the total number of actual offenses  
17 and the number and percent of the offenses that are domestic violence  
18 incidents for the following crimes: (i) Criminal homicide, with  
19 subtotals for murder and nonnegligent homicide and manslaughter by  
20 negligence; (ii) forcible rape, with subtotals for rape by force and  
21 attempted forcible rape; (iii) robbery, with subtotals for firearm,  
22 knife or cutting instrument, or other dangerous weapon, and strongarm  
23 robbery; (iv) assault, with subtotals for firearm, knife or cutting  
24 instrument, other dangerous weapon, hands, feet, aggravated, and other  
25 nonaggravated assaults; (v) burglary, with subtotals for forcible  
26 entry, nonforcible unlawful entry, and attempted forcible entry; (vi)  
27 larceny theft, except motor vehicle theft; (vii) motor vehicle theft,  
28 with subtotals for autos, trucks and buses, and other vehicles; ((and))  
29 (viii) arson; and (ix) violations of the provisions of a protection  
30 order or no contact order restraining the person from going onto the  
31 grounds of or entering a residence, workplace, school, or day care,  
32 provided that specific appropriations are subsequently made for the  
33 collection and compilation of data regarding violations of protection  
34 orders or no contact orders;

35 (b) To require that the table shall continue to be prepared and  
36 contained in the annual report of crime in Washington until that time  
37 as comparable or more detailed information about domestic violence  
38 incidents is available through the Washington state incident based

1 reporting system and the information is prepared and contained in the  
2 annual report of crime in Washington; and

3 (c) To require that, in consultation with interested persons, the  
4 Washington association of sheriffs and police chiefs prepare and  
5 disseminate procedures to all law enforcement agencies in the state as  
6 to how the agencies shall code and report domestic violence incidents  
7 to the Washington association of sheriffs and police chiefs.

8 **Sec. 7.** RCW 10.99.040 and 1995 c 246 s 23 are each amended to read  
9 as follows:

10 (1) Because of the serious nature of domestic violence, the court  
11 in domestic violence actions:

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

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

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

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

24 (2) Because of the likelihood of repeated violence directed at  
25 those who have been victims of domestic violence in the past, when any  
26 person charged with or arrested for a crime involving domestic violence  
27 is released from custody before arraignment or trial on bail or  
28 personal recognizance, the court authorizing the release may prohibit  
29 that person from having any contact with the victim. The jurisdiction  
30 authorizing the release shall determine whether that person should be  
31 prohibited from having any contact with the victim. If there is no  
32 outstanding restraining or protective order prohibiting that person  
33 from having contact with the victim, the court authorizing release may  
34 issue, by telephone, a no-contact order prohibiting the person charged  
35 or arrested from having contact with the victim. In issuing the order,  
36 the court shall consider the provisions of RCW 9.41.800. The no-  
37 contact order shall also be issued in writing as soon as possible.

1 (3) At the time of arraignment the court shall determine whether a  
2 no-contact order shall be issued or extended. If a no-contact order is  
3 issued or extended, the court may also include in the conditions of  
4 release a requirement that the defendant submit to electronic  
5 monitoring. If electronic monitoring is ordered, the court shall  
6 specify who shall provide the monitoring services, and the terms under  
7 which the monitoring shall be performed. Upon conviction, the court  
8 may require as a condition of the sentence that the defendant reimburse  
9 the providing agency for the costs of the electronic monitoring.

10 (4)(a) Willful violation of a court order issued under subsection  
11 (2) or (3) of this section is a gross misdemeanor except as provided in  
12 (b) and (c) of this subsection (4). Upon conviction and in addition to  
13 other penalties provided by law, the court may require that the  
14 defendant submit to electronic monitoring. The court shall specify who  
15 shall provide the electronic monitoring services and the terms under  
16 which the monitoring must be performed. The court also may include a  
17 requirement that the defendant pay the costs of the monitoring. The  
18 court shall consider the ability of the convicted person to pay for  
19 electronic monitoring.

20 (b) Any assault that is a violation of an order issued under this  
21 section and that does not amount to assault in the first or second  
22 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable  
23 under chapter 9A.20 RCW, and any conduct in violation of a protective  
24 order issued under this section that is reckless and creates a  
25 substantial risk of death or serious physical injury to another person  
26 is a class C felony punishable under chapter 9A.20 RCW.

27 (c) A willful violation of a court order issued under this section  
28 is a class C felony if the offender has at least two previous  
29 convictions for violating the provisions of a no-contact order issued  
30 under this chapter, a domestic violence protection order issued under  
31 chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-  
32 state order that is comparable to a no-contact order or protection  
33 order issued under Washington law. The previous convictions may  
34 involve the same victim or other victims specifically protected by the  
35 no-contact orders or protection orders the offender violated.

36 (d) The written order releasing the person charged or arrested  
37 shall contain the court's directives and shall bear the legend:  
38 "Violation of this order is a criminal offense under chapter 10.99 RCW  
39 and will subject a violator to arrest; any assault or reckless

1 endangerment that is a violation of this order is a felony. You can be  
2 arrested even if any person protected by the order invites or allows  
3 you to violate the order's prohibitions. You have the sole  
4 responsibility to avoid or refrain from violating the order's  
5 provisions. Only the court can change the order." A certified copy of  
6 the order shall be provided to the victim. If a no-contact order has  
7 been issued prior to charging, that order shall expire at arraignment  
8 or within seventy-two hours if charges are not filed. Such orders need  
9 not be entered into the computer-based criminal intelligence  
10 information system in this state which is used by law enforcement  
11 agencies to list outstanding warrants.

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

24 **Sec. 8.** RCW 10.99.050 and 1991 c 301 s 5 are each amended to read  
25 as follows:

26 (1) When a defendant is found guilty of a crime and a condition of  
27 the sentence restricts the defendant's ability to have contact with the  
28 victim, such condition shall be recorded and a written certified copy  
29 of that order shall be provided to the victim.

30 (2) Willful violation of a court order issued under this section is  
31 a gross misdemeanor. Any assault that is a violation of an order  
32 issued under this section and that does not amount to assault in the  
33 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C  
34 felony, and any conduct in violation of a protective order issued under  
35 this section that is reckless and creates a substantial risk of death  
36 or serious physical injury to another person is a class C felony. A  
37 willful violation of a court order issued under this section is also a  
38 class C felony if the offender has at least two previous convictions

1 for violating the provisions of a no-contact order issued under this  
2 chapter, or a domestic violence protection order issued under chapter  
3 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order  
4 that is comparable to a no-contact order or protection order that is  
5 issued under Washington law. The previous convictions may involve the  
6 same victim or other victims specifically protected by the no-contact  
7 orders or protection orders the offender violated.

8 The written order shall contain the court's directives and shall  
9 bear the legend: Violation of this order is a criminal offense under  
10 chapter 10.99 RCW and will subject a violator to arrest; any assault or  
11 reckless endangerment that is a violation of this order is a felony.

12 (3) Whenever an order prohibiting contact is issued pursuant to  
13 this section, the clerk of the court shall forward a copy of the order  
14 on or before the next judicial day to the appropriate law enforcement  
15 agency specified in the order. Upon receipt of the copy of the order  
16 the law enforcement agency shall forthwith enter the order for one year  
17 into any computer-based criminal intelligence information system  
18 available in this state used by law enforcement agencies to list  
19 outstanding warrants. Entry into the law enforcement information  
20 system constitutes notice to all law enforcement agencies of the  
21 existence of the order. The order is fully enforceable in any  
22 jurisdiction in the state.

23 **Sec. 9.** RCW 26.09.300 and 1995 c 246 s 27 are each amended to read  
24 as follows:

25 (1) Whenever a restraining order is issued under this chapter, and  
26 the person to be restrained knows of the order, a violation of the  
27 provisions restricting the person from acts or threats of violence or  
28 of a provision (~~(excluding)~~) restraining the person from going onto the  
29 grounds of or entering the residence, workplace, school, or day care of  
30 another is a misdemeanor.

31 (2) A person is deemed to have notice of a restraining order if:

32 (a) The person to be restrained or the person's attorney signed the  
33 order;

34 (b) The order recites that the person to be restrained or the  
35 person's attorney appeared in person before the court;

36 (c) The order was served upon the person to be restrained; or

37 (d) The peace officer gives the person oral or written evidence of  
38 the order by reading from it or handing to the person a certified copy

1 of the original order, certified to be an accurate copy of the original  
2 by a notary public or by the clerk of the court.

3 (3) A peace officer shall verify the existence of a restraining  
4 order by:

5 (a) Obtaining information confirming the existence and terms of the  
6 order from a law enforcement agency; or

7 (b) Obtaining a certified copy of the order, certified to be an  
8 accurate copy of the original by a notary public or by the clerk of the  
9 court.

10 (4) A peace officer shall arrest and take into custody, pending  
11 release on bail, personal recognizance, or court order, a person  
12 without a warrant when the officer has probable cause to believe that:

13 (a) A restraining order has been issued under this chapter;

14 (b) The respondent or person to be restrained knows of the order;  
15 and

16 (c) The person to be arrested has violated the terms of the order  
17 restraining the person from acts or threats of violence or  
18 ~~((excluding))~~ restraining the person from going onto the grounds of or  
19 entering the residence, workplace, school, or day care of another.

20 (5) It is a defense to prosecution under subsection (1) of this  
21 section that the court order was issued contrary to law or court rule.

22 (6) No peace officer may be held criminally or civilly liable for  
23 making an arrest under subsection (4) of this section if the officer  
24 acts in good faith and without malice.

25 **Sec. 10.** RCW 26.10.220 and 1995 c 246 s 30 are each amended to  
26 read as follows:

27 (1) Whenever a restraining order is issued under this chapter, and  
28 the person to be restrained knows of the order, a violation of the  
29 provisions restricting the person from acts or threats of violence or  
30 of a provision ~~((excluding))~~ restraining the person from going onto the  
31 grounds of or entering the residence, workplace, school, or day care of  
32 another is a misdemeanor.

33 (2) A person is deemed to have notice of a restraining order if:

34 (a) The person to be restrained or the person's attorney signed the  
35 order;

36 (b) The order recites that the person to be restrained or the  
37 person's attorney appeared in person before the court;

38 (c) The order was served upon the person to be restrained; or



1 (d) The peace officer gives the person oral or written evidence of  
2 the order by reading from it or handing to the person a certified copy  
3 of the original order, certified to be an accurate copy of the original  
4 by a notary public or by the clerk of the court.

5 (3) A peace officer shall verify the existence of a restraining  
6 order by:

7 (a) Obtaining information confirming the existence and terms of the  
8 order from a law enforcement agency; or

9 (b) Obtaining a certified copy of the order, certified to be an  
10 accurate copy of the original by a notary public or by the clerk of the  
11 court.

12 (4) A peace officer shall arrest and take into custody, pending  
13 release on bail, personal recognizance, or court order, a person  
14 without a warrant when the officer has probable cause to believe that:

15 (a) A restraining order has been issued under this chapter;

16 (b) The respondent or person to be restrained knows of the order;  
17 and

18 (c) The person to be arrested has violated the terms of the order  
19 restraining the person from acts or threats of violence or  
20 (~~excluding~~) restraining the person from going onto the grounds of or  
21 entering the residence, workplace, school, or day care of another.

22 (5) It is a defense to prosecution under subsection (1) of this  
23 section that the court order was issued contrary to law or court rule.

24 (6) No peace officer may be held criminally or civilly liable for  
25 making an arrest under subsection (4) of this section if the officer  
26 acts in good faith and without malice.

27 **Sec. 11.** RCW 26.26.138 and 1995 c 246 s 33 are each amended to  
28 read as follows:

29 (1) Whenever a restraining order is issued under this chapter, and  
30 the person to be restrained knows of the order, a violation of the  
31 provisions restricting the person from acts or threats of violence or  
32 of a provision (~~excluding~~) restraining the person from going onto the  
33 grounds of or entering the residence, workplace, school, or day care of  
34 another is a misdemeanor.

35 (2) A person is deemed to have notice of a restraining order if:

36 (a) The person to be restrained or the person's attorney signed the  
37 order;

1 (b) The order recites that the person to be restrained or the  
2 person's attorney appeared in person before the court;

3 (c) The order was served upon the person to be restrained; or

4 (d) The peace officer gives the person oral or written evidence of  
5 the order by reading from it or handing to the person a certified copy  
6 of the original order, certified to be an accurate copy of the original  
7 by a notary public or by the clerk of the court.

8 (3) A peace officer shall verify the existence of a restraining  
9 order by:

10 (a) Obtaining information confirming the existence and terms of the  
11 order from a law enforcement agency; or

12 (b) Obtaining a certified copy of the order, certified to be an  
13 accurate copy of the original by a notary public or by the clerk of the  
14 court.

15 (4) A peace officer shall arrest and take into custody, pending  
16 release on bail, personal recognizance, or court order, a person  
17 without a warrant when the officer has probable cause to believe that:

18 (a) A restraining order has been issued under this chapter;

19 (b) The respondent or person to be restrained knows of the order;  
20 and

21 (c) The person to be arrested has violated the terms of the order  
22 restraining the person from acts or threats of violence or  
23 (~~excluding~~) restraining the person from going onto the grounds of or  
24 entering the residence, workplace, school, or day care of another.

25 (5) It is a defense to prosecution under subsection (1) of this  
26 section that the court order was issued contrary to law or court rule.

27 (6) No peace officer may be held criminally or civilly liable for  
28 making an arrest under subsection (4) of this section if the officer  
29 acts in good faith and without malice.

30 **Sec. 12.** RCW 26.50.030 and 1995 c 246 s 3 are each amended to read  
31 as follows:

32 There shall exist an action known as a petition for an order for  
33 protection in cases of domestic violence.

34 (1) A petition for relief shall allege the existence of domestic  
35 violence, and shall be accompanied by an affidavit made under oath  
36 stating the specific facts and circumstances from which relief is  
37 sought. Petitioner and respondent shall disclose the existence of any  
38 other litigation concerning the custody or residential placement of a

1 child of the parties as set forth in RCW 26.27.090 and the existence of  
2 any other restraining, protection, or no contact orders between the  
3 parties.

4 (2) A petition for relief may be made regardless of whether or not  
5 there is a pending lawsuit, complaint, petition, or other action  
6 between the parties except in cases where the court realigns petitioner  
7 and respondent in accordance with RCW 26.50.060(4).

8 (3) Within ninety days of receipt of the master copy from the  
9 administrator for the courts, all court clerk's offices shall make  
10 available the standardized forms, instructions, and informational  
11 brochures required by RCW 26.50.035 and shall fill in and keep current  
12 specific program names and telephone numbers for community resources.  
13 Any assistance or information provided by clerks under this section  
14 does not constitute the practice of law and clerks are not responsible  
15 for incorrect information contained in a petition.

16 (4) No filing fee may be charged for proceedings under this  
17 section. Forms and instructional brochures shall be provided free of  
18 charge.

19 (5) A person is not required to post a bond to obtain relief in any  
20 proceeding under this section.

21 **Sec. 13.** RCW 26.50.060 and 1995 c 246 s 7 are each amended to read  
22 as follows:

23 (1) Upon notice and after hearing, the court may provide relief as  
24 follows:

25 (a) Restrain the respondent from committing acts of domestic  
26 violence;

27 (b) Exclude the respondent from the dwelling which the parties  
28 share, from the residence, workplace, or school of the petitioner, or  
29 from the day care or school of a child;

30 (c) On the same basis as is provided in chapter 26.09 RCW, the  
31 court shall make residential provision with regard to minor children of  
32 the parties. However, parenting plans as specified in chapter 26.09  
33 RCW shall not be required under this chapter;

34 (d) Order the respondent to participate in batterers' treatment;

35 (e) Order other relief as it deems necessary for the protection of  
36 the petitioner and other family or household members sought to be  
37 protected, including orders or directives to a peace officer, as  
38 allowed under this chapter;

1 (f) Require the respondent to pay the administrative court costs  
2 and service fees, as established by the county or municipality  
3 incurring the expense and to reimburse the petitioner for costs  
4 incurred in bringing the action, including a reasonable attorney's fee;

5 (g) Restrain the respondent from having any contact with the victim  
6 of domestic violence or the victim's children or members of the  
7 victim's household;

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

14 (i) Consider the provisions of RCW 9.41.800;

15 (j) Order possession and use of essential personal effects. The  
16 court shall list the essential personal effects with sufficient  
17 specificity to make it clear which property is included; and

18 (k) Order use of a vehicle.

19 (2) If a restraining order restrains the respondent from contacting  
20 the respondent's minor children the restraint shall be for a fixed  
21 period not to exceed one year. This limitation is not applicable to  
22 orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW.  
23 With regard to other relief, if the petitioner has petitioned for  
24 relief on his or her own behalf or on behalf of the petitioner's family  
25 or household members or minor children, and the court finds that the  
26 respondent is likely to resume acts of domestic violence against the  
27 petitioner or the petitioner's family or household members or minor  
28 children when the order expires, the court may either grant relief for  
29 a fixed period or enter a permanent order of protection.

30 If the petitioner has petitioned for relief on behalf of the  
31 respondent's minor children, the court shall advise the petitioner that  
32 if the petitioner wants to continue protection for a period beyond one  
33 year the petitioner may either petition for renewal pursuant to the  
34 provisions of this chapter or may seek relief pursuant to the  
35 provisions of chapter 26.09 or 26.26 RCW.

36 (3) If the court grants an order for a fixed time period, the  
37 petitioner may apply for renewal of the order by filing a petition for  
38 renewal at any time within the three months before the order expires.  
39 The petition for renewal shall state the reasons why the petitioner

1 seeks to renew the protection order. Upon receipt of the petition for  
2 renewal the court shall order a hearing which shall be not later than  
3 fourteen days from the date of the order. Except as provided in RCW  
4 26.50.085, personal service shall be made on the respondent not less  
5 than five days before the hearing. If timely service cannot be made  
6 the court shall set a new hearing date and shall either require  
7 additional attempts at obtaining personal service or permit service by  
8 publication as provided in RCW 26.50.085 or by mail as provided in RCW  
9 26.50.123. If the court permits service by publication or mail, the  
10 court shall set the new hearing date not later than twenty-four days  
11 from the date of the order. If the order expires because timely  
12 service cannot be made the court shall grant an ex parte order of  
13 protection as provided in RCW 26.50.070. The court shall grant the  
14 petition for renewal unless the respondent proves by a preponderance of  
15 the evidence that the respondent will not resume acts of domestic  
16 violence against the petitioner or the petitioner's children or family  
17 or household members when the order expires. The court may renew the  
18 protection order for another fixed time period or may enter a permanent  
19 order as provided in this section. The court may award court costs,  
20 service fees, and reasonable attorneys' fees as provided in subsection  
21 (1)(f) of this section.

22 (4) In providing relief under this chapter, the court may realign  
23 the designation of the parties as "petitioner" and "respondent" where  
24 the court finds that the original petitioner is the abuser and the  
25 original respondent is the victim of domestic violence and may issue an  
26 ex parte temporary order for protection in accordance with RCW  
27 26.50.070 on behalf of the victim until the victim is able to prepare  
28 a petition for an order for protection in accordance with RCW  
29 26.50.030.

30 (5) Except as provided in subsection (4) of this section, no order  
31 for protection shall grant relief to any party except upon notice to  
32 the respondent and hearing pursuant to a petition or counter-petition  
33 filed and served by the party seeking relief in accordance with RCW  
34 26.50.050.

35 (6) The court order shall specify the date the order expires if  
36 any. The court order shall also state whether the court issued the  
37 protection order following personal service (~~(or)~~) service by  
38 publication, or service by mail and whether the court has approved  
39 service by publication or mail of an order issued under this section.

1 (7) If the court declines to issue an order for protection or  
2 declines to renew an order for protection, the court shall state in  
3 writing on the order the particular reasons for the court's denial.

4 **Sec. 14.** RCW 26.50.070 and 1995 c 246 s 8 are each amended to read  
5 as follows:

6 (1) Where an application under this section alleges that  
7 irreparable injury could result from domestic violence if an order is  
8 not issued immediately without prior notice to the respondent, the  
9 court may grant an ex parte temporary order for protection, pending a  
10 full hearing, and grant relief as the court deems proper, including an  
11 order:

12 (a) Restraining any party from committing acts of domestic  
13 violence;

14 (b) (~~Excluding~~) Restraining any party from going onto the grounds  
15 of or entering the dwelling (~~shared or from the residence of the~~  
16 other)) that the parties share, from the residence, workplace, or  
17 school of the other, or from the day care or school of a child until  
18 further order of the court;

19 (c) Restraining any party from interfering with the other's custody  
20 of the minor children or from removing the children from the  
21 jurisdiction of the court;

22 (d) Restraining any party from having any contact with the victim  
23 of domestic violence or the victim's children or members of the  
24 victim's household; and

25 (e) Considering the provisions of RCW 9.41.800.

26 (2) Irreparable injury under this section includes but is not  
27 limited to situations in which the respondent has recently threatened  
28 petitioner with bodily injury or has engaged in acts of domestic  
29 violence against the petitioner.

30 (3) The court shall hold an ex parte hearing in person or by  
31 telephone on the day the petition is filed or on the following judicial  
32 day.

33 (4) An ex parte temporary order for protection shall be effective  
34 for a fixed period not to exceed fourteen days or twenty-four days if  
35 the court has permitted service by publication under RCW 26.50.085 or  
36 by mail under RCW 26.50.123. The ex parte order may be reissued. A  
37 full hearing, as provided in this chapter, shall be set for not later  
38 than fourteen days from the issuance of the temporary order or not

1 later than twenty-four days if service by publication or by mail is  
2 permitted. Except as provided in RCW 26.50.050, 26.50.085, and  
3 26.50.123, the respondent shall be personally served with a copy of the  
4 ex parte order along with a copy of the petition and notice of the date  
5 set for the hearing.

6 (5) Any order issued under this section shall contain the date and  
7 time of issuance and the expiration date and shall be entered into a  
8 state-wide judicial information system by the clerk of the court within  
9 one judicial day after issuance.

10 (6) If the court declines to issue an ex parte temporary order for  
11 protection the court shall state the particular reasons for the court's  
12 denial. The court's denial of a motion for an ex parte order of  
13 protection shall be filed with the court.

14 **Sec. 15.** RCW 26.50.100 and 1995 c 246 s 13 are each amended to  
15 read as follows:

16 (1) A copy of an order for protection granted under this chapter  
17 shall be forwarded by the clerk of the court on or before the next  
18 judicial day to the appropriate law enforcement agency specified in the  
19 order.

20 Upon receipt of the order, the law enforcement agency shall  
21 forthwith enter the order into any computer-based criminal intelligence  
22 information system available in this state used by law enforcement  
23 agencies to list outstanding warrants. The order shall remain in the  
24 computer for the period stated in the order. The law enforcement  
25 agency shall only expunge from the computer-based criminal intelligence  
26 information system orders that are expired, vacated, or superseded.  
27 Entry into the law enforcement information system constitutes notice to  
28 all law enforcement agencies of the existence of the order. The order  
29 is fully enforceable in any county in the state.

30 (2) The information entered into the computer-based criminal  
31 intelligence information system shall include notice to law enforcement  
32 whether the order was personally served (~~(or)~~)  served by publication,  
33 or served by mail.

34 **Sec. 16.** RCW 26.50.110 and 1995 c 246 s 14 are each amended to  
35 read as follows:

36 (1) Whenever an order for protection is granted under this chapter  
37 and the respondent or person to be restrained knows of the order, a

1 violation of the restraint provisions or of a provision excluding the  
2 person from a residence, workplace, school, or day care is a gross  
3 misdemeanor except as provided in subsections (4) and (5) of this  
4 section. Upon conviction, and in addition to any other penalties  
5 provided by law, the court may require that the respondent submit to  
6 electronic monitoring. The court shall specify who shall provide the  
7 electronic monitoring services, and the terms under which the  
8 monitoring shall be performed. The order also may include a  
9 requirement that the respondent pay the costs of the monitoring. The  
10 court shall consider the ability of the convicted person to pay for  
11 electronic monitoring.

12 (2) A peace officer shall arrest without a warrant and take into  
13 custody a person whom the peace officer has probable cause to believe  
14 has violated an order issued under this chapter that restrains the  
15 person or excludes the person from a residence, workplace, school, or  
16 day care, if the person restrained knows of the order. Presence of the  
17 order in the law enforcement computer-based criminal intelligence  
18 information system is not the only means of establishing knowledge of  
19 the order.

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

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

28 (5) A violation of a court order issued under this chapter is a  
29 class C felony if the offender has at least two previous convictions  
30 for violating the provisions of a no-contact order issued under chapter  
31 10.99 RCW, a domestic violence protection order issued under chapter  
32 26.09, 26.10, or 26.26 RCW or this chapter, or any federal or out-of-  
33 state order that is comparable to a no-contact or protection order  
34 issued under Washington law. The previous convictions may involve the  
35 same victim or other victims specifically protected by the no-contact  
36 orders or protection orders the offender violated.

37 (6) Upon the filing of an affidavit by the petitioner or any peace  
38 officer alleging that the respondent has violated an order for  
39 protection granted under this chapter, the court may issue an order to



1 the respondent, requiring the respondent to appear and show cause  
2 within fourteen days why the respondent should not be found in contempt  
3 of court and punished accordingly. The hearing may be held in the  
4 court of any county or municipality in which the petitioner or  
5 respondent temporarily or permanently resides at the time of the  
6 alleged violation.

7 **Sec. 17.** RCW 26.50.115 and 1995 c 246 s 15 are each amended to  
8 read as follows:

9 (1) When the court issues an ex parte order pursuant to RCW  
10 26.50.070 or an order of protection (~~(ordered issued)~~) pursuant to RCW  
11 26.50.060, the court shall advise the petitioner that the respondent  
12 may not be subjected to the penalties set forth in RCW 26.50.110 for a  
13 violation of the order unless the respondent knows of the order.

14 (2) When a peace officer investigates a report of an alleged  
15 violation of an order for protection issued under this chapter the  
16 officer shall attempt to determine whether the respondent knew of the  
17 existence of the protection order. If the law enforcement officer  
18 determines that the respondent did not or probably did not know about  
19 the protection order and the officer is provided a current copy of the  
20 order, the officer shall serve the order on the respondent if the  
21 respondent is present. If the respondent is not present, the officer  
22 shall make reasonable efforts to serve a copy of the order on the  
23 respondent. If the officer serves the respondent with the petitioner's  
24 copy of the order, the officer shall give petitioner a receipt  
25 indicating that petitioner's copy has been served on the respondent.  
26 After the officer has served the order on the respondent, the officer  
27 shall enforce prospective compliance with the order.

28 (3) Presentation of an unexpired, certified copy of a protection  
29 order with proof of service is sufficient for a law enforcement officer  
30 to enforce (~~(the terms of)~~) the order regardless of the presence of the  
31 order in the law enforcement computer-based criminal intelligence  
32 information system."

1 **EHB 2472** - S AMD  
2 By Senator Smith

3

4 On page 1, line 1 of the title, after "violence;" strike the  
5 remainder of the title and insert "amending RCW 9.94A.370, 9.94A.390,  
6 10.99.020, 10.99.030, 10.99.040, 10.99.050, 26.09.300, 26.10.220,  
7 26.26.138, 26.50.030, 26.50.060, 26.50.070, 26.50.100, 26.50.110, and  
8 26.50.115; reenacting and amending RCW 10.31.100; adding a new section  
9 to chapter 9A.36 RCW; and prescribing penalties."

--- END ---