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**HOUSE BILL 1902**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Berry, Walen, Reed, Nance, Farivar, Doglio, Alvarado, Peterson, Pollet, Duerr, Davis, Hackney, Senn, Stonier, Fitzgibbon, Street, Callan, Reeves, Simmons, Taylor, Mena, Goodman, Thai, Ryu, Tharinger, Ramel, Ramos, Slatter, Cortes, Bateman, Ormsby, Fey, Macri, Gregerson, Orwall, Bergquist, Berg, Ortiz-Self, Lekanoff, and Fosse

AN ACT Relating to enhancing requirements for the purchase or transfer of firearms by requiring a permit to purchase firearms, specifying standards for firearms safety training programs, and specifying circumstances where a firearm transfer may be delayed; amending RCW 9.41.090, 9.41.1132, 43.43.590, 9.41.049, 9.41.097, 9.41.0975, 9.41.110, 9.41.270, 9.41.280, 9.41.282, 9.41.284, 9.41.345, 9.41.800, 9.41.801, 9.41.802, 9.41.804, 9.41.815, 7.105.305, 7.105.330, 7.105.335, 7.105.340, 7.105.350, 7.105.570, 10.31.100, 10.99.030, 11.130.257, 26.09.060, 71.05.182, and 72.23.080; reenacting and amending RCW 9.41.047, 7.105.310, and 10.99.040; adding new sections to chapter 9.41 RCW; adding a new section to chapter 43.43 RCW; and providing an effective date.

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

**Sec.**  RCW 9.41.090 and 2023 c 161 s 1 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a firearm to the purchaser thereof until:

(a) The purchaser ((~~provides proof of completion of a recognized firearm safety training program within the last five years that complies with the requirements in RCW 9.41.1132, or proof that the purchaser is exempt from the training requirement~~)) produces a valid permit to purchase firearms under section 2 of this act;

(b) The dealer is notified by the Washington state patrol firearms background check program that the purchaser is eligible to possess a firearm under state and federal law; and

(c) The requirements and time periods in RCW 9.41.092 have been satisfied.

(2) In determining whether the purchaser is eligible to possess a firearm, the Washington state patrol firearms background check program shall check with the national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic database, the health care authority electronic database, the administrative office of the courts, LInX-NW, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

(3)(a) In any case where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the Washington state patrol firearms background check program shall advise the dealer that the delivery of the firearm is delayed. The Washington state patrol firearms background check program shall confirm the existence of outstanding warrants after notification of the application to purchase a firearm is received. Upon confirming that the warrant is valid, the Washington state patrol firearms background check program will advise the dealer that transfer of the firearm is denied.

(b) In any case where the Washington state patrol firearms background check program has reasonable grounds based on the following circumstances: (i) Open criminal charges, (ii) pending criminal proceedings, (iii) pending commitment proceedings, or (iv) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a firearm, the Washington state patrol firearms background check program shall notify the dealer that delivery of the firearm is delayed in order to confirm existing records in this state or elsewhere or to confirm the identity of the applicant.

(4)(a) At the time of applying for the purchase of a firearm, the purchaser shall sign and deliver to the dealer an application containing:

(i) His or her full name, residential address, date and place of birth, race, and gender;

(ii) The date and hour of the application;

(iii) The applicant's driver's license number or state identification card number;

(iv) The identification number of the applicant's permit to purchase firearms;

(v) A description of the firearm including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of the firearm. If the manufacturer's number is not available at the time of applying for the purchase of a firearm, the application may be processed, but delivery of the firearm to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the Washington state patrol firearms background check program; and

((~~(v)~~)) (vi) A statement that the purchaser is eligible to purchase and possess a firearm under state and federal law.

(b) The dealer shall provide the applicant with information that contains two warnings substantially stated as follows:

(i) CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution; and

(ii) CAUTION: The presence of a firearm in the home has been associated with an increased risk of death to self and others, including an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms and firearms safety.

(c) The dealer shall, by the end of the business day, transmit the information from the application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The original application shall be retained by the dealer for six years.

(d) The dealer shall deliver the firearm to the purchaser once the requirements and period of time specified in this chapter are satisfied. The application shall not be denied unless the purchaser is not eligible to purchase or possess the firearm under state or federal law or has not complied with the requirements of this section.

(e) The Washington state patrol firearms background check program shall retain or destroy applications to purchase a firearm in accordance with the requirements of 18 U.S.C. Sec. 922.

((~~(4)~~)) (5) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm is guilty of false swearing under RCW 9A.72.040.

((~~(5)~~)) (6) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.

NEW SECTION. **Sec.**  A new section is added to chapter 9.41 RCW to read as follows:

(1) A person may apply for a permit to purchase firearms with the Washington state patrol firearms background check program.

(2) An applicant for a permit to purchase firearms must submit to the Washington state patrol firearms background check program:

(a) A completed permit application as provided in subsection (3) of this section;

(b) A complete set of fingerprints taken by the local law enforcement agency in the jurisdiction in which the applicant resides;

(c) A certificate of completion of a certified firearms safety training program within the last five years, or proof that the applicant is exempt from the training requirement, as provided in RCW 9.41.1132; and

(d) The permit application fee as provided in subsection (11) of this section.

(3) An application for a permit to purchase firearms must include the applicant's:

(a) Full name and place and date of birth;

(b) Residential address and mailing address if different from the residential address;

(c) Driver's license number or state identification card number;

(d) Physical description;

(e) Race and gender;

(f) Telephone number and email address, at the option of the applicant; and

(g) Signature.

(4) The application must contain questions about the applicant's eligibility to possess firearms under state and federal law and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States-issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application.

(5) A signed application for a permit to purchase firearms shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a permit to purchase firearms to an inquiring court or the Washington state patrol firearms background check program.

(6) The Washington state patrol firearms background check program shall issue a permit to purchase firearms to an eligible applicant, or deny the application, within 30 days of the date the application was filed, or within 60 days of when the application was filed if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive 90 days.

(7)(a) An application for a permit to purchase firearms shall not be denied unless the applicant:

(i) Is prohibited from purchasing or possessing a firearm under state or federal law;

(ii) Is subject to a court order or injunction regarding firearms pursuant to chapter 7.105 RCW, or RCW 9A.44.210, 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, or 26.26A.470, or any of the former RCW 10.14.080, 26.10.115, 26.50.060, and 26.50.070;

(iii) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(iv) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(v) Has failed to produce a certificate of completion of a certified firearms safety training program within the last five years, or proof that the applicant is exempt from the training requirement.

(b) If an application for a permit to purchase firearms is denied, the Washington state patrol firearms background check program shall send the applicant a written notice of the denial stating the specific grounds on which the permit to purchase firearms is denied. If the applicant provides an email address at the time of application, the Washington state patrol firearms background check program may send the denial notice to the applicant's email address.

(8)(a) In determining whether the applicant is eligible for a permit to purchase firearms, the Washington state patrol firearms background check program shall check with the national instant criminal background check system, the Washington state patrol electronic database, the health care authority electronic database, the administrative office of the courts, LInX-NW, and with other agencies or resources as appropriate.

(b) A background check for an original permit must be conducted through the Washington state patrol criminal records division and shall include a national check from the federal bureau of investigation through the submission of fingerprints. The results will be returned to the Washington state patrol firearms background check program. The applicant may request and receive a copy of the results of the background check from the firearms background check program. If the applicant seeks to amend or correct their record, the applicant must contact the Washington state patrol for a Washington state record or the federal bureau of investigation for records from other jurisdictions.

(9) The Washington state patrol firearms background check program shall develop procedures to verify on an annual basis that persons who have been issued a permit to purchase firearms remain eligible to possess firearms under state and federal law and continue to meet other eligibility requirements for issuance of a permit to possess firearms. If a person is determined to be ineligible, the Washington state patrol firearms background check program shall revoke the permit under subsection (14) of this section.

(10) The permit to purchase firearms must be in a form prescribed by the Washington state patrol firearms background check program and must contain a unique permit number, expiration date, and the name, date of birth, residential address, brief description, and signature of the licensee.

(11)(a) A permit to purchase firearms is valid for a period of five years. A person may renew a permit to purchase firearms by applying for renewal in accordance with the requirements of this section within 90 days before or after the expiration date of the permit. A set of fingerprints is not required for a renewal application if the original set has been retained by the Washington state patrol firearms background check program. A renewed permit to purchase firearms takes effect on the expiration date of the prior permit to purchase firearms and is valid for a period of five years.

(b)(i) The fee for an application for an original or renewal permit to purchase firearms is $28, which may be adjusted by the Washington state patrol firearms background check program to an amount necessary to cover the costs incurred in administering the permit to purchase firearms program. The Washington state patrol firearms background check program shall establish a late penalty for late renewal of a permit to purchase firearms. The Washington state patrol firearms background check program shall transmit the fees collected to the state treasurer for deposit in the state firearms background check system account created in RCW 43.43.590.

(ii) Beginning five years after the effective date of this section, permit fees under this subsection may be adjusted on a biennial basis in an amount that does not exceed the average biennial increase in the cost of providing the service based on a biennial cost study performed by the Washington state patrol firearms background check program.

(iii) In addition to the permit application fee, an applicant for an original permit must pay the fingerprint processing fee under RCW 43.43.742.

(12) The Washington state patrol firearms background check program shall mail a renewal notice to the holder of a permit to purchase firearms approximately 90 days before the expiration date of the permit at the address listed on the application, or to the permit holder's new address if the permit holder has notified the Washington state patrol firearms background check program of a change of address. If the permit holder provides an email address at the time of application, the Washington state patrol firearms background check program may send the renewal notice to the permit holder's email address. The notice must contain the date the permit to purchase firearms will expire, the amount of the renewal fee, the penalty for late renewal, and instructions on how to renew the permit to purchase firearms.

(13) A permit to purchase firearms issued under this section does not authorize the holder of the permit to carry a concealed pistol.

(14) The Washington state patrol firearms background check program shall revoke a permit to purchase firearms on the occurrence of any act or condition that would prevent the issuance of a permit to purchase firearms. The Washington state patrol firearms background check program shall send the permit holder a written notice of the revocation stating the specific grounds on which the permit is revoked and that the person must surrender his or her permit to purchase firearms to the Washington state patrol within 48 hours of receipt of the notification.

**Sec.**  RCW 9.41.1132 and 2023 c 161 s 2 are each amended to read as follows:

(1) A person applying for ((~~the purchase or transfer of a firearm~~)) a permit to purchase firearms must provide ((~~proof~~)) a certificate of completion of a ((~~recognized~~)) certified firearms safety training program within the last five years that, at a minimum, includes instruction on:

(a) Basic firearms safety rules;

(b) Firearms and children, including secure gun storage and talking to children about gun safety;

(c) Firearms and suicide prevention;

(d) Secure gun storage to prevent unauthorized access and use;

(e) Safe handling of firearms;

(f) State and federal firearms laws, including prohibited firearms transfers and locations where firearms are prohibited;

(g) State laws pertaining to the use of deadly force for self-defense; ((~~and~~))

(h) Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution; and

(i) Live-fire shooting exercises on a firing range that include a demonstration by the applicant of the safe handling of, and shooting proficiency with, firearms.

(2) The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The ((~~proof~~)) certificate of training shall be in the form ((~~of a certification that states under the penalty of perjury that the training included the minimum requirements~~)) and manner of documentation developed by the Washington state patrol under section 4 of this act.

(3) The training may include stories provided by individuals with lived experience in the topics listed in subsection (1)(a) through (g) of this section or an understanding of the legal and social impacts of discharging a firearm.

(4) The firearms safety training requirement of this section does not apply to:

(a) A person who is a:

(i) General authority Washington peace officer as defined in RCW 10.93.020;

(ii) Limited authority Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm;

(iii) Specially commissioned Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm; or

(iv) Federal peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm; or

(b) A person who is an active duty member of the armed forces of the United States, an active member of the national guard, or an active member of the armed forces reserves who, as part of the applicant's service, has completed, within the last five years, a course of training in firearms proficiency or familiarization that included training on the safe handling and shooting proficiency with firearms.

NEW SECTION. **Sec.**  A new section is added to chapter 43.43 RCW to read as follows:

The Washington state patrol shall establish a program to provide certifications for firearms safety training programs that meet the requirements of RCW 9.41.1132, and to require certified firearms safety programs to apply for recertification every five years. The Washington state patrol shall develop the form and manner of documentation for applicants for permits to purchase firearms to provide proof of completion of a certified firearms safety training program, and for use as proof of qualifying for an exemption from the firearms safety training requirement.

**Sec.**  RCW 43.43.590 and 2020 c 28 s 3 are each amended to read as follows:

The state firearms background check system account is created in the custody of the state treasurer. All receipts under RCW 43.43.580 and section 2 of this act must be deposited into the account. Expenditures from the account may be used only for the creation, operation, and maintenance of the automated firearms background check system under RCW 43.43.580, and for costs incurred in administering the permit to purchase firearms program under section 2 of this act. Only the chief of the Washington state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec.**  A new section is added to chapter 9.41 RCW to read as follows:

A local law enforcement agency taking fingerprints pursuant to section 2 of this act may charge a reasonable fee to recover as nearly as practicable the direct and indirect costs to the local law enforcement agency of taking and transmitting the fingerprints.

**Sec.**  RCW 9.41.047 and 2023 c 295 s 5 and 2023 c 161 s 3 are each reenacted and amended to read as follows:

(1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm under state or federal law, including if the person was convicted of possession under RCW 69.50.4011, 69.50.4013, 69.50.4014, or 69.41.030, or at the time a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for treatment for a mental disorder, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the court shall notify the person, orally and in writing, that the person must immediately surrender all firearms and any concealed pistol license or permit to purchase firearms and that the person may not possess a firearm unless the person's right to do so is restored by the superior court that issued the order.

(b) The court shall forward within three judicial days after conviction, finding of not guilty by reason of insanity, entry of the commitment order, or dismissal of charges, a copy of the person's driver's license or identicard, or comparable information such as the person's name, address, and date of birth, along with the date of conviction or commitment, or date charges are dismissed, to the department of licensing and to the Washington state patrol firearms background check program. When a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for treatment for a mental disorder, or when a person's charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the court also shall forward, within three judicial days after entry of the commitment order, or dismissal of charges, a copy of the person's driver's license, or comparable information, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159) and to the Washington state patrol. The petitioning party shall provide the court with the information required. If more than one commitment order is entered under one cause number, only one notification to the department of licensing, the Washington state patrol firearms background check program, and the national instant criminal background check system is required.

(2)(a) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the person has a concealed pistol license. If the person has a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(b) Upon receipt of the information provided in subsection (1) of this section, the Washington state patrol firearms background check program shall determine if the convicted or committed person, or the person whose charges are dismissed based on incompetency to stand trial, has a permit to purchase firearms. If the person does have a permit to purchase firearms, the Washington state patrol firearms background check program shall immediately revoke the permit.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for treatment for a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or by reason of having been detained under RCW 71.05.150 or 71.05.153, or because the person's charges were dismissed based on incompetency to stand trial under RCW 10.77.088 and the court made a finding that the person has a history of one or more violent acts, may, upon discharge, petition the superior court to have his or her right to possess a firearm restored, except that a person found not guilty by reason of insanity may not petition for restoration of the right to possess a firearm until one year after discharge.

(b) The petition must be brought in the superior court that ordered the involuntary commitment or dismissed the charges based on incompetency to stand trial or the superior court of the county in which the petitioner resides.

(c) Except as provided in (d) and (e) of this subsection, firearm rights shall be restored if the person petitioning for restoration of firearm rights proves by a preponderance of the evidence that:

(i) The person petitioning for restoration of firearm rights is no longer required to participate in court-ordered inpatient or outpatient treatment;

(ii) The person petitioning for restoration of firearm rights has successfully managed the condition related to the commitment or detention or incompetency;

(iii) The person petitioning for restoration of firearm rights no longer presents a substantial danger to self or to the public; and

(iv) The symptoms related to the commitment or detention or incompetency are not reasonably likely to recur.

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning for restoration of firearm rights has engaged in violence and that it is more likely than not that the person will engage in violence after the person's right to possess a firearm is restored, the person petitioning for restoration of firearm rights shall bear the burden of proving by clear, cogent, and convincing evidence that the person does not present a substantial danger to the safety of others.

(e) If the person seeking restoration of firearm rights seeks restoration after having been detained under RCW 71.05.150 or 71.05.153, the state shall bear the burden of proof to show, by a preponderance of the evidence, that the person does not meet the restoration criteria in (c) of this subsection.

(f) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the department of licensing and the Washington state patrol criminal records division, with a copy of the person's driver's license or identicard, or comparable identification such as the person's name, address, and date of birth, and to the health care authority, and the national instant criminal background check system index, denied persons file. In the case of a person whose right to possess a firearm has been suspended for six months as provided in RCW 71.05.182, the Washington state patrol firearms background check program shall lift the suspension and restore the person's permit to purchase firearms, and the department of licensing shall forward notification of the restoration order to the licensing authority, which, upon receipt of such notification, shall immediately lift the suspension, restoring the person's concealed pistol license.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under RCW 9.41.041.

**Sec.**  RCW 9.41.049 and 2020 c 302 s 61 are each amended to read as follows:

(1) When a designated crisis responder files a petition for initial detention under RCW 71.05.150 or 71.05.153 on the grounds that the person presents a likelihood of serious harm, the petition shall include a copy of the person's driver's license or identicard or comparable information such as their name, address, and date of birth. If the person is not subsequently committed for involuntary treatment under RCW 71.05.240, the court shall forward within three business days of the probable cause hearing a copy of the person's driver's license or identicard, or comparable information, along with the date of release from the facility, to the department of licensing and to the state patrol, who shall forward the information to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159). Upon expiration of the six-month period during which the person's right to possess a firearm is suspended as provided in RCW 71.05.182, the Washington state patrol shall forward to the national instant criminal background check system index, denied persons file, notice that the person's right to possess a firearm has been restored.

(2)(a) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the detained person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority, which, upon receipt of such notification, shall immediately suspend the license for a period of six months from the date of the person's release from the facility.

(b) Upon receipt of the information provided in subsection (1) of this section, the Washington state patrol firearms background check program shall determine if the detained person has a permit to purchase firearms. If the person does have a permit to purchase firearms, the Washington state patrol firearms background check program shall immediately suspend the permit for a period of six months from the date of the person's release from the facility.

(3) A person who is prohibited from possessing a firearm by reason of having been detained under RCW 71.05.150 or 71.05.153 may, upon discharge, petition the superior court to have his or her right to possess a firearm restored before the six-month suspension period has elapsed by following the procedures provided in RCW 9.41.047(3).

**Sec.**  RCW 9.41.097 and 2023 c 161 s 6 are each amended to read as follows:

(1) The health care authority, mental health institutions, and other health care facilities shall, upon request of a court, law enforcement agency, or the state, supply such relevant information as is necessary to determine the eligibility of a person to possess a firearm, to be issued a concealed pistol license under RCW 9.41.070 or a permit to purchase firearms under section 2 of this act, or to purchase a firearm under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law enforcement agency pursuant to subsection (1) of this section; or (e) the Washington state patrol firearms background check program pursuant to RCW 9.41.090, shall not be disclosed except as provided in RCW 42.56.240(4).

**Sec.**  RCW 9.41.0975 and 2023 c 161 s 7 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a concealed pistol license, permit to purchase firearms, or alien firearm license to a person ineligible for such a license;

(d) For failing to issue a concealed pistol license, permit to purchase firearms, or alien firearm license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued concealed pistol license, permit to purchase firearms, or alien firearm license;

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license, permit to purchase firearms, or alien firearm license;

(g) For issuing a dealer's license to a person ineligible for such a license; or

(h) For failing to issue a dealer's license to a person eligible for such a license.

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a concealed pistol license, permit to purchase firearms, or alien firearm license wrongfully refused;

(b) Directing the Washington state patrol firearms background check program to approve an application to purchase a firearm wrongfully denied;

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license, permit to purchase firearms, or alien firearm license or in the wrongful denial of a purchase application for a firearm be corrected; or

(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

The application for the writ may be made in the county in which the application for a concealed pistol license, permit to purchase firearms, or alien firearm license or an application to purchase a firearm was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

**Sec.**  RCW 9.41.110 and 2023 c 161 s 8 are each amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.

(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.

(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.

(4) The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this chapter. A licensing authority shall forward a copy of each license granted to the department of licensing. The department of licensing shall notify the department of revenue of the name and address of each dealer licensed under this section.

(5)(a) A licensing authority shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 or permit to purchase firearms under section 2 of this act shall qualify for a dealer's license.

(b) A dealer shall require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would make the person ineligible for a concealed pistol license or permit to purchase firearms, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of firearms that are applicable to dealers.

(6)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearms for sale shall not be considered the carrying on of business.

(b) A dealer may conduct business temporarily at a location other than the building designated in the license, if the temporary location is within Washington state and is the location of a gun show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the community. Nothing in this subsection (6)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.

In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and this section. The license of a dealer who fails to comply with the requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

(7) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.

(8)(a) No firearm may be sold: (i) In violation of any provisions of this chapter; nor (ii) under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

(b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of his or her dealer's license and permanent ineligibility for a dealer's license.

(c) The license fee for pistols shall be one hundred twenty-five dollars. The license fee for firearms other than pistols shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the state general fund.

(9)(a) A true record shall be made of every pistol or semiautomatic assault rifle sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, the identification number of the purchaser's permit to purchase firearms, and a statement signed by the purchaser that he or she is not ineligible under state or federal law to possess a firearm. The dealer shall retain the transfer record for six years.

(b) The dealer shall transmit the information from the firearm transfer application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The Washington state patrol firearms background check program shall transmit the application information for pistol and semiautomatic assault rifle transfer applications to the director of licensing daily. The original application shall be retained by the dealer for six years.

(10) Subsections (2) through (9) of this section shall not apply to sales at wholesale.

(11) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses and a single license form which shall indicate the type or types of licenses granted.

(12) Except as otherwise provided in this chapter, every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

**Sec.**  RCW 9.41.270 and 1994 sp.s. c 7 s 426 are each amended to read as follows:

(1) It shall be unlawful for any person to carry, exhibit, display, or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(2) Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1) of this section, the person shall lose his or her concealed pistol license and permit to purchase firearms, if any. The court shall send notice of the required revocation of any concealed pistol license to the department of licensing, and the city, town, or county which issued the license, and notice of the required revocation of any permit to purchase firearms to the Washington state patrol firearms background check program.

(3) Subsection (1) of this section shall not apply to or affect the following:

(a) Any act committed by a person while in his or her place of abode or fixed place of business;

(b) Any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;

(c) Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;

(d) Any person making or assisting in making a lawful arrest for the commission of a felony; or

(e) Any person engaged in military activities sponsored by the federal or state governments.

**Sec.**  RCW 9.41.280 and 2023 c 470 s 3004 are each amended to read as follows:

(1) It is unlawful for a person to knowingly carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, areas of facilities while being used exclusively by public or private schools, or areas of facilities while being used for official meetings of a school district board of directors:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "((~~nun-chu-ka [nunchaku]~~)) nunchaku sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2)(a) Any such person violating subsection (1) of this section is guilty of a misdemeanor.

(b) Second and subsequent violations of subsection (1) of this section are a gross misdemeanor.

(c) If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license and permit to purchase firearms, if any, revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license or permit to purchase firearms for a period of three years. The court shall send notice of the required revocation of any concealed pistol license to the department of licensing, and the city, town, or county which issued the license, and notice of the required revocation of any permit to purchase firearms to the Washington state patrol firearms background check program.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated crisis responder unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated crisis responder determines it is appropriate, the designated crisis responder may refer the person to the local behavioral health administrative services organization for follow-up services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while:

(i) Picking up or dropping off a student; or

(ii) Attending official meetings of a school district board of directors held off school district-owned or leased property;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses ((~~nun-chu-ka [nunchaku]~~)) nunchaku sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

(8) A school district board of directors must post signs providing notice of the restrictions on possession of firearms and other weapons under this section at facilities being used for official meetings of the school district board of directors.

**Sec.**  RCW 9.41.282 and 2020 c 189 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, licensed child care center premises, child care center-provided transportation, or areas of facilities while being used exclusively by a child care center:

(a) Any firearm;

(b) Any other dangerous weapon as described in RCW 9.41.250;

(c) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(d)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun that projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument that is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) A person who violates subsection (1) of this section is guilty of a gross misdemeanor. If a person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license and permit to purchase firearms, if any, revoked for a period of three years. Anyone convicted under subsection (1)(a) of this section is prohibited from applying for a concealed pistol license or permit to purchase firearms for a period of three years from the date of conviction. The court shall order the person to immediately surrender any concealed pistol license and permit to purchase firearms, and within three business days ((~~notify~~)) provide written notification to the department of licensing ((~~in writing~~)) of the required revocation of any concealed pistol license held by the person and to the Washington state patrol firearms background check program of the required revocation of any permit to purchase firearms. Upon receipt of the notification by the court, the department of licensing shall determine if the person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of the notification, shall immediately revoke the license.

(3) Subsection (1) of this section does not apply to:

(a) Family day care provider homes as defined in RCW 43.216.010;

(b) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a child at the child care center;

(c) Any person at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the child care center; or

(d) Any law enforcement officer of a federal, state, or local government agency.

(4) Child care centers must post "GUN-FREE ZONE" signs giving warning of the prohibition of the possession of firearms on center premises.

(5) A child care center that is located on public or private elementary or secondary school premises is subject to the requirements of RCW 9.41.280.

(6) For the purposes of this section, child care center has the same meaning as "child day care center" as defined in RCW 43.216.010.

**Sec.**  RCW 9.41.284 and 2023 c 470 s 3005 are each amended to read as follows:

(1) Except as provided in subsections (3) and (4) of this section, it is unlawful for a person to knowingly carry onto, or to possess in, a ballot counting center, a voting center, a student engagement hub, or the county elections and voter registration office, or areas of facilities while being used as a ballot counting center, a voting center, a student engagement hub, or the county elections and voter registration office:

(a) Any firearm;

(b) Any other dangerous weapon as described in RCW 9.41.250;

(c) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;

(d)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun that projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument that is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse; or

(e) Any spring blade knife as defined in RCW 9.41.250.

(2)(a) A person who violates subsection (1) of this section is guilty of a misdemeanor.

(b) Second and subsequent violations of this section are a gross misdemeanor.

(c) If a person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license and permit to purchase firearms, if any, revoked for a period of three years. Anyone convicted under subsection (1)(a) of this section is prohibited from applying for a concealed pistol license or permit to purchase firearms for a period of three years from the date of conviction. The court shall order the person to immediately surrender any concealed pistol license and permit to purchase firearms, and within three business days ((~~notify~~)) provide written notification to the department of licensing ((~~in writing~~)) of the required revocation of any concealed pistol license held by the person and to the Washington state patrol firearms background check program of the required revocation of any permit to purchase firearms. Upon receipt of the notification by the court, the department of licensing shall determine if the person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of the notification, shall immediately revoke the license.

(3) Subsection (1) of this section does not apply to:

(a) Any law enforcement officer of a federal, state, or local government agency; or

(b) Any security personnel hired by a county and engaged in security specifically for a counting center, a voting center, a student engagement hub, or the county elections and voter registration office or areas of facilities used for such purposes. However, a person who is not a commissioned law enforcement officer and who provides elections and voter registration security services under the direction of a county may not possess a firearm or device listed in subsection (1)(d) of this section unless he or she has successfully completed training in the use of firearms or such devices that is equivalent to the training received by commissioned law enforcement officers.

(4) Subsection (1) of this section does not prohibit concealed carry of a pistol, by a person licensed to carry a concealed pistol pursuant to RCW 9.41.070, in any voting center, student engagement hub, county elections and voter registration office, or areas of facilities while being used as a voting center, student engagement hub, or county elections and voter registration office. However, no weapon restricted by this section, whether concealed or openly carried, may be possessed in any ballot counting center or areas of facilities while being used as a ballot counting center.

(5) Elections officers and officials must post signs providing notice of the restriction on possession of firearms and other weapons at each counting center, voting center, student engagement hub, or county elections and voter registration office, or areas of facilities while being used as a counting center, a voting center, a student engagement hub, or the county elections and voter registration office.

(6) For the purposes of this section:

(a) "Ballot counting center" has the same meaning as "counting center" in RCW 29A.04.019;

(b) "Voting center" means a voting center as described in RCW 29A.40.160; and

(c) "Student engagement hub" means a student engagement hub as described in RCW 29A.40.180.

**Sec.**  RCW 9.41.345 and 2023 c 462 s 402 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released;

(d) Ensure that five business days have elapsed from the time the firearm was obtained by law enforcement; and

(e) If a family or household member or intimate partner has requested notification under RCW 9.41.340(1)(a)(i), or notification to an identified victim or protected person is required per RCW 9.41.340(1)(a)(ii), provide notice to the appropriate person within one business day of verifying that the requirements in (a) through (c) of this subsection have been met.

(2)(a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b)(i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of the firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

(3) If notification is required under RCW 9.41.340(1)(a) (i) or (ii), a law enforcement agency must hold the firearm in custody for five business days from the time notification has been provided or information has been entered.

(4)(a) A law enforcement agency may not return a concealed pistol license or permit to purchase firearms that has been surrendered to, or impounded by, the law enforcement agency for any reason to the licensee or permittee until the law enforcement agency determines the licensee or permittee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070 or a permit to purchase firearms under section 2 of this act.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm ((~~or~~)), concealed pistol license, or permit to purchase firearms from an individual and would otherwise immediately return the firearm ((~~or~~)), concealed pistol license, or permit to purchase firearms to the individual during the same interaction.

**Sec.**  RCW 9.41.800 and 2023 c 462 s 503 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, 26.26A.470, or 46.61.5055 shall, upon 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 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 and any permit to purchase firearms under section 2 of this act;

(c) Prohibit the party from accessing, having custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license or permit to purchase firearms;

(e) Other than for ex parte temporary protection orders, unless the ex parte temporary protection order was reissued after the party received noticed and had an opportunity to be heard, direct ((~~law enforcement~~)) the issuing authority to revoke any concealed pistol license and permit to purchase firearms issued to the party.

(2) During any period of time that the party is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW that:

(a) Was issued after a hearing of which the party received actual notice, and at which the party had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

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

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

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner, protected person, 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 and a permit to purchase firearms issued under section 2 of this act;

(C) Prohibit the party from accessing, having custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license or permit to purchase firearms.

(3) The court may order temporary surrender and prohibit the purchase of all firearms and other dangerous weapons, and any concealed pistol license and permit to purchase firearms, 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.

(4) In addition to the provisions of subsections (1) and (3) 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.

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

(6) The court shall require the party to surrender all firearms and other dangerous weapons in the party's custody, control, or possession, or subject to the party's immediate possession or control, and any concealed pistol license issued under RCW 9.41.070 and permit to purchase firearms issued under section 2 of this act, to the local law enforcement agency.

(7) 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 or permit to purchase firearms under this section:

(a) The order must be served by a law enforcement officer;

(b) Law enforcement must immediately ensure entry of the order to surrender and prohibit weapons and the revocation of any concealed pistol license or permit to purchase firearms is made into the appropriate databases making the party ineligible to possess firearms ((~~and~~)), a concealed pistol license, and a permit to purchase firearms; and

(c) Law enforcement officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.

**Sec.**  RCW 9.41.801 and 2023 c 462 s 403 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license ((~~issued under RCW 9.41.070~~)) and permit to purchase firearms, and conduct any search permitted by law for such firearms, dangerous weapons, ((~~and~~)) concealed pistol license, and permit to purchase firearms. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent shall be provided a copy and further service is not required. If the respondent refuses to receive a copy, an agent of the court may indicate on the record that the respondent refused to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800 or 10.99.100, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6)(a) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800 or 10.99.100, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. For any case where the court has indication that the respondent has in the respondent's possession, custody, or control firearms, dangerous weapons, or a concealed pistol license or permit to purchase firearms, a compliance review hearing shall be held. A compliance review hearing may be waived by the court or held at a later date if the information attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license ((~~issued under RCW 9.41.070~~)) and permit to purchase firearms, to a law enforcement agency, and the court is able to make a finding of compliance. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible and service by law enforcement shall be prioritized to minimize the time during which the respondent could access their firearms, dangerous weapons, ((~~or~~)) concealed pistol license, or permit to purchase firearms. The respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(b) In making its findings regarding compliance, the court should also consider any available department of licensing and Washington state patrol firearm records; for criminal cases, the police report and any documentation of firearms, or their recovery pursuant to RCW 10.99.030(3)(a); and for civil protection order cases, the protection order narrative, any sections of the protection order petition that specifically reference or inquire about firearms and other dangerous weapons, any attachments to the protection order petition, any affidavits from law enforcement or the petitioner in response to a respondent's declaration regarding firearm surrender, or other relevant evidence regarding firearms, dangerous weapons, or a concealed pistol license or permit to purchase firearms in the person's custody, control, or possession.

(c) If the court is considering waiving or delaying the compliance review hearing, the petitioner, law enforcement, or the state or city attorney may request that the compliance hearing be held, if there is reasonable suspicion to believe that the respondent has not surrendered all firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms, or is otherwise out of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may issue an arrest warrant and initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, with additional sanctions for failure to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license and permit to purchase firearms issued to the respondent ((~~has~~)) have been surrendered and an agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an order to surrender and prohibit weapons.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) The act of voluntarily surrendering firearms or weapons, providing testimony relating to the surrender of firearms or weapons, or complying with an order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 or 10.99.100, and any information directly or indirectly derived from such act or testimony, may not be used against the person subject to the order in any criminal prosecution under this chapter, chapter 7.105 RCW, or RCW 9A.56.310, or in any criminal prosecution pursuant to which such order to surrender and prohibit weapons was issued, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order. Every such order issued subsequent to July 23, 2023, shall contain language consistent with the statutory immunity set forth in this subsection.

(b) If a person subject to such an order invokes the privilege against self-incrimination at the time of issuance of the order or at a subsequent hearing, the court may afford the person subject to the order an opportunity to demonstrate that compliance with the surrender provision of the order would expose that person to a realistic threat of self-incrimination in a subsequent or pending criminal proceeding. The court may conduct this portion of the proceeding ex parte or receive evidence in camera, without the presence of the prosecuting attorney, after the court conducts an analysis under *State v. Bone-Club*, 128 wn.2d 254, and concludes that the courtroom may be closed.

(c) If the person subject to the order establishes such a realistic threat of self-incrimination regarding possible criminal prosecution that is not addressed by the immunity from prosecution set forth in (a) of this subsection, the court shall afford the relevant prosecuting attorney an opportunity to offer an immunity agreement tailored specifically to the firearms or weapons implicated by the potential self-incrimination. To achieve the purposes of this section, any immunity offered should be narrowly tailored to address any realistic threat of self-incrimination while ensuring that any other firearms not implicated are surrendered.

(d) Any immunity from prosecution beyond the immunity set forth in (a) of this subsection, may only be extended by the prosecuting attorney. If the prosecuting attorney declines to extend immunity such that the person subject to the order cannot fully comply with its surrender provision without facing a realistic threat of self-incrimination, the court's order must provide for the surrender of every firearm, dangerous weapon, ((~~and~~)) concealed pistol license, and permit to purchase firearms that does not implicate a realistic threat of self-incrimination. The order's prohibitions regarding accessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons, or any concealed pistol license or permit to purchase firearms, remain in effect.

(e) Nothing in this section shall be interpreted as diminishing the requirement that the person subject to the order fully comply with the order issued by the court. The burden remains on the person subject to the order to prove compliance.

(10) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(11) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, ((~~and~~)) concealed pistol licenses, and permits to purchase firearms that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm ((~~or~~)), concealed pistol license, or permit to purchase firearms that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm ((~~or~~)), concealed pistol license, or permit to purchase firearms to the owner or individual from whom it was obtained.

(12) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of ex parte and full orders issued under this chapter by each court, and, if available, the type of protection order, no-contact order, restraining order, or criminal charge with which the order was issued, the duration of the order, the period of time from issuance of the order until the court's finding of compliance, any violations, the nature of the violations, any sanctions imposed, the number of firearms obtained pursuant to each order, whether subsequent orders were issued involving the same respondent, and may make recommendations regarding additional procedures, training, or data collection and reporting to enhance compliance and victim safety.

**Sec.**  RCW 9.41.802 and 2014 c 111 s 4 are each amended to read as follows:

By December 1, 2014, the administrative office of the courts shall develop a proof of surrender and receipt pattern form to be used to document that a respondent has complied with a requirement to surrender firearms, dangerous weapons, and his or her concealed pistol license and permit to purchase firearms, as ordered by a court under RCW 9.41.800. The administrative office of the courts must also develop a declaration of nonsurrender pattern form to document compliance when the respondent has no firearms, dangerous weapons, ((~~or~~)) concealed pistol license, or permit to purchase firearms.

**Sec.**  RCW 9.41.804 and 2023 c 462 s 404 are each amended to read as follows:

(1) To prove full compliance with the court's order to surrender firearms, dangerous weapons, and any concealed pistol license or permit to purchase firearms under RCW 9.41.800, the person subject to the order must file with the clerk of the court: (a) A completed proof of surrender and receipt form; (b) a declaration that the person has no firearms, dangerous weapons, ((~~or~~)) concealed pistol license, or permit to purchase firearms; or (c) other evidence sufficient to establish full and timely compliance with the order.

(2) The verification of compliance required in subsection (1) of this section must be provided to the court within 24 hours of service of the order, unless the order is pursuant to a criminal proceeding. In a criminal proceeding, if the person subject to the order is in custody, proof of compliance must be provided to the court before the person subject to the order is released from custody; otherwise, proof of compliance must be provided before the conclusion of the sentencing hearing. If the court finds that surrender of all firearms, dangerous weapons, and any concealed pistol license or permit to purchase firearms is not possible prior to release or prior to the conclusion of the hearing, then arrangements for surrender shall be made and approved by the court before the person's release from custody or before the conclusion of the sentencing hearing, and the court shall order a law enforcement officer to accompany the person to the location where the firearms, dangerous weapons, ((~~and~~)) concealed pistol license, and permit to purchase firearms are located so that they are surrendered directly to the law enforcement officer. Surrender to local law enforcement shall occur in a safe manner and proof of compliance provided by law enforcement to the court within 24 hours of either the person's release from custody or the conclusion of the sentencing hearing.

(3) By December 30, 2023, the administrative office of the courts shall develop and distribute any new or updated forms necessary to implement subsections (1) and (2) of this section, and other sections of chapter 462, Laws of 2023 where a form needs to be created or updated.

**Sec.**  RCW 9.41.815 and 2021 c 215 s 76 are each amended to read as follows:

For the purpose of assisting courts in ensuring compliance with an order to surrender and prohibit weapons or an extreme risk protection order, the department of licensing, or the agency with responsibility for maintaining that information should it be an agency other than the department of licensing, shall make the following information available to prosecuting attorneys' offices, city attorneys' offices, public defender agency staff, probation services personnel, and judicial officers and staff of municipal, district, and superior courts for the following law enforcement purposes:

(1) Determining whether a person is ineligible to possess firearms;

(2) Determining a person's firearms purchase history; and

(3) Determining whether a person has or previously had a concealed pistol license or permit to purchase firearms, or has applied for a concealed pistol license or permit to purchase firearms.

**Sec.**  RCW 7.105.305 and 2022 c 268 s 16 are each amended to read as follows:

(1) Where it appears from the petition and any additional evidence that the respondent has engaged in conduct against the petitioner that serves as a basis for a protection order under this chapter, and the petitioner alleges that serious immediate harm or irreparable injury could result if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary protection order, pending a full hearing. The court has broad discretion to grant such relief as the court deems proper, including the forms of relief listed in RCW 7.105.310, provided that the court shall not order a form of relief listed in RCW 7.105.310 if it would not be feasible or appropriate for the respondent to comply with such a requirement before a full hearing may be held on the petition for a protection order. If the court does not order all the relief requested by the petitioner in an ex parte temporary protection order, the court shall still consider ordering such relief at the full hearing on the petition for a protection order. In issuing the order, the court shall consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms, as required in RCW 9.41.800.

(2) Any order issued under this section must contain the date, time of issuance, and expiration date.

(3) The court may issue an ex parte temporary protection order on the petition with or without a hearing. If an ex parte temporary protection order is denied, the court shall still set a full hearing unless the court determines the petition does not contain prima facie allegations to support the issuance of any type of protection order. If the court declines to issue an ex parte temporary protection order as requested or declines to set a hearing, the court shall state the reasons in writing. The court's denial of a motion for an ex parte temporary protection order shall be filed with the court.

(4) If a full hearing is set on a petition that is filed before close of business on a judicial day, the hearing must be set not later than 14 days from the date of the filing of the petition. If a full hearing is set on a petition that is submitted after close of business on a judicial day or is submitted on a nonjudicial day, the hearing must be set not later than 14 days from the first judicial day after the petition is filed, which may be extended for good cause.

(5) If the court does not set a full hearing, the petitioner may file an amended petition within 14 days of the court's denial. If the court determines the amended petition does not contain prima facie allegations to support the issuance of any type of protection order or if the petitioner fails to file an amended petition within the required time, the court may enter an order dismissing the petition.

(6) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent, but has failed to obtain the issuance of a civil antiharassment protection order, unless good cause for such failure can be shown.

**Sec.**  RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9 are each reenacted and amended to read as follows:

(1) In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (2) of this section, and other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the residence that the parties share;

(d) Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

(e) Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

(f) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

(g) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

(h) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(i) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

(j) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(k) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyber harassment as defined in RCW 9A.90.120, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(l) Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(m) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms, as required in RCW 9.41.800;

(n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

(o) Order use of a vehicle;

(p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

(q) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

(r) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

(s) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

(t) Order financial relief and restrain the transfer of jointly owned assets;

(u) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

(v) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) In an antiharassment protection order proceeding, the court may grant the relief specified in subsection (1)(c), (f), and (t) of this section only as part of a full antiharassment protection order.

(3) The court in granting a temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

(4) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

(b) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW 7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

(c) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

(5) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

**Sec.**  RCW 7.105.330 and 2021 c 215 s 43 are each amended to read as follows:

(1) In considering whether to issue a temporary extreme risk protection order, the court shall consider all relevant evidence, including the evidence described in RCW 7.105.215.

(2) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm, the court shall issue a temporary extreme risk protection order.

(3) A temporary extreme risk protection order must include:

(a) A statement of the grounds asserted for the order;

(b) The date and time the order was issued;

(c) The date and time the order expires;

(d) The address of the court in which any responsive pleading should be filed;

(e) The date and time of the scheduled hearing;

(f) A description of the requirements for the surrender of firearms under RCW 7.105.340; and

(g) The following statement: "To the subject of this protection order: This order is valid until the date and time noted above. You are required to surrender all firearms in your custody, control, or possession. You may not have in your custody or control, access, possess, purchase, receive, or attempt to purchase or receive, a firearm, or a concealed pistol license or permit to purchase firearms, while this order is in effect. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession, and any concealed pistol license issued to you under RCW 9.41.070 and permit to purchase firearms issued to you under section 2 of this act, immediately. A hearing will be held on the date and at the time noted above to determine if an extreme risk protection order should be issued. Failure to appear at that hearing may result in a court making an order against you that is valid for one year. You may seek the advice of an attorney as to any matter connected with this order."

(4) A temporary extreme risk protection order issued expires upon the full hearing on the petition for an extreme risk protection order, unless reissued by the court.

(5) A temporary extreme risk protection order must be served by a law enforcement officer in the same manner as provided for in RCW 7.105.155 for service of the notice of hearing and petition, and must be served concurrently with the notice of hearing and petition.

(6) If the court declines to issue a temporary extreme risk protection order, the court shall state the particular reasons for the court's denial.

**Sec.**  RCW 7.105.335 and 2021 c 215 s 44 are each amended to read as follows:

(1) An extreme risk protection order issued after notice and a hearing must include:

(a) A statement of the grounds supporting the issuance of the order;

(b) The date and time the order was issued;

(c) The date and time the order expires;

(d) Whether a behavioral health evaluation of the respondent is required;

(e) The address of the court in which any responsive pleading should be filed;

(f) A description of the requirements for the surrender of firearms under RCW 7.105.340; and

(g) The following statement: "To the subject of this protection order: This order will last until the date and time noted above. If you have not done so already, you must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession, and any concealed pistol license issued to you under RCW 9.41.070 and permit to purchase firearms issued to you under section 2 of this act, immediately. You may not have in your custody or control, access, possess, purchase, receive, or attempt to purchase or receive, a firearm, or a concealed pistol license or permit to purchase firearms, while this order is in effect. You have the right to request one hearing to terminate this order every 12-month period that this order is in effect, starting from the date of this order and continuing through any renewals. You may seek the advice of an attorney as to any matter connected with this order."

(2) When the court issues an extreme risk protection order, the court shall inform the respondent that the respondent is entitled to request termination of the order in the manner prescribed by RCW 7.105.505. The court shall provide the respondent with a form to request a termination hearing.

**Sec.**  RCW 7.105.340 and 2023 c 462 s 405 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, or subject to the respondent's immediate possession or control, and any concealed pistol license issued under RCW 9.41.070 and permit to purchase firearms issued under section 2 of this act; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent and the Washington state patrol firearms background check program to revoke any permit to purchase firearms issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 and permit to purchase firearms issued under section 2 of this act, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent must be provided a copy and further service is not required. If the respondent refuses to accept a copy, an agent of the court may indicate on the record that the respondent refused to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license and permit to purchase firearms, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm ((~~or~~)), concealed pistol license, or permit to purchase firearms shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that the officer's law enforcement agency retains a copy of the receipt. The law enforcement agency shall transfer a surrendered permit to purchase firearms to the Washington state patrol firearms background check program.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in the respondent's possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 and permit to purchase firearms issued under section 2 of this act, to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 and permit to purchase firearms issued under section 2 of this act, to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license and permit to purchase firearms issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified, and that the Washington state patrol firearms background check program has been notified of the surrender of a permit to purchase firearms.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm ((~~or~~)), concealed pistol license, or permit to purchase firearms shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm ((~~or~~)), concealed pistol license, or permit to purchase firearms to the owner or individual from whom it was obtained.

**Sec.**  RCW 7.105.350 and 2021 c 215 s 47 are each amended to read as follows:

(1) The clerk of the court shall enter any extreme risk protection order, including temporary extreme risk protection orders, issued under this chapter into a statewide judicial information system on the same day such order is issued, if possible, but no later than the next judicial day.

(2) A copy of an extreme risk protection order granted under this chapter, including temporary extreme risk protection orders, must be forwarded immediately by the clerk of the court, by electronic means if possible, to the law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into the national instant criminal background check system, any other federal or state computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms, and any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order must remain in each system for the period stated in the order, and the law enforcement agency shall only expunge orders from the systems that have expired or terminated. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(3) The information entered into the computer-based criminal intelligence information system must include notice to law enforcement whether the order was personally served, served by electronic means, served by publication, or served by mail.

(4) If a law enforcement agency receives a protection order for entry or service, but the order falls outside the agency's jurisdiction, the agency may enter and serve the order or may immediately forward it to the appropriate law enforcement agency for entry and service, and shall provide documentation back to the court verifying which law enforcement agency has entered and will serve the order.

(5) The issuing court shall, within three judicial days after the issuance of any extreme risk protection order, including a temporary extreme risk protection order, forward a copy of the respondent's driver's license or identicard, or comparable information, along with the date of order issuance, to the department of licensing and the Washington state patrol firearms background check program. Upon receipt of the information, the department of licensing shall determine if the respondent has a concealed pistol license. If the respondent does have a concealed pistol license, the department of licensing shall immediately notify a law enforcement agency that the court has directed the revocation of the license. The law enforcement agency, upon receipt of such notification, shall immediately revoke the license. Upon receipt of the information, the Washington state patrol firearms background check program shall determine if the respondent has a permit to purchase firearms. If the respondent does have a permit to purchase firearms, the Washington state patrol firearms background check program shall immediately revoke the permit.

(6) If an extreme risk protection order is terminated before its expiration date, the clerk of the court shall forward on the same day a copy of the termination order to the department of licensing and the law enforcement agency specified in the termination order. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to subsection (2) of this section.

**Sec.**  RCW 7.105.570 and 2021 c 215 s 69 are each amended to read as follows:

This chapter does not affect the ability of a law enforcement officer to remove a firearm ((~~or~~)), concealed pistol license, or permit to purchase firearms from any person or to conduct any search and seizure for firearms pursuant to other lawful authority.

**Sec.**  RCW 10.31.100 and 2023 c 462 s 702 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

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

(a) A domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order has been issued, of which the person has knowledge, under chapter 7.105 RCW, or an order has been issued, of which the person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46, 9A.88, 10.99, 26.09, 26.26A, 26.26B, or 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of, or entering, a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or requiring the person to submit to electronic monitoring, or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person;

(b) An extreme risk protection order has been issued against the person under chapter 7.105 RCW or former RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in the person's custody or control, purchasing, possessing, accessing, or receiving a firearm ((~~or~~)), concealed pistol license, or permit to purchase firearms;

(c) A foreign protection order, as defined in RCW 26.52.010, or a Canadian domestic violence protection order, as defined in RCW 26.55.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order or the Canadian domestic violence protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order or the Canadian domestic violence protection order specifically indicates that a violation will be a crime; or

(d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member or intimate partner as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members or intimate partners have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

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

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

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

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

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

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

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

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

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

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

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

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

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

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an antiharassment protection order has been issued of which the person has knowledge under chapter 7.105 RCW or former chapter 10.14 RCW and the person has violated the terms of that order.

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

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

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

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(5) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

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

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

**Sec.**  RCW 10.99.030 and 2023 c 470 s 1001 are each amended to read as follows:

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

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

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

(3)(a) A peace officer who responds to a domestic violence call and has probable cause to believe that a crime has been committed shall:

(i) Seize all firearms and ammunition the peace officer has reasonable grounds to believe were used or threatened to be used in the commission of the offense;

(ii) Seize all firearms in plain sight or discovered pursuant to a lawful search; and

(iii) Request consent to take temporary custody of any other firearms and ammunition to which the alleged abuser has access until a judicial officer has heard the matter.

(b) The peace officer shall separate the parties and then inquire of the victim: (i) If there are any firearms or ammunition in the home that are owned or possessed by either party; (ii) if the alleged abuser has access to any other firearms located off-site; and (iii) whether the alleged abuser has an active concealed pistol license or permit to purchase firearms, so that there is a complete record for future court proceedings. The inquiry should make clear to the victim that the peace officer is not asking only about whether a firearm was used at the time of the incident but also under other circumstances, such as whether the alleged abuser has kept a firearm in plain sight in a manner that is coercive, has threatened use of firearms in the past, or has additional firearms in a vehicle or other location. Law enforcement personnel may use a pictorial display of common firearms to assist the victim in identifying firearms.

(c) The peace officer shall document all information about firearms ((~~and~~)), concealed pistol licenses, and permits to purchase firearms in the incident report. The incident report must be coded to indicate the presence of or access to firearms so that personal recognizance screeners, prosecutors, and judicial officers address the heightened risk to victim, family, and peace officer safety due to the alleged abuser's access to firearms.

(d) A law enforcement agency shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of any firearm or ammunition seized under this subsection to the owner or individual from who the firearm or ammunition was obtained.

(4) When a peace officer responds to a domestic violence call:

(a) The officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; (e) an order restraining your abuser from molesting or interfering with minor children in your custody; and (f) an order requiring your abuser to turn in any firearms ((~~and~~)), concealed pistol license, and permit to purchase firearms in the abuser's possession or control to law enforcement and prohibiting the abuser from possessing or accessing firearms or a concealed pistol license or permit to purchase firearms for the duration of the civil order. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

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

(b) The officer is encouraged to inform victims that information on traumatic brain injury can be found on the statewide website developed under RCW 74.31.070.

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

(6) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages arising out of the seizure or lack of seizure of a firearm, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.

**Sec.**  RCW 10.99.040 and 2023 c 462 s 302 and 2023 c 320 s 1 are each reenacted and amended to read as follows:

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

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

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

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

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

(e) Shall not deny issuance of a no-contact order based on the existence of an applicable civil protection order preventing the defendant from contacting the victim;

(f) When issuing a no-contact order, shall attempt to determine whether there are any other active no-contact orders, protection orders, or restraining orders involving the defendant to assist the court in ensuring that any no-contact order it may impose does not lessen protections imposed by other courts under other such orders; and

(g) Shall not deny issuance of a no-contact order based on the existence of an applicable civil protection order preventing the defendant from contacting the victim.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim and others. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. The court authorizing release may issue a no-contact order that:

(i) Prohibits the person charged or arrested from making any attempt to contact, including nonphysical contact, the victim or the victim's family or household members, either directly, indirectly, or through a third party;

(ii) Excludes the defendant from a residence shared with the victim, or from a workplace, school, or child care;

(iii) Prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or vehicle; and

(iv) Includes other related prohibitions to reduce risk of harm.

(b) The court shall verify that the requirements of RCW 10.99.030(3) have been satisfied, including that a sworn statement of a peace officer has been submitted to the court, documenting that the responding peace officers separated the parties and asked the victim or victims at the scene about firearms, other dangerous weapons, and ammunition that the defendant owns or has access to, and whether the defendant has a concealed pistol license or permit to purchase firearms. If the sworn statement of a peace officer or other information provided to the court indicates there may be a risk of harm if the defendant has access to firearms, dangerous weapons, or an active concealed pistol license or permit to purchase firearms, the court shall verify that peace officers have temporarily removed and secured all the firearms, dangerous weapons, and any concealed pistol license or permit to purchase firearms. The court shall then determine whether an order to surrender and prohibit weapons or an extreme risk protection order should be issued pursuant to RCW 9.41.800 or chapter 7.105 RCW, prohibiting the defendant from possessing, purchasing, receiving, having in the defendant's control or custody, accessing, or attempting to purchase or receive, any firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms, and shall order the defendant to surrender, and prohibit the defendant from possessing, any firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms, as required in RCW 9.41.800, or shall issue an extreme risk protection order as required by chapter 7.105 RCW. The court may make these determinations on the record or off the record with a written explanation when declining to impose the restrictions authorized in this subsection.

(3)(a) At the time of arraignment, the court shall review the defendant's firearms purchase history provided by the prosecutor pursuant to RCW 10.99.045, and any other firearms information provided by law enforcement or court or jail staff, and shall determine whether a no-contact order, an order to surrender and prohibit weapons, or an extreme risk protection order shall be issued or, if previously issued, extended.

(b) So long as the court finds probable cause, the court may issue or extend a no-contact order, an order to surrender and prohibit weapons, or an extreme risk protection order, even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed. To the extent the court is aware, the court shall advise the defendant of the ongoing requirements of any other no-contact, restraining, or protection order that remains in effect.

(c) If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW 9.94A.030. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant pay the costs of the electronic monitoring. If a defendant enters into a deferred prosecution or stipulated order of continuance, the applicable order or agreement may require the defendant pay the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under this section is punishable as provided under RCW 7.105.450 or 7.105.460((~~,~~)) or chapter 9.41 RCW.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 7.105 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

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

(5)(a) A peace officer may request, on an ex parte basis and before criminal charges or a petition for a protection order or an extreme risk protection order have been filed, an emergency no-contact order, order to surrender and prohibit weapons, or extreme risk protection order from a judicial officer on behalf of and with the consent of the victim of an alleged act involving domestic violence if the victim is able to provide such consent. If the victim is incapacitated as a result of the alleged act of domestic violence, a peace officer may request an emergency no-contact order, order to surrender and prohibit weapons, or extreme risk protection order on his or her behalf. The request shall be made based upon the sworn statement of a peace officer and may be made in person, by telephone, or by electronic means. If the court finds probable cause to believe that the victim is in imminent danger of domestic violence based on an allegation of the recent commission of an act involving domestic violence, the court shall issue an emergency no-contact order and an order to surrender and prohibit weapons or an extreme risk protection order as required by RCW 9.41.800 or chapter 7.105 RCW. An emergency no-contact order issued by a court will remain in effect until either the court terminates the emergency no-contact order, the court finds probable cause for a referred crime, or an ex parte hearing is held on a petition for a protection order or extreme risk protection order.

(b) If the court issues an order to surrender and prohibit weapons or an extreme risk protection order, and has not verified that peace officers have temporarily removed and secured all firearms and dangerous weapons, and any concealed pistol license and permit to purchase firearms, all orders issued by the court must be personally served by a peace officer and the peace officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search, as required by RCW 9.41.801.

(c) If the court does not issue an order to surrender and prohibit weapons or an extreme risk protection order, or has verified that all firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms have been temporarily removed by law enforcement, service of the court's orders may be effected electronically. Electronic service must be effected by a law enforcement agency transmitting copies of the petition and any supporting materials filed with the petition, any notice of hearing, and any orders, or relevant materials for motions, to the defendant at the defendant's electronic address or the defendant's electronic account associated with email, text messaging, social media applications, or other technologies. Verification of notice is required and may be accomplished through read-receipt mechanisms, a response, a sworn statement from the person who effected service verifying transmission and any follow-up communications such as email or telephone contact used to further verify, or an appearance by the defendant at a hearing. Sworn proof of service must be filed with the court by the person who effected service.

(d) A no-contact order, order to surrender and prohibit weapons, or extreme risk protection order authorized by telephonic or electronic means shall also be issued in writing as soon as possible and shall state that it may be extended as provided in subsection (3) of this section.

(6) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(7) Whenever an order is issued, modified, or terminated under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(8) For the purposes of this section, and unless context clearly requires otherwise, "emergency no-contact order" means a no-contact order issued by a court of competent jurisdiction before criminal charges have been filed or before a petition for a protection order or extreme risk protection order has been filed.

**Sec.**  RCW 11.130.257 and 2021 c 215 s 125 are each amended to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining another party from:

(a) Molesting or disturbing the peace of the other party or of any child;

(b) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order or an antiharassment protection order under chapter 7.105 RCW on a temporary basis by filing an appropriate separate civil cause of action. The petitioner shall inform the court of the existence of the action under this title. The court shall set all future protection hearings on the guardianship calendar to be heard concurrent with the action under this title and the clerk shall relate the cases in the case management system. The court may grant any of the relief provided in RCW 7.105.310 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms as required in RCW 9.41.800. Such orders may only be made in the civil protection case related to the action under this title.

(5) The court may issue a temporary restraining order without requiring notice to the other party only 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 responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(7) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

(8) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

**Sec.**  RCW 26.09.060 and 2021 c 215 s 133 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage or domestic partnership, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage or the domestic partnership by a court which lacked personal jurisdiction over the absent spouse or absent domestic partner; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him or her to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child;

(c) Going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child upon a showing of the necessity therefor;

(d) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location, a protected party's person, or a protected party's vehicle; and

(e) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order or an antiharassment protection order under chapter 7.105 RCW on a temporary basis. The court may grant any of the relief provided in RCW 7.105.310 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license and permit to purchase firearms as required in RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only 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 responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances. The court may in its discretion waive the filing of the bond or the posting of security.

(7) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 7.105 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(10) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection (11) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

(11) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

(a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or

(b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

**Sec.**  RCW 71.05.182 and 2020 c 302 s 21 are each amended to read as follows:

(1) A person who under RCW 71.05.150 or 71.05.153 has been detained at a facility for a period of not more than one hundred twenty hours for the purpose of evaluation and treatment on the grounds that the person presents a likelihood of serious harm, but who has not been subsequently committed for involuntary treatment under RCW 71.05.240, may not have in his or her possession or control any firearm for a period of six months after the date that the person is detained.

(2) Before the discharge of a person who has been initially detained under RCW 71.05.150 or 71.05.153 on the grounds that the person presents a likelihood of serious harm, but has not been subsequently committed for involuntary treatment under RCW 71.05.240, the designated crisis responder shall inform the person orally and in writing that:

(a) He or she is prohibited from possessing or controlling any firearm for a period of six months;

(b) He or she must immediately surrender, for the six-month period, any concealed pistol license and permit to purchase firearms and any firearms that the person possesses or controls to the sheriff of the county or the chief of police of the municipality in which the person is domiciled;

(c) After the six-month suspension, the person's right to control or possess any firearm ((~~or~~)), concealed pistol license, or permit to purchase firearms shall be automatically restored, absent further restrictions imposed by other law; and

(d) Upon discharge, the person may petition the superior court to have his or her right to possess a firearm restored before the six-month suspension period has elapsed by following the procedures provided in RCW 9.41.047(3).

(3) The designated crisis responder shall notify the sheriff of the county or the chief of police of the municipality in which the person is domiciled of the six-month suspension.

(4) A law enforcement agency holding any firearm that has been surrendered pursuant to this section shall, upon the request of the person from whom it was obtained, return the firearm at the expiration of the six-month suspension period, or prior to the expiration of the six-month period if the person's right to possess firearms has been restored by the court under RCW 9.41.047. The law enforcement agency, prior to returning the firearm, shall verify with the prosecuting attorney's office or designated crisis responders that the person has not been previously or subsequently committed for involuntary treatment under RCW 71.05.240. The law enforcement agency must comply with the provisions of RCW 9.41.345 when returning a firearm pursuant to this section.

(5) Any firearm surrendered pursuant to this section that remains unclaimed by the lawful owner shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

**Sec.**  RCW 72.23.080 and 1994 sp.s. c 7 s 442 are each amended to read as follows:

Any person received and detained in a state hospital under chapter 71.34 RCW is deemed a voluntary patient and, except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license or permit to purchase firearms, shall not suffer a loss of legal competency by reason of his or her application and admission. Upon the admission of a voluntary patient to a state hospital the superintendent shall immediately forward to the department the record of such patient showing the name, address, sex, date of birth, place of birth, occupation, social security number, date of admission, name of nearest relative, and such other information as the department may from time to time require.

NEW SECTION. **Sec.**  This act takes effect January 1, 2026.

**--- END ---**