**1715-S2.E AMS SALO S3238.1 - NOT FOR FLOOR USE**

**E2SHB 1715** - S AMD TO WM COMM AMD (S-2939.1/23) **405**

By Senator Salomon

**WITHDRAWN 04/10/2023**

On page 3, line 19, after "infeasible" insert ". If an emergency situation prevents a first attempt at service within 24 hours, law enforcement must attempt service as soon as possible"

On page 4, line 39, after "prevention," insert "electronic monitoring with victim notification technology,"

On page 5, after line 10, insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 7.105 RCW to read as follows:

(1) The legislature recognizes the inherent volatility and danger associated with domestic violence, particularly when the court has made a finding that an ex parte order to surrender and prohibit weapons is necessary. The risk of domestic violence homicide is most acute when a victim is ending the relationship and throughout legal proceedings. The presence of a firearm in a domestic violence situation increases the risk of homicide by 11 times. The legislature acknowledges the potential for error in hearings on full protection orders. Therefore, in any proceeding in which the court enters a temporary protection order that includes a temporary order to surrender and prohibit weapons and, after the hearing, the court denies the petition for a full protection order, the order to surrender and prohibit weapons must remain in effect until the period for a petitioner to file a motion for reconsideration or revision has passed. If a motion for reconsideration or revision is filed, the order to surrender and prohibit weapons must remain in effect until the motion for reconsideration or revision is resolved.

(2) The court must notify the petitioner verbally and provide the petitioner with written information at the hearing in which the court denies the petition for a full protection order explaining the procedures and timelines for filing a motion for reconsideration or a motion for revision. The information must also include contact information for civil legal aid organizations that may assist the petitioner with a motion for reconsideration or a motion for revision.

(3) Subsection (1) of this section does not apply if allowing the order to surrender and prohibit weapons to remain in effect would be manifestly unjust including, but not limited to, situations where the court finds the temporary protection order was entirely without merit, the petitioner was engaged in abusive use of litigation, or the petitioner was exerting coercive control over the respondent.

**Sec.**  RCW 7.105.115 and 2022 c 268 s 7 are each amended to read as follows:

(1) By December 30, 2022, the administrative office of the courts shall:

(a) Develop and distribute standard forms for petitions and orders issued under this chapter, and facilitate the use of online forms for electronic filings.

(i) For all protection orders except extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the following statement: "You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing."

(ii) For extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court may change the order. Requests for changes must be made in writing.";

(b) Develop and distribute instructions and informational brochures regarding protection orders and a court staff handbook on the protection order process, which shall be made available online to view and download at no cost. Developing additional methods to inform the public about protection orders in understandable terms and in languages other than English through videos and social media should also be considered. The instructions, brochures, forms, and handbook must be prepared in consultation with civil legal aid, culturally specific advocacy programs, and domestic violence and sexual assault advocacy programs. The instructions must be designed to assist petitioners in completing the petition, and must include a sample of standard petition and protection order forms. The instructions and standard petition must include a means for the petitioner to identify, with only lay knowledge, the firearms the respondent may own, possess, receive, have access to, or have in the respondent's custody or control. The instructions must provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means to allow petitioners to identify firearms without requiring specific or technical knowledge regarding the firearms. The court staff handbook must allow for the addition of a community resource list by the court clerk. The informational brochure must describe the use of, and the process for, obtaining, renewing, modifying, terminating, and enforcing protection orders as provided under this chapter, as well as the process for obtaining, modifying, terminating, and enforcing an antiharassment no-contact order as provided under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided under chapters 26.09, 26.26A, 26.26B, and 26.44 RCW, a foreign protection order as defined in chapter 26.52 RCW, and a Canadian domestic violence protection order as defined in RCW 26.55.010;

(c) Determine the significant non-English-speaking or limited English-speaking populations in the state. The administrative office of the courts shall then arrange for translation of the instructions and informational brochures required by this section, which must contain a sample of the standard petition and protection order forms, into the languages spoken by at least the top five significant non-English-speaking populations, and shall distribute a master copy of the translated instructions and informational brochures to all court clerks and to the Washington supreme court's interpreter commission, minority and justice commission, and gender and justice commission. Such materials must be updated and distributed if needed due to relevant changes in the law;

(d)(i) Distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks, and distribute a master copy of the petition and order forms to all superior, district, and municipal courts;

(ii) In collaboration with civil legal aid attorneys, domestic violence advocates, sexual assault advocates, elder abuse advocates, clerks, and judicial officers, develop and distribute a single petition form that a petitioner may use to file for any type of protection order authorized by this chapter, with the exception of extreme risk protection orders;

(iii) For extreme risk protection orders, develop and prepare:

(A) A standard petition and order form for an extreme risk protection order, as well as a standard petition and order form for an extreme risk protection order sought against a respondent under 18 years of age, titled "Extreme Risk Protection Order - Respondent Under 18 Years";

(B) Pattern forms to assist in streamlining the process for those persons who are eligible to seal records relating to an order under (d)(i) of this subsection, including:

(I) A petition and declaration the respondent can complete to ensure that requirements for public sealing have been met; and

(II) An order sealing the court records relating to that order; and

(C) An informational brochure to be served on any respondent who is subject to a temporary or full protection order under (d)(iii)(A) of this subsection;

(e) Create a new confidential party information form to satisfy the purposes of the confidential information form and the law enforcement information sheet that will serve both the court's and law enforcement's data entry needs without requiring a redundant effort for the petitioner, and ensure the petitioner's confidential information is protected for the purpose of safety. The form should be created with the presumption that it will also be used by the respondent to provide all current contact information needed by the court and law enforcement, and full identifying information for improved data entry. The form should also prompt the petitioner to disclose on the form whether the person who the petitioner is seeking to restrain has a disability, brain injury, or impairment requiring special assistance; and

(f) Update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

(2) By July 1, 2022, the administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to develop for the courts:

(a) Standards for filing evidence in protection order proceedings in a manner that protects victim safety and privacy, including evidence in the form of text messages, social media messages, voice mails, and other recordings, and the development of a sealed cover sheet for explicit or intimate images and recordings; and

(b) Requirements for private vendors who provide services related to filing systems for protection orders, as well as what data should be collected.

(3) By January 1, 2024, the administrative office of the courts shall update the law enforcement information sheet pattern form to allow law enforcement to contact the petitioner by phone, even if the petitioner's address is confidential, to allow the petitioner to provide additional officer safety information regarding the respondent, and to allow the petitioner to provide suggestions regrading where and when to serve the order in order to successfully locate the respondent. The administrative office of the courts must consult with domestic violence survivors and law enforcement regrading this update of the law enforcement information sheet."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 5, beginning on line 24, after "(2)" strike all material through "order" on line 26 and insert "At the hearing in which the court denies the petition for a full protection order, if the petitioner is present, the court must notify the petitioner verbally of the procedures and timelines for filing a motion for reconsideration or a motion for revision. The court must provide the petitioner with written information"

On page 7, line 4, after "orders," insert "best practices for implementation and enforcement of orders to surrender and prohibit weapons and extreme risk protection orders, the impacts that trauma may have on domestic violence victims,"

On page 19, line 21, after "~~procedures~~))" insert "and, if available,"

On page 21, line 3, after "firearm" strike ", dangerous weapon,"

On page 21, line 4, after "there" strike "is" and insert "becomes"

On page 34, line 40, after "there" strike "is" and insert "becomes"

On page 35, after line 35, insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 28B.20 RCW to read as follows:

(1) Subject to funds appropriated for this purpose, the University of Washington center of excellence in domestic violence research, policy, and practice is established. The center is created to:

(a) Conduct scientifically rigorous intimate partner violence research that informs policy and practice in Washington;

(b) Disseminate existing research findings and best practices in order to proliferate evidence-based intimate partner violence policy and practice;

(c) Promote effective strategies to reduce the incidence of domestic violence and domestic violence homicide; and

(d) Engage in strategic planning efforts with relevant stakeholders, particularly communities disproportionately impacted by intimate partner violence, to develop policy recommendations to improve the state's response to domestic violence.

(2) The center of excellence in domestic violence research, policy, and practice must:

(a) Use a collaborative, interdisciplinary approach with significant engagement from multiple departments across the University of Washington;

(b) Establish an advisory council for the center with representation from relevant disciplines across the University of Washington, survivors of intimate partner violence, representatives from systems that interact with survivors and perpetrators, and representatives from communities disproportionately impacted by intimate partner violence, in order to guide development of the center's overarching goals and strategic vision; and

(c) Ensure that all work conducted by the center is informed by survivors of domestic violence, including Black, indigenous, and survivors of color, and LGBTQ survivors, to ensure that research interventions and policy recommendations are appropriate and effective for Washington's diverse communities."

On page 36, line 38, after "July 1," strike "2026" and insert "2027"

Beginning on page 41, line 10, strike all of sections 803 and 804

Correct any internal references accordingly.

On page 43, line 8, after "7.105.255," insert "7.105.115,"

On page 43, beginning on line 10, after "9.41.800," strike all material through "sections" on line 11 and insert "and 10.31.100; adding a new section"

On page 43, line 12, after "RCW;" strike "adding a new section" and insert "adding new sections"

On page 43, line 13, after "43.330 RCW;" insert "adding a new section to chapter 28B.20 RCW;"

EFFECT: (1) Requires personal service of a protection order as soon as possible, if due to an emergency situation, law enforcement is unable to effect service within 24 hours of a court order.

(2) Includes electronic monitoring with victim notification technology for training for judicial officers.

(3) Adds legislative findings language on the inherent danger associated with domestic violence, particularly when the court has made a finding that an ex parte order to surrender and prohibit weapons is necessary.

(4) Requires verbal notification, if the petitioner is present, of the procedures and timelines for filing a motion for reconsideration or revision when a full protection order is denied.

(5) Requires the Criminal Justice Training Commission annual domestic violence training program to include best practices for implementation and enforcement of orders to surrender and prohibit weapons, extreme risk protection orders, and the impact of trauma on domestic violence victims.

(6) Requires the annual report of certain information, if available, related to protection orders issued.

(7) Clarifies that where there becomes probable cause to find that a person is violating an extreme risk protection order, a search and seizure order is limited to firearms, and not dangerous weapons.

(8) Clarifies that other orders to search and seize may be issued if there becomes probable cause to find that a person is violating a court order to surrender any firearm, dangerous weapon, or concealed pistol license.

(9) Delays the effective date by one year to July 1, 2027, for officers to complete training developed by the CJTC related to investigating domestic violence cases.

(10) Removes sections 803 and 804 related to the creation and operation of a notification system for protected persons by the WA Association of Sheriffs and Police Chiefs with assistance from the Administrative Office of the Courts.

(11) Establishes the University of Washington center of excellence in domestic violence research, policy, and practice to: (a) Conduct research, (b) disseminate findings and best practices, (c) promote effective strategies, and (d) develop policy recommendations to improve the state's response to domestic violence.