
SUBSTITUTE HOUSE BILL 2827

State of Washington

61st Legislature

2010 Regular Session

By House Public Safety & Emergency Preparedness (originally sponsored by Representatives Campbell, Green, Chase, Kelley, Wallace, Moeller, Haigh, and Simpson)

READ FIRST TIME 02/03/10.

1 AN ACT Relating to the release of a person arrested and detained
2 for a crime involving domestic violence; and amending RCW 10.99.040.

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

4 **Sec. 1.** RCW 10.99.040 and 2000 c 119 s 18 are each amended to read
5 as follows:

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

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

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

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

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

1 (2)(a) Because of the likelihood of repeated violence directed at
2 those who have been victims of domestic violence in the past, a person
3 who is arrested and detained for a crime involving domestic violence
4 may not be released from custody on bail or personal recognizance prior
5 to the probable cause determination pursuant to the applicable criminal
6 court rules. When any person charged with or arrested for a crime
7 involving domestic violence is released from custody before arraignment
8 or trial on bail or personal recognizance, the court authorizing the
9 release may prohibit that person from having any contact with the
10 victim. The jurisdiction authorizing the release shall determine
11 whether that person should be prohibited from having any contact with
12 the victim. If there is no outstanding restraining or protective order
13 prohibiting that person from having contact with the victim, the court
14 authorizing release may issue, by telephone, a no-contact order
15 prohibiting the person charged or arrested from having contact with the
16 victim or from knowingly coming within, or knowingly remaining within,
17 a specified distance of a location.

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

20 (c) The no-contact order shall also be issued in writing as soon as
21 possible.

22 (3) At the time of arraignment the court shall determine whether a
23 no-contact order shall be issued or extended. The no-contact order
24 shall terminate if the defendant is acquitted or the charges are
25 dismissed. If a no-contact order is issued or extended, the court may
26 also include in the conditions of release a requirement that the
27 defendant submit to electronic monitoring. If electronic monitoring is
28 ordered, the court shall specify who shall provide the monitoring
29 services, and the terms under which the monitoring shall be performed.
30 Upon conviction, the court may require as a condition of the sentence
31 that the defendant reimburse the providing agency for the costs of the
32 electronic monitoring.

33 (4)(a) Willful violation of a court order issued under subsection
34 (2) or (3) of this section is punishable under RCW 26.50.110.

35 (b) The written order releasing the person charged or arrested
36 shall contain the court's directives and shall bear the legend:
37 "Violation of this order is a criminal offense under chapter 26.50 RCW
38 and will subject a violator to arrest; any assault, drive-by shooting,

1 or reckless endangerment that is a violation of this order is a felony.
2 You can be arrested even if any person protected by the order invites
3 or allows 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."

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

7 (5) If a no-contact order has been issued prior to charging, that
8 order shall expire at arraignment or within seventy-two hours if
9 charges are not filed. Such orders need not be entered into the
10 computer-based criminal intelligence information system in this state
11 which is used by law enforcement agencies to list outstanding warrants.

12 (6) Whenever a no-contact order is issued, modified, or terminated
13 under subsection (2) or (3) of this section, the clerk of the court
14 shall forward a copy of the order on or before the next judicial day to
15 the appropriate law enforcement agency specified in the order. Upon
16 receipt of the copy of the order the law enforcement agency shall enter
17 the order for one year or until the expiration date specified on the
18 order into any computer-based criminal intelligence information system
19 available in this state used by law enforcement agencies to list
20 outstanding warrants. Entry into the computer-based criminal
21 intelligence 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. Upon receipt of notice
24 that an order has been terminated under subsection (3) of this section,
25 the law enforcement agency shall remove the order from the computer-
26 based criminal intelligence information system.

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