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**HB 2305** - H AMD **1251**

By Representative Chambers

**NOT ADOPTED 02/14/2020**

On page 1, beginning on line 5, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 9.41.800 and 2019 c 245 s 1 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060, 26.50.070, or 26.26A.470 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, obtaining, or possessing any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(2) Any court when entering an order authorized under chapter 7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060, 26.50.070, or 26.26A.470 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, obtaining, or possessing any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) During any period of time that the person is subject to a court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW that:

(a) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

(b) Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(c)(i) Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; and

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require that the party immediately surrender all firearms and other dangerous weapons;

(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from accessing, obtaining, or possessing any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

(4) Any court when entering an order authorized under chapter 74.34 RCW shall, upon written findings and a showing by clear and convincing evidence, and may, upon written findings and a showing by a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in the abandonment, abuse, financial exploitation, or neglect of the vulnerable adult:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(e) Prohibit the party from accessing, obtaining, or possessing any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(5) The court may order temporary surrender of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

((~~(5)~~)) (6) In addition to the provisions of subsections (1), (2), ((~~and~~)) (4), and (5) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

((~~(6)~~)) (7) The requirements of subsections (1), (2), (4), and (5) of this section may be for a period of time less than the duration of the order.

((~~(7)~~)) (8) The court may require the party to surrender all firearms and other dangerous weapons in his or her immediate possession or control or subject to his or her immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the local law enforcement agency. Law enforcement officers shall use law enforcement databases to assist in locating the respondent in situations where the protected person does not know where the respondent lives or where there is evidence that the respondent is trying to evade service.

((~~(8)~~)) (9) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section, the order must be served by a law enforcement officer."

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|  | EFFECT:   Limits the circumstances under which a court may order a respondent under a vulnerable adult protection order to surrender firearms, dangerous weapons, and any concealed pistol license to cases where the court makes written findings that the person used, displayed, or threatened to use a firearm or dangerous weapon in the abandonment, abuse, financial exploitation, or neglect of the vulnerable adult. |

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