

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2576

Chapter 138, Laws of 2006

59th Legislature
2006 Regular Session

SEXUAL ASSAULT PROTECTION ORDER ACT

EFFECTIVE DATE: 6/7/06

Passed by the House March 8, 2006
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 7, 2006
Yeas 45 Nays 0

BRAD OWEN

President of the Senate

Approved March 20, 2006.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2576** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 20, 2006 - 11:44 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2576

AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Williams, Green, O'Brien, Kirby, Hunt, Ericks, Simpson, Lovick, McCoy, Lantz, Ormsby, Springer and Conway)

READ FIRST TIME 1/31/06.

1 AN ACT Relating to protection of sexual assault victims; amending
2 RCW 9A.46.060, 10.14.130, 10.31.100, 19.220.010, 26.50.110, and
3 59.18.575; reenacting and amending RCW 26.50.160; adding a new chapter
4 to Title 7 RCW; creating a new section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** Sexual assault is the most heinous crime
7 against another person short of murder. Sexual assault inflicts
8 humiliation, degradation, and terror on victims. According to the FBI,
9 a woman is raped every six minutes in the United States. Rape is
10 recognized as the most underreported crime; estimates suggest that only
11 one in seven rapes is reported to authorities. Victims who do not
12 report the crime still desire safety and protection from future
13 interactions with the offender. Some cases in which the rape is
14 reported are not prosecuted. In these situations, the victim should be
15 able to seek a civil remedy requiring that the offender stay away from
16 the victim.

17 NEW SECTION. **Sec. 2.** The definitions in this section apply
18 throughout this chapter unless the context clearly requires otherwise.

1 (1) "Nonconsensual" means a lack of freely given agreement.

2 (2) "Petitioner" means any named petitioner for the sexual assault
3 protection order or any named victim of nonconsensual sexual conduct or
4 nonconsensual sexual penetration on whose behalf the petition is
5 brought.

6 (3) "Sexual assault protection order" means an ex parte temporary
7 order or a final order granted under this chapter, which includes a
8 remedy authorized by section 10 of this act.

9 (4) "Sexual conduct" means any of the following:

10 (a) Any intentional or knowing touching or fondling of the
11 genitals, anus, or breasts, directly or indirectly, including through
12 clothing;

13 (b) Any intentional or knowing display of the genitals, anus, or
14 breasts for the purposes of arousal or sexual gratification of the
15 respondent;

16 (c) Any intentional or knowing touching or fondling of the
17 genitals, anus, or breasts, directly or indirectly, including through
18 clothing, that the petitioner is forced to perform by another person or
19 the respondent;

20 (d) Any forced display of the petitioner's genitals, anus, or
21 breasts for the purposes of arousal or sexual gratification of the
22 respondent or others;

23 (e) Any intentional or knowing touching of the clothed or unclothed
24 body of a child under the age of thirteen, if done for the purpose of
25 sexual gratification or arousal of the respondent or others; and

26 (f) Any coerced or forced touching or fondling by a child under the
27 age of thirteen, directly or indirectly, including through clothing, of
28 the genitals, anus, or breasts of the respondent or others.

29 (5) "Sexual penetration" means any contact, however slight, between
30 the sex organ or anus of one person by an object, the sex organ, mouth,
31 or anus of another person, or any intrusion, however slight, of any
32 part of the body of one person or of any animal or object into the sex
33 organ or anus of another person, including but not limited to
34 cunnilingus, fellatio, or anal penetration. Evidence of emission of
35 semen is not required to prove sexual penetration.

36 (6) "Nonphysical contact" includes, but is not limited to,
37 telephone calls, mail, e-mail, fax, and written notes.

1 NEW SECTION. **Sec. 3.** A petition for a sexual assault protection
2 order may be filed by a person:

3 (1) Who is a victim of nonconsensual sexual conduct or
4 nonconsensual sexual penetration, including a single incident of
5 nonconsensual sexual conduct or nonconsensual sexual penetration; or

6 (2) On behalf of any of the following persons who is a victim of
7 nonconsensual sexual conduct or nonconsensual sexual penetration:

8 (a) A minor child;

9 (b) A vulnerable adult as defined in RCW 74.34.020 or 74.34.021; or

10 (c) Any other adult who, because of age, disability, health, or
11 inaccessibility, cannot file the petition.

12 NEW SECTION. **Sec. 4.** (1) Any person may seek relief under this
13 chapter by filing a petition with a court alleging that the person has
14 been the victim of nonconsensual sexual conduct or nonconsensual sexual
15 penetration committed by the respondent.

16 (2) A person under eighteen years of age who is sixteen years of
17 age or older may seek relief under this chapter and is not required to
18 seek relief by a guardian or next friend.

19 (3) No guardian or guardian ad litem need be appointed on behalf of
20 a respondent to an action under this chapter who is under eighteen
21 years of age if such respondent is sixteen years of age or older.

22 (4) The court may, if it deems necessary, appoint a guardian ad
23 litem for a petitioner or respondent who is a party to an action under
24 this chapter.

25 (5) Jurisdiction of the courts over proceedings under this chapter
26 shall be the same as jurisdiction over domestic violence protection
27 orders under RCW 26.50.020(5).

28 (6) An action under this chapter shall be filed in the county or
29 the municipality where the petitioner resides.

30 NEW SECTION. **Sec. 5.** There shall exist an action known as a
31 petition for a sexual assault protection order.

32 (1) A petition for relief shall allege the existence of
33 nonconsensual sexual conduct or nonconsensual sexual penetration, and
34 shall be accompanied by an affidavit made under oath stating the
35 specific statements or actions made at the same time of the sexual
36 assault or subsequently thereafter, which give rise to a reasonable

1 fear of future dangerous acts, for which relief is sought. Petitioner
2 and respondent shall disclose the existence of any other litigation or
3 of any other restraining, protection, or no-contact orders between the
4 parties.

5 (2) A petition for relief may be made regardless of whether or not
6 there is a pending lawsuit, complaint, petition, or other action
7 between the parties.

8 (3) Within ninety days of receipt of the master copy from the
9 administrative office of the courts, all court clerk's offices shall
10 make available the standardized forms, instructions, and informational
11 brochures required by section 19 of this act and shall fill in and keep
12 current specific program names and telephone numbers for community
13 resources. Any assistance or information provided by clerks under this
14 section does not constitute the practice of law and clerks are not
15 responsible for incorrect information contained in a petition.

16 (4) No filing fee may be charged for proceedings under this
17 chapter. Forms and instructional brochures and the necessary number of
18 certified copies shall be provided free of charge.

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

21 (6) If the petition states that disclosure of the petitioner's
22 address would risk abuse of the petitioner or any member of the
23 petitioner's family or household, that address may be omitted from all
24 documents filed with the court. If the petitioner has not disclosed an
25 address under this subsection, the petitioner shall designate an
26 alternative address at which the respondent may serve notice of any
27 motions.

28 NEW SECTION. **Sec. 6.** Upon receipt of the petition, the court
29 shall order a hearing which shall be held not later than fourteen days
30 from the date of the order. The court may schedule a hearing by
31 telephone pursuant to local court rule, to reasonably accommodate a
32 disability, or in exceptional circumstances to protect a petitioner
33 from further nonconsensual sexual conduct or nonconsensual sexual
34 penetration. The court shall require assurances of the petitioner's
35 identity before conducting a telephonic hearing. Except as provided in
36 section 12 of this act, personal service shall be made upon the
37 respondent not less than five court days prior to the hearing. If

1 timely personal service cannot be made, the court shall set a new
2 hearing date and shall require additional attempts at obtaining
3 personal service. The court may issue an ex parte temporary sexual
4 assault order pending the hearing as provided in section 12 of this
5 act.

6 NEW SECTION. **Sec. 7.** Sexual assault advocates, as defined in RCW
7 5.60.060, shall be allowed to accompany the victim and confer with the
8 victim, unless otherwise directed by the court. Court administrators
9 shall allow sexual assault advocates to assist victims of nonconsensual
10 sexual conduct or nonconsensual sexual penetration in the preparation
11 of petitions for sexual assault protection orders. Sexual assault
12 advocates are not engaged in the unauthorized practice of law when
13 providing assistance of the types specified in this section.
14 Communications between the petitioner and a sexual assault advocate are
15 protected as provided by RCW 5.60.060.

16 NEW SECTION. **Sec. 8.** The court may appoint counsel to represent
17 the petitioner if the respondent is represented by counsel.

18 NEW SECTION. **Sec. 9.** (1) In proceedings for a sexual assault
19 protection order and prosecutions for violating a sexual assault
20 protection order, the prior sexual activity or the reputation of the
21 petitioner is inadmissible except:

22 (a) As evidence concerning the past sexual conduct of the
23 petitioner with the respondent when this evidence is offered by the
24 respondent upon the issue of whether the petitioner consented to the
25 sexual conduct with respect to which the offense is alleged; or

26 (b) When constitutionally required to be admitted.

27 (2) No evidence admissible under this section may be introduced
28 unless ruled admissible by the court after an offer of proof has been
29 made at a hearing held in camera to determine whether the respondent
30 has evidence to impeach the witness in the event that prior sexual
31 activity with the respondent is denied. The offer of proof shall
32 include reasonably specific information as to the date, time, and place
33 of the past sexual conduct between the petitioner and the respondent.
34 Unless the court finds that reasonably specific information as to date,
35 time, or place, or some combination thereof, has been offered as to

1 prior sexual activity with the respondent, counsel for the respondent
2 shall be ordered to refrain from inquiring into prior sexual activity
3 between the petitioner and the respondent. The court may not admit
4 evidence under this section unless it determines at the hearing that
5 the evidence is relevant and the probative value of the evidence
6 outweighs the danger of unfair prejudice. The evidence shall be
7 admissible at trial to the extent an order made by the court specifies
8 the evidence that may be admitted and areas with respect to which the
9 petitioner may be examined or cross-examined.

10 NEW SECTION. **Sec. 10.** (1)(a) If the court finds by a
11 preponderance of the evidence that the petitioner has been a victim of
12 nonconsensual sexual conduct or nonconsensual sexual penetration by the
13 respondent, the court shall issue a sexual assault protection order;
14 provided that the petitioner must also satisfy the requirements of
15 section 12 of this act for ex parte temporary orders or section 13 of
16 this act for final orders.

17 (b) The petitioner shall not be denied a sexual assault protection
18 order because the petitioner or the respondent is a minor or because
19 the petitioner did not report the assault to law enforcement. The
20 court, when determining whether or not to issue a sexual assault
21 protection order, may not require proof of physical injury on the
22 person of the victim or proof that the petitioner has reported the
23 sexual assault to law enforcement. Modification and extension of prior
24 sexual assault protection orders shall be in accordance with this
25 chapter.

26 (2) The court may provide relief as follows:

27 (a) Restrain the respondent from having any contact, including
28 nonphysical contact, with the petitioner directly, indirectly, or
29 through third parties regardless of whether those third parties know of
30 the order;

31 (b) Exclude the respondent from the petitioner's residence,
32 workplace, or school, or from the day care or school of a child, if the
33 victim is a child;

34 (c) Prohibit the respondent from knowingly coming within, or
35 knowingly remaining within, a specified distance from a specified
36 location; and

1 (d) Order any other injunctive relief as necessary or appropriate
2 for the protection of the petitioner.

3 (3) In cases where the petitioner and the respondent are under the
4 age of eighteen and attend the same public or private elementary,
5 middle, or high school, the court, when issuing a protection order and
6 providing relief, shall consider, among the other facts of the case,
7 the severity of the act, any continuing physical danger or emotional
8 distress to the petitioner, and the expense difficulty, and educational
9 disruption that would be caused by a transfer of the respondent to
10 another school. The court may order that the person restrained in the
11 order not attend the public or approved private elementary, middle, or
12 high school attended by the person under the age of eighteen protected
13 by the order. In the event the court orders a transfer of the
14 restrained person to another school, the parents or legal guardians of
15 the person restrained in the order are responsible for transportation
16 and other costs associated with the change of school by the person
17 restrained in the order. The court shall send notice of the
18 restriction on attending the same school as the person protected by the
19 order to the public or approved private school the person restrained by
20 the order will attend and to the school the person protected by the
21 order attends.

22 (4) Denial of a remedy may not be based, in whole or in part, on
23 evidence that:

24 (a) The respondent was voluntarily intoxicated;

25 (b) The petitioner was voluntarily intoxicated; or

26 (c) The petitioner engaged in limited consensual sexual touching.

27 (5) Monetary damages are not recoverable as a remedy.

28 (6) A knowing violation of a court order issued under this section
29 is punishable under RCW 26.50.110.

30 NEW SECTION. **Sec. 11.** For the purposes of issuing a sexual
31 assault protection order, deciding what relief should be included in
32 the order, and enforcing the order, RCW 9A.08.020 shall govern whether
33 the respondent is legally accountable for the conduct of another
34 person.

35 NEW SECTION. **Sec. 12.** (1) An ex parte temporary sexual assault

1 protection order shall issue if the petitioner satisfies the
2 requirements of this subsection by a preponderance of the evidence.
3 The petitioner shall establish that:

4 (a) The petitioner has been a victim of nonconsensual sexual
5 conduct or nonconsensual sexual penetration by the respondent; and

6 (b) There is good cause to grant the remedy, regardless of prior
7 service of process or of notice upon the respondent, because the harm
8 which that remedy is intended to prevent would be likely to occur if
9 the respondent were given any prior notice, or greater notice than was
10 actually given, of the petitioner's efforts to obtain judicial relief.

11 (2) If the respondent appears in court for this hearing for an ex
12 parte temporary order, he or she may elect to file a general appearance
13 and testify. Any resulting order may be an ex parte temporary order,
14 governed by this section.

15 (3) If the court declines to issue an ex parte temporary sexual
16 assault protection order, the court shall state the particular reasons
17 for the court's denial. The court's denial of a motion for an ex parte
18 order shall be filed with the court.

19 (4) A knowing violation of a court order issued under this section
20 is punishable under RCW 26.50.110.

21 NEW SECTION. **Sec. 13.** (1)(a) An ex parte temporary sexual assault
22 protection order shall be effective for a fixed period not to exceed
23 fourteen days. A full hearing, as provided in this chapter, shall be
24 set for not later than fourteen days from the issuance of the temporary
25 order. Except as provided in section 6 of this act, the respondent
26 shall be personally served with a copy of the ex parte temporary sexual
27 assault protection order along with a copy of the petition and notice
28 of the date set for the hearing.

29 (b) Any ex parte temporary order issued under this section shall
30 contain the date and time of issuance and the expiration date and shall
31 be entered into a statewide judicial information system by the clerk of
32 the court within one judicial day after issuance.

33 (2) Except as otherwise provided in this section or section 16 of
34 this act, a final sexual assault protection order shall be effective
35 for a fixed period of time, not to exceed two years.

36 (3) Any ex parte temporary or final sexual assault protection order
37 may be renewed one or more times, as required. The petitioner may

1 apply for renewal of the order by filing a petition for renewal at any
2 time within the three months before the order expires. If the motion
3 for renewal is uncontested and the petitioner seeks no modification of
4 the order, the order may be renewed on the basis of the petitioner's
5 motion or affidavit stating that there has been no material change in
6 relevant circumstances since entry of the order and stating the reason
7 for the requested renewal. Renewals may be granted only in open court.

8 (4) Any sexual assault protection order which would expire on a
9 court holiday shall instead expire at the close of the next court
10 business day.

11 (5) The practice of dismissing or suspending a criminal prosecution
12 in exchange for the issuance of a sexual assault protection order
13 undermines the purposes of this chapter. This section shall not be
14 construed as encouraging that practice.

15 NEW SECTION. **Sec. 14.** (1) Any sexual assault protection order
16 shall describe each remedy granted by the court, in reasonable detail
17 and not by reference to any other document, so that the respondent may
18 clearly understand what he or she must do or refrain from doing.

19 (2) A sexual assault protection order shall further state the
20 following:

21 (a) The name of each petitioner that the court finds was the victim
22 of nonconsensual sexual conduct or nonconsensual sexual penetration by
23 the respondent;

24 (b) The date and time the sexual assault protection order was
25 issued, whether it is an ex parte temporary or final order, and the
26 duration of the order;

27 (c) The date, time, and place for any scheduled hearing for renewal
28 of that sexual assault protection order or for another order of greater
29 duration or scope;

30 (d) For each remedy in an ex parte temporary sexual assault
31 protection order, the reason for entering that remedy without prior
32 notice to the respondent or greater notice than was actually given;

33 (e) For ex parte temporary sexual assault protection orders, that
34 the respondent may petition the court, to reopen the order if he or she
35 did not receive actual prior notice of the hearing and if the
36 respondent alleges that he or she had a meritorious defense to the

1 order or that the order or its remedy is not authorized by this
2 chapter.

3 (3) A sexual assault protection order shall include the following
4 notice, printed in conspicuous type: "A knowing violation of this
5 sexual assault protection order is a criminal offense under chapter
6 26.50 RCW and will subject a violator to arrest. You can be arrested
7 even if any person protected by the order invites or allows you to
8 violate the order's prohibitions. You have the sole responsibility to
9 avoid or refrain from violating the order's provisions. Only the court
10 can change the order."

11 NEW SECTION. **Sec. 15.** (1) An order issued under this chapter
12 shall be personally served upon the respondent, except as provided in
13 subsection (6) of this section.

14 (2) The sheriff of the county or the peace officers of the
15 municipality in which the respondent resides shall serve the respondent
16 personally unless the petitioner elects to have the respondent served
17 by a private party.

18 (3) If service by a sheriff or municipal peace officer is to be
19 used, the clerk of the court shall have a copy of any order issued
20 under this chapter forwarded on or before the next judicial day to the
21 appropriate law enforcement agency specified in the order for service
22 upon the respondent. Service of an order issued under this chapter
23 shall take precedence over the service of other documents unless they
24 are of a similar emergency nature.

25 (4) If the sheriff or municipal peace officer cannot complete
26 service upon the respondent within ten days, the sheriff or municipal
27 peace officer shall notify the petitioner. The petitioner shall
28 provide information sufficient to permit notification.

29 (5) Returns of service under this chapter shall be made in
30 accordance with the applicable court rules.

31 (6) If an order entered by the court recites that the respondent
32 appeared in person before the court, the necessity for further service
33 is waived and proof of service of that order is not necessary.

34 NEW SECTION. **Sec. 16.** (1)(a) When any person charged with or
35 arrested for a sex offense as defined in RCW 9.94A.030, a violation of
36 RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor

1 that is, under chapter 9A.28 RCW, a criminal attempt, criminal
2 solicitation, or criminal conspiracy to commit an offense that is
3 classified as a sex offense under RCW 9.94A.030, is released from
4 custody before arraignment or trial on bail or personal recognizance,
5 the court authorizing the release may prohibit that person from having
6 any contact with the victim. The jurisdiction authorizing the release
7 shall determine whether that person should be prohibited from having
8 any contact with the victim. If there is no outstanding restraining or
9 protective order prohibiting that person from having contact with the
10 victim, the court authorizing release may issue, by telephone, a sexual
11 assault protection order prohibiting the person charged or arrested
12 from having contact with the victim or from knowingly coming within, or
13 knowingly remaining within, a specified distance of a location.

14 (b) In issuing the order, the court shall consider the provisions
15 of RCW 9.41.800.

16 (c) The sexual assault protection order shall also be issued in
17 writing as soon as possible.

18 (2)(a) At the time of arraignment or whenever a motion is brought
19 to modify the conditions of the defendant's release, the court shall
20 determine whether a sexual assault protection order shall be issued or
21 extended. If a sexual assault protection order is issued or extended,
22 the court may also include in the conditions of release a requirement
23 that the defendant submit to electronic monitoring. If electronic
24 monitoring is ordered, the court shall specify who shall provide the
25 monitoring services, and the terms under which the monitoring shall be
26 performed. Upon conviction, the court may require as a condition of
27 the sentence that the defendant reimburse the providing agency for the
28 costs of the electronic monitoring.

29 (b) A sexual assault protection order issued by the court in
30 conjunction with criminal charges shall terminate if the defendant is
31 acquitted or the charges are dismissed, unless the victim files an
32 independent action for a sexual assault protection order. If the
33 victim files an independent action for a sexual assault protection
34 order, the order may be continued by the court until a full hearing is
35 conducted pursuant to section 6 of this act.

36 (3)(a) 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 26.50 RCW

1 and will subject a violator to arrest. You can be arrested even if any
2 person protected by the order invites or allows you to violate the
3 order's prohibitions. You have the sole responsibility to avoid or
4 refrain from violating the order's provisions. Only the court can
5 change the order."

6 (b) A certified copy of the order shall be provided to the victim
7 at no charge.

8 (4) If a sexual assault protection order has been issued prior to
9 charging, that order shall expire at arraignment or within seventy-two
10 hours if charges are not filed. Such orders need not be entered into
11 the computer-based criminal intelligence information system in this
12 state which is used by law enforcement agencies to list outstanding
13 warrants.

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

26 (6)(a) When a defendant is found guilty of a sex offense as defined
27 in RCW 9.94A.030, any violation of RCW 9A.44.096, or any violation of
28 RCW 9.68A.090, or any gross misdemeanor that is, under chapter 9A.28
29 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy
30 to commit an offense that is classified as a sex offense under RCW
31 9.94A.030, and a condition of the sentence restricts the defendant's
32 ability to have contact with the victim, the condition shall be
33 recorded as a sexual assault protection order.

34 (b) The written order entered as a condition of sentencing shall
35 contain the court's directives and shall bear the legend: "Violation
36 of this order is a criminal offense under chapter 26.50 RCW and will
37 subject a violator to arrest. You can be arrested even if any person
38 protected by the order invites or allows you to violate the order's

1 prohibitions. You have the sole responsibility to avoid or refrain
2 from violating the order's provisions. Only the court can change the
3 order."

4 (c) A final sexual assault protection order entered in conjunction
5 with a criminal prosecution shall remain in effect for a period of two
6 years following the expiration of any sentence of imprisonment and
7 subsequent period of community supervision, conditional release,
8 probation, or parole.

9 (d) A certified copy of the order shall be provided to the victim
10 at no charge.

11 (7) A knowing violation of a court order issued under subsection
12 (1), (2), or (6) of this section is punishable under RCW 26.50.110.

13 (8) Whenever a sexual assault protection order is issued, modified,
14 or terminated under subsection (1), (2), or (6) of this section, the
15 clerk of the court shall forward a copy of the order on or before the
16 next judicial day to the appropriate law enforcement agency specified
17 in the order. Upon receipt of the copy of the order, the law
18 enforcement agency shall enter the order for one year or until the
19 expiration date specified on the order into any computer-based criminal
20 intelligence information system available in this state used by law
21 enforcement agencies to list outstanding warrants. Entry into the
22 computer-based criminal intelligence information system constitutes
23 notice to all law enforcement agencies of the existence of the order.
24 The order is fully enforceable in any jurisdiction in the state. Upon
25 receipt of notice that an order has been terminated under subsection
26 (2) of this section, the law enforcement agency shall remove the order
27 from the computer-based criminal intelligence information system.

28 NEW SECTION. **Sec. 17.** (1) A copy of a sexual assault protection
29 order granted under this chapter shall be forwarded by the clerk of the
30 court on or before the next judicial day to the appropriate law
31 enforcement agency specified in the order. Upon receipt of the order,
32 the law enforcement agency shall immediately enter the order into any
33 computer-based criminal intelligence information system available in
34 this state used by law enforcement agencies to list outstanding
35 warrants. The order shall remain in the computer for one year or until
36 the expiration date specified on the order. Upon receipt of notice
37 that an order has been terminated, the law enforcement agency shall

1 remove the order from the computer-based criminal intelligence
2 information system. The law enforcement agency shall only expunge from
3 the computer-based criminal intelligence information system orders that
4 are expired, vacated, terminated, or superseded. Entry into the law
5 enforcement information system constitutes notice to all law
6 enforcement agencies of the existence of the order. The order is fully
7 enforceable in any county in the state.

8 (2) The information entered into the computer-based criminal
9 intelligence information system shall include notice to law enforcement
10 whether the order was personally served, served by publication, or
11 served by mail.

12 NEW SECTION. **Sec. 18.** Upon application with notice to all parties
13 and after a hearing, the court may modify the terms of an existing
14 sexual assault protection order. In any situation where an order is
15 terminated or modified before its expiration date, the clerk of the
16 court shall forward on or before the next judicial day a true copy of
17 the modified order or the termination order to the appropriate law
18 enforcement agency specified in the modified or termination order.
19 Upon receipt of the order, the law enforcement agency shall promptly
20 enter it in the computer-based criminal intelligence information
21 system, or if the order is terminated, remove the order from the
22 computer-based criminal intelligence information system.

23 NEW SECTION. **Sec. 19.** (1) The administrative office of the courts
24 shall develop and prepare instructions and informational brochures
25 required under section 5 of this act, standard petition and order for
26 protection forms, and a court staff handbook on sexual assault, and the
27 protection order process. The standard petition and order for
28 protection forms must be used after September 1, 2006, for all
29 petitions filed and orders issued under this chapter. The
30 instructions, brochures, forms, and handbook shall be prepared in
31 consultation with interested persons, including a representative of the
32 state sexual assault coalition, judges, and law enforcement personnel.

33 (a) The instructions shall be designed to assist petitioners in
34 completing the petition, and shall include a sample of standard
35 petition and order for protection forms.

1 (b) The informational brochure shall describe the use of and the
2 process for obtaining, modifying, and terminating a protection order as
3 provided under this chapter.

4 (c) The order for protection form shall include, in a conspicuous
5 location, notice of criminal penalties resulting from violation of the
6 order, and the following statement: "You can be arrested even if the
7 person or persons who obtained the order invite or allow you to violate
8 the order's prohibitions. The respondent has the sole responsibility
9 to avoid or refrain from violating the order's provisions. Only the
10 court can change the order upon written application."

11 (d) The court staff handbook shall allow for the addition of a
12 community resource list by the court clerk.

13 (2) All court clerks shall obtain a community resource list from a
14 sexual assault program serving the county in which the court is
15 located. The community resource list shall include the names and
16 telephone numbers of sexual assault programs serving the community in
17 which the court is located, including law enforcement agencies,
18 domestic violence agencies, sexual assault agencies, legal assistance
19 programs, interpreters, multicultural programs, and batterers'
20 treatment programs. The court shall make the community resource list
21 available as part of or in addition to the informational brochures
22 described in subsection (1) of this section.

23 (3) The administrative office of the courts shall distribute a
24 master copy of the petition and order forms, instructions, and
25 informational brochures to all court clerks and shall distribute a
26 master copy of the petition and order forms to all superior, district,
27 and municipal courts.

28 (4) For purposes of this section, "court clerks" means court
29 administrators in courts of limited jurisdiction and elected court
30 clerks.

31 (5) The administrative office of the courts shall determine the
32 significant non-English-speaking or limited English-speaking
33 populations in the state. The administrator shall then arrange for
34 translation of the instructions and informational brochures required by
35 this section, which shall contain a sample of the standard petition and
36 order for protection forms, into the languages spoken by those
37 significant non-English-speaking populations and shall distribute a

1 master copy of the translated instructions and informational brochures
2 to all court clerks by December 1, 2006.

3 (6) The administrative office of the courts shall update the
4 instructions, brochures, standard petition and order for protection
5 forms, and court staff handbook when changes in the law make an update
6 necessary.

7 NEW SECTION. **Sec. 20.** An ex parte temporary order issued under
8 this chapter shall not be admissible as evidence in any subsequent
9 civil action for damages arising from the conduct alleged in the
10 petition or the order.

11 **Sec. 21.** RCW 9A.46.060 and 2004 c 94 s 4 are each amended to read
12 as follows:

13 As used in this chapter, "harassment" may include but is not
14 limited to any of the following crimes:

- 15 (1) Harassment (RCW 9A.46.020);
- 16 (2) Malicious harassment (RCW 9A.36.080);
- 17 (3) Telephone harassment (RCW 9.61.230);
- 18 (4) Assault in the first degree (RCW 9A.36.011);
- 19 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 20 (6) Assault in the second degree (RCW 9A.36.021);
- 21 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 22 (8) Assault in the fourth degree (RCW 9A.36.041);
- 23 (9) Reckless endangerment (RCW 9A.36.050);
- 24 (10) Extortion in the first degree (RCW 9A.56.120);
- 25 (11) Extortion in the second degree (RCW 9A.56.130);
- 26 (12) Coercion (RCW 9A.36.070);
- 27 (13) Burglary in the first degree (RCW 9A.52.020);
- 28 (14) Burglary in the second degree (RCW 9A.52.030);
- 29 (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 30 (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 31 (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 32 (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 33 (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 34 (20) Kidnapping in the first degree (RCW 9A.40.020);
- 35 (21) Kidnapping in the second degree (RCW 9A.40.030);
- 36 (22) Unlawful imprisonment (RCW 9A.40.040);

- 1 (23) Rape in the first degree (RCW 9A.44.040);
2 (24) Rape in the second degree (RCW 9A.44.050);
3 (25) Rape in the third degree (RCW 9A.44.060);
4 (26) Indecent liberties (RCW 9A.44.100);
5 (27) Rape of a child in the first degree (RCW 9A.44.073);
6 (28) Rape of a child in the second degree (RCW 9A.44.076);
7 (29) Rape of a child in the third degree (RCW 9A.44.079);
8 (30) Child molestation in the first degree (RCW 9A.44.083);
9 (31) Child molestation in the second degree (RCW 9A.44.086);
10 (32) Child molestation in the third degree (RCW 9A.44.089);
11 (33) Stalking (RCW 9A.46.110);
12 (34) Cyberstalking (RCW 9.61.260);
13 (35) Residential burglary (RCW 9A.52.025);
14 (36) Violation of a temporary (~~or~~), permanent, or final
15 protective order issued pursuant to chapter 7.-- (sections 1 through 20
16 of this act), 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;
17 (37) Unlawful discharge of a laser in the first degree (RCW
18 9A.49.020); and
19 (38) Unlawful discharge of a laser in the second degree (RCW
20 9A.49.030).

21 **Sec. 22.** RCW 10.14.130 and 1987 c 280 s 13 are each amended to
22 read as follows:

23 Protection orders authorized under this chapter shall not be issued
24 for any action specifically covered by chapter 7.-- (sections 1 through
25 20 of this act), 10.99, or 26.50 RCW.

26 **Sec. 23.** RCW 10.31.100 and 2000 c 119 s 4 are each amended to read
27 as follows:

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

34 (1) Any police officer having probable cause to believe that a
35 person has committed or is committing a misdemeanor or gross
36 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 26.44.063, or chapter 7.-- (sections 1 through 20 of this
11 act), 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the
12 person and the person has violated the terms of the order restraining
13 the person from acts or threats of violence, or restraining the person
14 from going onto the grounds of or entering a residence, workplace,
15 school, or day care, or prohibiting the person from knowingly coming
16 within, or knowingly remaining within, a specified distance of a
17 location or, in the case of an order issued under RCW 26.44.063,
18 imposing any other restrictions or conditions upon the person; or

19 (b) A foreign protection order, as defined in RCW 26.52.010, has
20 been issued of which the person under restraint has knowledge and the
21 person under restraint has violated a provision of the foreign
22 protection order prohibiting the person under restraint from contacting
23 or communicating with another person, or excluding the person under
24 restraint from a residence, workplace, school, or day care, or
25 prohibiting the person from knowingly coming within, or knowingly
26 remaining within, a specified distance of a location, or a violation of
27 any provision for which the foreign protection order specifically
28 indicates that a violation will be a crime; or

29 (c) The person is sixteen years or older and within the preceding
30 four hours has assaulted a family or household member as defined in RCW
31 10.99.020 and the officer believes: (i) A felonious assault has
32 occurred; (ii) an assault has occurred which has resulted in bodily
33 injury to the victim, whether the injury is observable by the
34 responding officer or not; or (iii) that any physical action has
35 occurred which was intended to cause another person reasonably to fear
36 imminent serious bodily injury or death. Bodily injury means physical
37 pain, illness, or an impairment of physical condition. When the
38 officer has probable cause to believe that family or household members

1 have assaulted each other, the officer is not required to arrest both
2 persons. The officer shall arrest the person whom the officer believes
3 to be the primary physical aggressor. In making this determination,
4 the officer shall make every reasonable effort to consider: (i) The
5 intent to protect victims of domestic violence under RCW 10.99.010;
6 (ii) the comparative extent of injuries inflicted or serious threats
7 creating fear of physical injury; and (iii) the history of domestic
8 violence between the persons involved.

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

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

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

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

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

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

22 (f) RCW 46.61.5249, relating to operating a motor vehicle in a
23 negligent manner.

24 (4) A law enforcement officer investigating at the scene of a motor
25 vehicle accident may arrest the driver of a motor vehicle involved in
26 the accident if the officer has probable cause to believe that the
27 driver has committed in connection with the accident a violation of any
28 traffic law or regulation.

29 (5) Any police officer having probable cause to believe that a
30 person has committed or is committing a violation of RCW 79A.60.040
31 shall have the authority to arrest the person.

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

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

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

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

12 (10) A police officer having probable cause to believe that a
13 person illegally possesses or illegally has possessed a firearm or
14 other dangerous weapon on private or public elementary or secondary
15 school premises shall have the authority to arrest the person.

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

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

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

25 **Sec. 24.** RCW 19.220.010 and 2003 c 268 s 1 are each amended to
26 read as follows:

27 (1) Each international matchmaking organization doing business in
28 Washington state shall disseminate to a recruit, upon request, state
29 background check information and personal history information relating
30 to any Washington state resident about whom any information is provided
31 to the recruit, in the recruit's native language. The organization
32 shall notify all recruits that background check and personal history
33 information is available upon request. The notice that background
34 check and personal history information is available upon request shall
35 be in the recruit's native language and shall be displayed in a manner
36 that separates it from other information, is highly noticeable, and in
37 lettering not less than one-quarter of an inch high.

1 (2) If an international matchmaking organization receives a request
2 for information from a recruit pursuant to subsection (1) of this
3 section, the organization shall notify the Washington state resident of
4 the request. Upon receiving notification, the Washington state
5 resident shall obtain from the state patrol and provide to the
6 organization the complete transcript of any background check
7 information provided pursuant to RCW 43.43.760 based on a submission of
8 fingerprint impressions and provided pursuant to RCW 43.43.838 and
9 shall provide to the organization his or her personal history
10 information. The organization shall require the resident to affirm
11 that personal history information is complete and accurate. The
12 organization shall refrain from knowingly providing any further
13 services to the recruit or the Washington state resident in regards to
14 facilitating future interaction between the recruit and the Washington
15 state resident until the organization has obtained the requested
16 information and provided it to the recruit.

17 (3) This section does not apply to a traditional matchmaking
18 organization of a religious nature that otherwise operates in
19 compliance with the laws of the countries of the recruits of such
20 organization and the laws of the United States nor to any organization
21 that does not charge a fee to any party for the service provided.

22 (4) As used in this section:

23 (a) "International matchmaking organization" means a corporation,
24 partnership, business, or other legal entity, whether or not organized
25 under the laws of the United States or any state, that does business in
26 the United States and for profit offers to Washington state residents,
27 including aliens lawfully admitted for permanent residence and residing
28 in Washington state, dating, matrimonial, or social referral services
29 involving citizens of a foreign country or countries who are not
30 residing in the United States, by: (i) An exchange of names, telephone
31 numbers, addresses, or statistics; (ii) selection of photographs; or
32 (iii) a social environment provided by the organization in a country
33 other than the United States.

34 (b) "Personal history information" means a declaration of the
35 person's current marital status, the number of previous marriages,
36 annulments, and dissolutions for the person, and whether any previous
37 marriages occurred as a result of receiving services from an
38 international matchmaking organization; founded allegations of child

1 abuse or neglect; and any existing orders under chapter 7.-- (sections
2 1 through 20 of this act), 10.14, 10.99, or 26.50 RCW. Personal
3 history information shall include information from the state of
4 Washington and any information from other states or countries.

5 (c) "Recruit" means a noncitizen, nonresident person, recruited by
6 an international matchmaking organization for the purpose of providing
7 dating, matrimonial, or social referral services.

8 **Sec. 25.** RCW 26.50.110 and 2000 c 119 s 24 are each amended to
9 read as follows:

10 (1) Whenever an order is granted under this chapter, chapter 7.--
11 (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or
12 74.34 RCW, or there is a valid foreign protection order as defined in
13 RCW 26.52.020, and the respondent or person to be restrained knows of
14 the order, a violation of the restraint provisions, or of a provision
15 excluding the person from a residence, workplace, school, or day care,
16 or of a provision prohibiting a person from knowingly coming within, or
17 knowingly remaining within, a specified distance of a location, or of
18 a provision of a foreign protection order specifically indicating that
19 a violation will be a crime, for which an arrest is required under RCW
20 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in
21 subsections (4) and (5) of this section. Upon conviction, and in
22 addition to any other penalties provided by law, the court may require
23 that the respondent submit to electronic monitoring. The court shall
24 specify who shall provide the electronic monitoring services, and the
25 terms under which the monitoring shall be performed. The order also
26 may include a requirement that the respondent pay the costs of the
27 monitoring. The court shall consider the ability of the convicted
28 person to pay for electronic monitoring.

29 (2) A peace officer shall arrest without a warrant and take into
30 custody a person whom the peace officer has probable cause to believe
31 has violated an order issued under this chapter, chapter 7.-- (sections
32 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or
33 a valid foreign protection order as defined in RCW 26.52.020, that
34 restrains the person or excludes the person from a residence,
35 workplace, school, or day care, or prohibits the person from knowingly
36 coming within, or knowingly remaining within, a specified distance of
37 a location, if the person restrained knows of the order. Presence of

1 the order in the law enforcement computer-based criminal intelligence
2 information system is not the only means of establishing knowledge of
3 the order.

4 (3) A violation of an order issued under this chapter, chapter 7.--
5 (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or
6 74.34 RCW, or of a valid foreign protection order as defined in RCW
7 26.52.020, shall also constitute contempt of court, and is subject to
8 the penalties prescribed by law.

9 (4) Any assault that is a violation of an order issued under this
10 chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99,
11 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection
12 order as defined in RCW 26.52.020, and that does not amount to assault
13 in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a
14 class C felony, and any conduct in violation of such an order that is
15 reckless and creates a substantial risk of death or serious physical
16 injury to another person is a class C felony.

17 (5) A violation of a court order issued under this chapter, chapter
18 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26,
19 or 74.34 RCW, or of a valid foreign protection order as defined in RCW
20 26.52.020, is a class C felony if the offender has at least two
21 previous convictions for violating the provisions of an order issued
22 under this chapter, chapter 7.-- (sections 1 through 20 of this act),
23 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection
24 order as defined in RCW 26.52.020. The previous convictions may
25 involve the same victim or other victims specifically protected by the
26 orders the offender violated.

27 (6) Upon the filing of an affidavit by the petitioner or any peace
28 officer alleging that the respondent has violated an order granted
29 under this chapter, chapter 7.-- (sections 1 through 20 of this act),
30 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection
31 order as defined in RCW 26.52.020, the court may issue an order to the
32 respondent, requiring the respondent to appear and show cause within
33 fourteen days why the respondent should not be found in contempt of
34 court and punished accordingly. The hearing may be held in the court
35 of any county or municipality in which the petitioner or respondent
36 temporarily or permanently resides at the time of the alleged
37 violation.

1 **Sec. 26.** RCW 26.50.160 and 2000 c 119 s 25 and 2000 c 51 s 1 are
2 each reenacted and amended to read as follows:

3 To prevent the issuance of competing protection orders in different
4 courts and to give courts needed information for issuance of orders,
5 the judicial information system shall be available in each district,
6 municipal, and superior court by July 1, 1997, and shall include a data
7 base containing the following information:

8 (1) The names of the parties and the cause number for every order
9 of protection issued under this title, every sexual assault protection
10 order issued under chapter 7.-- RCW (sections 1 through 20 of this
11 act), every criminal no-contact order issued under chapters 9A.46 and
12 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW,
13 every dissolution action under chapter 26.09 RCW, every third-party
14 custody action under chapter 26.10 RCW, every parentage action under
15 chapter 26.26 RCW, every restraining order issued on behalf of an
16 abused child or adult dependent person under chapter 26.44 RCW, every
17 foreign protection order filed under chapter 26.52 RCW, and every order
18 for protection of a vulnerable adult under chapter 74.34 RCW. When a
19 guardian or the department of social and health services has petitioned
20 for relief on behalf of an abused child, adult dependent person, or
21 vulnerable adult, the name of the person on whose behalf relief was
22 sought shall be included in the data base as a party rather than the
23 guardian or department;

24 (2) A criminal history of the parties; and

25 (3) Other relevant information necessary to assist courts in
26 issuing orders under this chapter as determined by the judicial
27 information system committee.

28 **Sec. 27.** RCW 59.18.575 and 2004 c 17 s 3 are each amended to read
29 as follows:

30 (1)(a) If a tenant notifies the landlord in writing that he or she
31 or a household member was a victim of an act that constitutes a crime
32 of domestic violence, sexual assault, or stalking, and either (a)(i) or
33 (ii) of this subsection applies, then subsection (2) of this section
34 applies:

35 (i) The tenant or the household member has a valid order for
36 protection under one or more of the following: Chapter 7.-- (sections

1 1 through 20 of this act), 26.50, or 26.26 RCW or RCW 9A.46.040,
2 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

3 (ii) The tenant or the household member has reported the domestic
4 violence, sexual assault, or stalking to a qualified third party acting
5 in his or her official capacity and the qualified third party has
6 provided the tenant or the household member a written record of the
7 report signed by the qualified third party.

8 (b) When a copy of a valid order for protection or a written record
9 of a report signed by a qualified third party, as required under (a) of
10 this subsection, is made available to the landlord, the tenant may
11 terminate the rental agreement and quit the premises without further
12 obligation under the rental agreement or under chapter 59.12 RCW.
13 However, the request to terminate the rental agreement must occur
14 within ninety days of the reported act, event, or circumstance that
15 gave rise to the protective order or report to a qualified third party.
16 A record of the report to a qualified third party that is provided to
17 the tenant or household member shall consist of a document signed and
18 dated by the qualified third party stating: (i) That the tenant or the
19 household member notified him or her that he or she was a victim of an
20 act or acts that constitute a crime of domestic violence, sexual
21 assault, or stalking; (ii) the time and date the act or acts occurred;
22 (iii) the location where the act or acts occurred; (iv) a brief
23 description of the act or acts of domestic violence, sexual assault, or
24 stalking; and (v) that the tenant or household member informed him or
25 her of the name of the alleged perpetrator of the act or acts. The
26 record of the report provided to the tenant or household member shall
27 not include the name of the alleged perpetrator of the act or acts of
28 domestic violence, sexual assault, or stalking. The qualified third
29 party shall keep a copy of the record of the report and shall note on
30 the retained copy the name of the alleged perpetrator of the act or
31 acts of domestic violence, sexual assault, or stalking. The record of
32 the report to a qualified third party may be accomplished by completion
33 of a form provided by the qualified third party, in substantially the
34 following form:

35
36 [Name of organization, agency, clinic, professional service provider]
37 I and/or my (household member) am/is a victim of

1 . . . domestic violence as defined by RCW 26.50.010.

2 . . . sexual assault as defined by RCW 70.125.030.

3 . . . stalking as defined by RCW 9A.46.110.

4 Briefly describe the incident of domestic violence, sexual assault, or stalking:

5

6 The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s) and at the
7 following location(s):

8 The incident(s) that I rely on in support of this declaration were committed by the following person(s):

9

10 I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

11 Dated at (city) . ., Washington, this . . . day of, 20. ..

12

13 Signature of Tenant or
14 Household Member

15 I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.575 and
16 that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and
17 that the individual informed me of the name of the alleged perpetrator of the act.

18 Dated this . . . day of, 20. ..

19

20 Signature of authorized
21 officer/employee of
22 (Organization, agency,
23 clinic, professional
24 service provider)

25 (2) A tenant who terminates a rental agreement under this section
26 is discharged from the payment of rent for any period following the
27 last day of the month of the quitting date. The tenant shall remain
28 liable for the rent for the month in which he or she terminated the
29 rental agreement unless the termination is in accordance with RCW
30 59.18.200(1). Notwithstanding lease provisions that allow for
31 forfeiture of a deposit for early termination, a tenant who terminates
32 under this section is entitled to the return of the full deposit,
33 subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties
34 to the rental agreement, except household members who are the victims
35 of sexual assault, stalking, or domestic violence, are not released
36 from their obligations under the rental agreement or other obligations
37 under this chapter.

1 (3) The provision of verification of a report under subsection
2 (1)(b) of this section does not waive the confidential or privileged
3 nature of the communication between a victim of domestic violence,
4 sexual assault, or stalking with a qualified third party pursuant to
5 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence
6 obtained from such disclosure may be used in any civil, administrative,
7 or criminal proceeding against the victim unless a written waiver of
8 applicable evidentiary privilege is obtained, except that the
9 verification itself, and no other privileged information, under
10 subsection (1)(b) of this section may be used in civil proceedings
11 brought under this section.

12 NEW SECTION. **Sec. 28.** This act may be cited as the sexual assault
13 protection order act.

14 NEW SECTION. **Sec. 29.** Sections 1 through 20 of this act
15 constitute a new chapter in Title 7 RCW.

Passed by the House March 8, 2006.

Passed by the Senate March 7, 2006.

Approved by the Governor March 20, 2006.

Filed in Office of Secretary of State March 20, 2006.