

E2SHB 1715 - S COMM AMD
By Committee on Law & Justice

NOT CONSIDERED 04/10/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Part I. Electronic Monitoring with Victim Notification Technology**

4 NEW SECTION. **Sec. 101.** A new section is added to chapter 43.101
5 RCW to read as follows:

6 (1) By December 1, 2023, the commission must adopt rules:

7 (a) Establishing standards for the operation of electronic
8 monitoring with victim notification technology by monitoring
9 agencies, with the goal of implementing best practices to improve
10 victim safety;

11 (b) Establishing protocols for implementing court orders that
12 include electronic monitoring with victim notification, including
13 protocols for the installation and removal of monitoring devices to
14 ensure uninterrupted monitoring services following release from
15 detainment or incarceration; and

16 (c) Establishing any additional requirements necessary to promote
17 compliance with RCW 2.56.260 and 9.94A.736, which may include, but
18 not be limited to, training requirements for court officials, peace
19 officers, 911 dispatchers, local corrections officers and staff, and
20 other appropriate practitioners.

21 (2) In developing the rules required under this section, the
22 commission must solicit input from courts of general and limited
23 jurisdiction, local governments, monitoring agencies, and statewide
24 associations representing law enforcement leaders, prosecutors,
25 domestic violence victims, and domestic violence agencies.

26 (3) The commission must develop a model policy on electronic
27 monitoring with victim notification technology based on best
28 practices where the technology is being currently used in Washington.
29 Each law enforcement agency in the state must adopt its own policy
30 based on the model policy.

31 (4) For the purposes of this section:

- 1 (a) "Electronic monitoring" has the meaning provided in RCW
2 9.94A.030; and
3 (b) "Monitoring agency" has the meaning provided in RCW
4 9.94A.736.

5 **Part II. Access to Counsel**

6 NEW SECTION. **Sec. 201.** (1) The office of civil legal aid shall
7 propose a plan to standardize and expand statewide access to civil
8 legal assistance for survivors of domestic violence as defined in RCW
9 7.105.010 in protection order proceedings initiated in superior and
10 district courts and in family law proceedings. The plan must include
11 the following specific areas of focus:

12 (a) Exploration of how deployment of publicly funded attorneys
13 could integrate with existing networks of community and nonprofit
14 organizations already providing support for domestic violence
15 survivors;

16 (b) Strategies for expanding the number of private attorneys
17 available to provide effective civil legal representation to domestic
18 violence survivors;

19 (c) Strategies for incorporating high quality, culturally
20 responsive, equity and trauma-informed assistance by nonattorneys
21 into delivery systems where appropriate;

22 (d) A proposed implementation schedule and priorities;

23 (e) Provisions to ensure effective training, support, technical,
24 and other assistance to ensure equity and trauma-informed legal
25 assistance targeted to survivors at greatest risk of lethal and other
26 aggravated harms who are unable to afford counsel;

27 (f) Provisions for effective training to ensure the courts
28 differentiate between victims who may need civil legal assistance,
29 and abusers who may allege to be victims in order to secure civil
30 legal assistance;

31 (g) Any statutory changes necessary to implement the plan,
32 including a description of how expanded access to counsel interacts
33 with the appointment of counsel under RCW 7.105.240; and

34 (h) Any other information deemed appropriate by the office of
35 civil legal aid.

36 (2) The office of civil legal aid must report the plan to the
37 appropriate legislative committees by September 30, 2024.

38 (3) This section expires December 31, 2024.

1 (2) Service of an order issued under this chapter must take
2 precedence over the service of other documents by law enforcement
3 unless they are of a similar emergency nature;

4 (3) Where personal service is required, the first attempt at
5 service must occur within 24 hours of receiving the order from the
6 court (~~whenever practicable, but not more than five days after~~
7 ~~receiving the order~~) unless an emergency situation renders the
8 service infeasible. If the first attempt is not successful, no fewer
9 than two additional attempts should be made to serve the order,
10 particularly for respondents who present heightened risk of lethality
11 or other risk of physical harm to the petitioner or petitioner's
12 family or household members. All attempts at service must be
13 documented on a proof of service form and submitted to the court in a
14 timely manner;

15 (4) If service cannot be completed within 10 calendar days, the
16 law enforcement officer shall notify the petitioner. The petitioner
17 shall provide information sufficient to permit notification. Law
18 enforcement shall continue to attempt to complete service unless
19 otherwise directed by the court. In the event that the petitioner
20 does not provide a service address for the respondent or there is
21 evidence that the respondent is evading service, the law enforcement
22 officer shall use law enforcement databases to assist in locating the
23 respondent;

24 (5) If the respondent is in a protected person's presence at the
25 time of contact for service, the law enforcement officer should take
26 reasonable steps to separate the parties when possible prior to
27 completing the service or inquiring about or collecting firearms.
28 When the order requires the respondent to vacate the parties' shared
29 residence, law enforcement shall take reasonable steps to ensure that
30 the respondent has left the premises and is on notice that (~~his or~~
31 ~~her~~) the respondent's return is a violation of the terms of the
32 order. The law enforcement officer shall provide the respondent with
33 copies of all forms with the exception of the confidential
34 information form completed by the protected party and the proof of
35 service form;

36 (6) Any law enforcement officer who serves a protection order on
37 a respondent with the knowledge that the respondent requires special
38 assistance due to a disability, brain injury, or impairment shall
39 make a reasonable effort to accommodate the needs of the respondent

1 to the extent practicable without compromise to the safety of the
2 petitioner;

3 (7) Proof of service must be submitted to the court on the proof
4 of service form. The form must include the date and time of service
5 and each document that was served in order for the service to be
6 complete, along with any details such as conduct at the time of
7 service, threats, or avoidance of service, as well as statements
8 regarding possession of firearms, including any denials of ownership
9 despite positive purchase history, active concealed pistol license,
10 or sworn statements in the petition that allege the respondent's
11 access to, or possession of, firearms; or

12 (8) If attempts at service were not successful, the proof of
13 service form or the form letter showing that the order was not
14 served, and stating the reason it was not served, must be returned to
15 the court by the next judicial day following the last unsuccessful
16 attempt at service. Each attempt at service must be noted and
17 reflected in computer aided dispatch records, with the date, time,
18 address, and reason service was not completed.

19 **Sec. 302.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to
20 read as follows:

21 (1) To help ensure familiarity with the unique nature of
22 protection order proceedings, and an understanding of trauma-informed
23 practices and best practices in the use of new technologies for
24 remote hearings, judicial officers, including persons who serve as
25 judicial officers pro tempore, should receive evidence-based training
26 on procedural justice, trauma-informed practices, gender-based
27 violence dynamics, coercive control, elder abuse, juvenile sex
28 offending, teen dating violence, domestic violence homicide
29 prevention, and requirements and best practices for the surrender of
30 weapons before presiding over protection order hearings. Trainings
31 should be provided on an ongoing basis as best practices, research on
32 trauma, and legislation continue to evolve. As a method of continuous
33 training, court commissioners, including pro tempore commissioners,
34 shall be notified by the presiding judge or court administrator upon
35 revision of any decision made under this chapter.

36 (2) The administrative office of the courts shall develop
37 training for judicial officers on the topics listed in subsection (1)
38 of this section, which must be provided free of charge to judicial
39 officers.

1 (2) The criminal justice training commission shall implement by
2 July 28, 2019, a course of instruction for the training of law
3 enforcement officers in Washington in the handling of domestic
4 violence complaints. The basic law enforcement curriculum of the
5 criminal justice training commission must include at least twenty
6 hours of basic training instruction on the law enforcement response
7 to domestic violence. The course of instruction, the learning and
8 performance objectives, and the standards for the training must be
9 developed by the commission and focus on enforcing the criminal laws,
10 safety of the victim, and holding the perpetrator accountable for the
11 violence. The curriculum must include training on the extent and
12 prevalence of domestic violence, the importance of criminal justice
13 intervention, techniques for responding to incidents that minimize
14 the likelihood of officer injury and that promote victim safety,
15 trauma-informed investigation and interviewing skills, evidence
16 gathering and report writing, assistance to and services for victims
17 and children, domestic violence homicide prevention, the intersection
18 of firearms and domestic violence, best practices for serving and
19 enforcing protection orders, best practices for implementation and
20 enforcement of orders to surrender and prohibit weapons and extreme
21 risk protection orders, the impacts that trauma may have on domestic
22 violence victims, understanding the risks of traumatic brain injury
23 posed by domestic violence, verification and enforcement of court
24 orders, liability, and any additional provisions that are necessary
25 to carry out the intention of this subsection.

26 (3) The criminal justice training commission shall develop and
27 update annually an in-service training program to familiarize law
28 enforcement officers with domestic violence laws. The program must
29 include techniques for handling incidents of domestic violence that
30 minimize the likelihood of injury to the officer and that promote the
31 safety of all parties. The program must also include training on
32 domestic violence homicide prevention, the intersection of firearms
33 and domestic violence, best practices for serving and enforcing
34 protection orders, and assistance to and services for victims and
35 children. The commission shall make the training program available to
36 all law enforcement agencies in the state.

37 (4) Development of the training in subsections (2) and (3) of
38 this section must be conducted in conjunction with agencies having a
39 primary responsibility for serving victims of domestic violence with
40 emergency shelter and other services, and representatives to the

1 statewide organization providing training and education to these
2 organizations and to the general public.

3 **Sec. 402.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to
4 read as follows:

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

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

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

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

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

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

22 (2) (a) Because of the likelihood of repeated violence directed at
23 those who have been victims of domestic violence in the past, when
24 any person charged with or arrested for a crime involving domestic
25 violence is released from custody before arraignment or trial on bail
26 or personal recognizance, the court authorizing the release may
27 prohibit that person from having any contact with the victim. The
28 jurisdiction authorizing the release shall determine whether that
29 person should be prohibited from having any contact with the victim.
30 If there is no outstanding restraining or (~~protective~~) protection
31 order prohibiting that person from having contact with the victim,
32 the court authorizing release may issue, by telephone, a no-contact
33 order prohibiting the person charged or arrested from having contact
34 with the victim or from knowingly coming within, or knowingly
35 remaining within, a specified distance of a location.

36 (b) In issuing the order, the court shall consider the provisions
37 of RCW 9.41.800, and shall order the defendant to surrender, and
38 prohibit the person from possessing, all firearms, dangerous weapons,
39 and any concealed pistol license as required in RCW 9.41.800.

1 (c) The no-contact order shall also be issued in writing as soon
2 as possible, and shall state that it may be extended as provided in
3 subsection (3) of this section. By January 1, 2011, the
4 administrative office of the courts shall develop a pattern form for
5 all no-contact orders issued under this chapter. A no-contact order
6 issued under this chapter must substantially comply with the pattern
7 form developed by the administrative office of the courts.

8 (3)(a) At the time of arraignment the court shall determine
9 whether a no-contact order shall be issued or extended. So long as
10 the court finds probable cause, the court may issue or extend a no-
11 contact order even if the defendant fails to appear at arraignment.
12 The no-contact order shall terminate if the defendant is acquitted or
13 the charges are dismissed.

14 (b) In issuing the order, the court shall consider all
15 information documented in the incident report concerning the person's
16 possession of and access to firearms and whether law enforcement took
17 temporary custody of firearms at the time of the arrest. The court
18 may as a condition of release prohibit the defendant from possessing
19 or accessing firearms and order the defendant to immediately
20 surrender all firearms and any concealed pistol license to a law
21 enforcement agency upon release.

22 (c) If a no-contact order is issued or extended, the court may
23 also include in the conditions of release a requirement that the
24 defendant submit to electronic monitoring as defined in RCW
25 9.94A.030. If electronic monitoring is ordered, the court shall
26 specify who shall provide the monitoring services, and the terms
27 under which the monitoring shall be performed. Upon conviction, the
28 court may require as a condition of the sentence that the defendant
29 (~~reimburse the providing agency for~~) pay the costs of the
30 electronic monitoring. If a defendant enters into a deferred
31 prosecution or stipulated order of continuance, the applicable order
32 or agreement may require the defendant pay the costs of the
33 electronic monitoring.

34 (4)(a) Willful violation of a court order issued under subsection
35 (2), (3), or (7) of this section is punishable under RCW 7.105.450.

36 (b) The written order releasing the person charged or arrested
37 shall contain the court's directives and shall bear the legend:
38 "Violation of this order is a criminal offense under chapter 7.105
39 RCW and will subject a violator to arrest; any assault, drive-by
40 shooting, or reckless endangerment that is a violation of this order

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

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

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

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

26 (7) All courts shall develop policies and procedures by January
27 1, 2011, to grant victims a process to modify or rescind a no-contact
28 order issued under this chapter. The administrative office of the
29 courts shall develop a model policy to assist the courts in
30 implementing the requirements of this subsection.

31 **Part V. Firearms and Dangerous Weapons**

32 **Sec. 501.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to
33 read as follows:

34 (1) (a) Each law enforcement agency shall develop a notification
35 protocol that (~~allows~~) :

36 (i) Allows a family or household member or intimate partner to
37 use an incident or case number to request to be notified when a law
38 enforcement agency returns a privately owned firearm to the

1 individual from whom it was obtained or to an authorized
2 representative of that person; and

3 (ii) Requires, once the portal created under section 804 of this
4 act is available, immediate law enforcement entry in a portal created
5 and maintained by the Washington association of sheriffs and police
6 chiefs with the intended purpose to provide timely and accurate
7 information to the statewide automated protected person notification
8 system created under RCW 36.28A.410 when a law enforcement agency
9 returns a privately owned firearm to any respondent identified in a
10 no-contact order, restraining order, protection order, or order
11 restoring firearm rights.

12 ~~((a))~~ (b)(i) Notification may be made via telephone, email,
13 text message, or another method that allows notification to be
14 provided without unnecessary delay.

15 ~~((b))~~ (ii) If a law enforcement agency is in possession of more
16 than one privately owned firearm from ~~((a—single person))~~ an
17 individual, notification relating to the return of one firearm shall
18 be considered notification for all privately owned firearms for that
19 person.

20 (2) A law enforcement agency shall not provide notification to
21 any party other than ~~((a—family or household member or intimate~~
22 ~~partner who has an incident or case number and who has requested to~~
23 ~~be notified pursuant to this section or))~~ another criminal justice
24 agency or as authorized or required under subsection (1) of this
25 section.

26 (3) The information provided by a family or household member or
27 intimate partner pursuant to chapter 130, Laws of 2015, including the
28 existence of the request for notification, is not subject to public
29 disclosure pursuant to chapter 42.56 RCW.

30 (4) An appointed or elected official, public employee, or public
31 agency as defined in RCW 4.24.470, or combination of units of local
32 government and its employees, as provided in RCW 36.28A.010, are
33 immune from civil liability for damages for any release of
34 information or the failure to release information related to this
35 section, so long as the release or failure was without gross
36 negligence.

37 (5) An individual who knowingly makes a request for notification
38 under this section based on false information may be held liable
39 under RCW 9A.76.175.

1 **Sec. 502.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to
2 read as follows:

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

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

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

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

12 (d) Ensure that (~~twenty-four hours~~) five business days have
13 elapsed from the time the firearm was obtained by law enforcement(~~(~~
14 ~~unless the firearm was seized in connection with a domestic violence~~
15 ~~call pursuant to RCW 10.99.030, in which case the law enforcement~~
16 ~~agency must ensure that five business days have elapsed from the time~~
17 ~~the firearm was obtained)~~);

18 (e) If a family or household member or intimate partner has
19 requested notification, provide notice to the family or household
20 member or intimate partner who has requested notification within one
21 business day of verifying that the requirements in (a) through (c) of
22 this subsection have been met; and

23 (f) Once the portal created under section 804 of this act is
24 available, immediately enter in the portal created and maintained by
25 the Washington association of sheriffs and police chiefs with the
26 intended purpose to provide timely and accurate information to the
27 statewide automated protected person notification system created
28 under RCW 36.28A.410, when any respondent identified in a no-contact
29 order, restraining order, protection order, or order to restore
30 firearm rights, has met the requirements in (a) through (c) of this
31 subsection. Law enforcement must provide the respondent's name, date
32 of birth, protection order number, and date the respondent is
33 eligible to have the respondent's firearms returned.

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

38 (b) (i) If a firearm cannot be returned because it is required to
39 be held in custody or is otherwise prohibited from being released, a
40 law enforcement agency must provide written notice to the individual

1 from whom it was obtained within five business days of the individual
2 requesting return of (~~his or her~~) the firearm and specify the
3 reason the firearm must be held in custody.

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

8 (3) If (~~a family or household member or intimate partner has~~
9 ~~requested to be notified pursuant to RCW 9.41.340~~) notification is
10 required under subsections (1)(e) or (f) of this section, a law
11 enforcement agency must(~~+~~

12 ~~(a) Provide notice to the family or household member or intimate~~
13 ~~partner within one business day of verifying that the requirements in~~
14 ~~subsection (1) of this section have been met; and~~

15 ~~(b) Hold~~) hold the firearm in custody for (~~seventy-two hours~~)
16 five business days from the time notification has been provided or
17 information has been entered.

18 (4) (a) A law enforcement agency may not return a concealed pistol
19 license that has been surrendered to, or impounded by, the law
20 enforcement agency for any reason to the licensee until the law
21 enforcement agency determines the licensee is eligible to possess a
22 firearm under state and federal law and meets the other eligibility
23 requirements for a concealed pistol license under RCW 9.41.070.

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

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

34 **Sec. 503.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to
35 read as follows:

36 (1) Because of the heightened risk of lethality to petitioners
37 when respondents to protection orders become aware of court
38 involvement and continue to have access to firearms, and the
39 frequency of noncompliance with court orders prohibiting possession

1 of firearms, law enforcement and judicial processes must emphasize
2 swift and certain compliance with court orders prohibiting access,
3 possession, and ownership of all firearms.

4 (2) A law enforcement officer serving a protection order, no-
5 contact order, or restraining order that includes an order to
6 surrender all firearms, dangerous weapons, and a concealed pistol
7 license under RCW 9.41.800 shall inform the respondent that the order
8 is effective upon service and the respondent must immediately
9 surrender all firearms and dangerous weapons in the respondent's
10 custody, control, or possession and any concealed pistol license
11 issued under RCW 9.41.070, and conduct any search permitted by law
12 for such firearms, dangerous weapons, and concealed pistol license.
13 The law enforcement officer shall take possession of all firearms,
14 dangerous weapons, and any concealed pistol license belonging to the
15 respondent that are surrendered, in plain sight, or discovered
16 pursuant to a lawful search. If the order is entered in open court
17 and the respondent appears in person, the respondent shall be
18 provided a copy and further service is not required. If the
19 respondent refuses to receive a copy, an agent of the court may
20 indicate on the record that the respondent refused to receive a copy
21 of the order. If the respondent appears remotely for the hearing, or
22 leaves the hearing before a final ruling is issued or order signed,
23 and the court believes the respondent has sufficient notice such that
24 additional service is not necessary, the order must recite that the
25 respondent appeared before the court, has actual notice of the order,
26 the necessity for further service is waived, and proof of service of
27 the order is not necessary. The court shall enter the service and
28 receipt into the record. A copy of the order and service shall be
29 transmitted immediately to law enforcement. The respondent must
30 immediately surrender all firearms, dangerous weapons, and any
31 concealed pistol license in a safe manner to the control of the local
32 law enforcement agency on the day of the hearing at which the
33 respondent was present in person or remotely. Alternatively, if
34 personal service by a law enforcement officer is not possible, and
35 the respondent did not appear in person or remotely at the hearing,
36 the respondent shall surrender the firearms in a safe manner to the
37 control of the local law enforcement agency within 24 hours of being
38 served with the order by alternate service.

39 (3) At the time of surrender, a law enforcement officer taking
40 possession of firearms, dangerous weapons, and any concealed pistol

1 license shall issue a receipt identifying all firearms, dangerous
2 weapons, and any concealed pistol license that have been surrendered
3 and provide a copy of the receipt to the respondent. The law
4 enforcement agency shall file the original receipt with the court
5 within 24 hours after service of the order and retain a copy of the
6 receipt, electronically whenever electronic filing is available.

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

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

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

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

33 (c) The requirements of RCW 9.41.345 are met.

34 (6) (a) Courts shall develop procedures to verify timely and
35 complete compliance with orders to surrender and prohibit weapons
36 under RCW 9.41.800 or 10.99.100, including compliance review hearings
37 to be held as soon as possible upon receipt from law enforcement of
38 proof of service. (~~(A compliance review hearing is not required if
39 the court can otherwise enter findings on the record or enter written
40 findings that the proof of surrender or declaration of nonsurrender))~~)

1 For any case where the court has indication that the respondent has
2 in the respondent's possession, custody, or control firearms,
3 dangerous weapons, or a concealed pistol license, a compliance review
4 hearing shall be held. A compliance review hearing may be waived by
5 the court or held at a later date if the information attested to by
6 the person subject to the order, along with verification from law
7 enforcement and any other relevant evidence, makes a sufficient
8 showing that the person has timely and completely surrendered all
9 firearms and dangerous weapons in the person's custody, control, or
10 possession, and any concealed pistol license issued under RCW
11 9.41.070, to a law enforcement agency, and the court is able to make
12 a finding of compliance. If the court does not have a sufficient
13 record before it on which to make such a finding, the court must set
14 a review hearing to occur as soon as possible ((at which the)) and
15 service by law enforcement shall be prioritized to minimize the time
16 during which the respondent could access their firearms, dangerous
17 weapons, or concealed pistol license. The respondent must be present
18 and provide proof of compliance with the court's order. Courts shall
19 make available forms that petitioners may complete and submit to the
20 court in response to a respondent's declaration of whether the
21 respondent has surrendered weapons.

22 (b) In making its findings regarding compliance, the court shall
23 also consider any department of licensing and Washington state patrol
24 firearm records; for criminal cases, the police report and any
25 documentation of firearms, or their recovery pursuant to RCW
26 10.99.030(3)(a); and for civil protection order cases, the protection
27 order narrative, any sections of the protection order petition that
28 specifically reference or inquire about firearms and other dangerous
29 weapons, any attachments to the protection order petition, any
30 affidavits from law enforcement or the petitioner in response to a
31 respondent's declaration regarding firearm surrender, or other
32 relevant evidence regarding firearms, dangerous weapons, or a
33 concealed pistol license in the person's custody, control, or
34 possession.

35 (c) If the court is considering waiving or delaying the
36 compliance review hearing, the petitioner, law enforcement, or the
37 state or city attorney may request that the compliance hearing be
38 held, if there is reasonable suspicion to believe that the respondent
39 has not surrendered all firearms, dangerous weapons, and any

1 concealed pistol license, or is otherwise out of compliance with the
2 court's order.

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

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

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

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

37 (ii) The court shall take judicial notice of the receipt filed
38 with the court by the law enforcement agency pursuant to subsection
39 (3) of this section. The court shall also provide sufficient notice

1 to the law enforcement agency of the hearing. Upon receiving notice
2 pursuant to this subsection, a law enforcement agency must:

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

7 (B) Provide the court with verification that any concealed pistol
8 license issued to the respondent has been surrendered and ~~((the))~~ an
9 agency with authority to revoke the license has been notified.

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

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

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

23 (8) (a) To help ensure that accurate and comprehensive information
24 about firearms compliance is provided to judicial officers, a
25 representative from either the prosecuting attorney's office or city
26 attorney's office, or both, from the relevant jurisdiction may appear
27 and be heard or submit written information at any hearing that
28 concerns compliance with an order to surrender and prohibit weapons
29 ~~((issued in connection with another type of protection order))~~.

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

35 (9) (a) ~~((An order to surrender and prohibit weapons issued
36 pursuant to RCW 9.41.800 must state that the))~~ The act of voluntarily
37 surrendering firearms or weapons, ~~((or))~~ providing testimony relating
38 to the surrender of firearms or weapons, ~~((pursuant to such an
39 order,))~~ or complying with an order to surrender and prohibit weapons
40 issued pursuant to RCW 9.41.800 or 10.99.100, and any information

1 directly or indirectly derived from such act or testimony, may not be
2 used against the ((respondent)) person subject to the order in any
3 criminal prosecution under this chapter, chapter 7.105 RCW, or RCW
4 9A.56.310, or in any criminal prosecution pursuant to which such
5 order to surrender and prohibit weapons was issued, except a
6 prosecution for perjury, giving a false statement, or otherwise
7 failing to comply with the order. Every such order issued subsequent
8 to the effective date of this section shall contain language
9 consistent with the statutory immunity set forth in this subsection.

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

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

31 (d) Any immunity from prosecution beyond the immunity set forth
32 in (a) of this subsection, may only be extended by the prosecuting
33 attorney. If the prosecuting attorney declines to extend immunity
34 such that the person subject to the order cannot fully comply with
35 its surrender provision without facing a realistic threat of self-
36 incrimination, the court's order must provide for the surrender of
37 every firearm, dangerous weapon, and concealed pistol license that
38 does not implicate a realistic threat of self-incrimination. The
39 order's prohibitions regarding accessing, purchasing, receiving, or

1 attempting to purchase or receive, any firearms or other dangerous
2 weapons, or concealed pistol license, remain in effect.

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

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

11 ~~((10))~~ (11) All law enforcement agencies must have policies and
12 procedures to provide for the acceptance, storage, and return of
13 firearms, dangerous weapons, and concealed pistol licenses that a
14 court requires must be surrendered under RCW 9.41.800. A law
15 enforcement agency holding any firearm or concealed pistol license
16 that has been surrendered under RCW 9.41.800 shall comply with the
17 provisions of RCW 9.41.340 and 9.41.345 before the return of the
18 firearm or concealed pistol license to the owner or individual from
19 whom it was obtained.

20 ~~((11))~~ (12) The administrative office of the courts shall
21 create a statewide pattern form to assist the courts in ensuring
22 timely and complete compliance in a consistent manner with orders
23 issued under this chapter. The administrative office of the courts
24 shall report annually on the number of ex parte and full orders
25 issued under this chapter by each court, ~~((the degree of compliance,~~
26 ~~and the number of firearms obtained, and may make recommendations~~
27 ~~regarding additional procedures))~~ the type of protection order, no
28 contact order, restraining order, or criminal charge with which the
29 order was issued, the duration of the order, the period of time from
30 issuance of the order until the court's finding of compliance, any
31 violations, the nature of the violations, any sanctions imposed, the
32 number of firearms obtained pursuant to each order, whether
33 subsequent orders were issued involving the same respondent, and may
34 make recommendations regarding additional procedures, training, or
35 data collection and reporting to enhance compliance and victim
36 safety.

37 **Sec. 504.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to
38 read as follows:

1 (~~A party ordered~~) (1) To prove full compliance with the court's
2 order to surrender firearms, dangerous weapons, and (~~his or her~~)
3 any concealed pistol license under RCW 9.41.800 the person subject to
4 the order must file with the clerk of the court (~~(a)~~): (a) A
5 completed proof of surrender and receipt form (~~or a declaration of~~
6 nonsurrender form within five judicial days of the entry of the
7 order)); (b) a declaration that the person has no firearms, dangerous
8 weapons, or concealed pistol license; or (c) other evidence
9 sufficient to establish full and timely compliance with the order.

10 (2) The verification of compliance required in subsection (1) of
11 this section must be provided to the court within 48 hours of service
12 of the order, unless the order is pursuant to a criminal proceeding.
13 In a criminal proceeding, if the person subject to the order is in
14 custody, proof of compliance must be provided to the court before the
15 person subject to the order is released from custody; otherwise,
16 proof of compliance must be provided before the conclusion of the
17 sentencing hearing. If the court finds that surrender of all
18 firearms, dangerous weapons, and any concealed pistol license is not
19 possible prior to release or prior to the conclusion of the hearing,
20 then arrangements for surrender shall be made and approved by the
21 court before the person's release from custody or before the
22 conclusion of the sentencing hearing, and the court shall order a law
23 enforcement officer to accompany the person to the location where the
24 firearms, dangerous weapons, and concealed pistol license are located
25 so that they are surrendered directly to the law enforcement officer.
26 Surrender to local law enforcement shall occur in a safe manner and
27 proof of compliance provided by law enforcement to the court within
28 24 hours of either the person's release from custody or the
29 conclusion of the sentencing hearing.

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

34 **Sec. 505.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to
35 read as follows:

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

1 (a) Order the respondent to surrender to the local law
2 enforcement agency all firearms in the respondent's custody, control,
3 or possession, or subject to the respondent's immediate possession or
4 control, and any concealed pistol license issued under RCW 9.41.070;
5 and

6 (b) Other than for ex parte temporary protection orders, direct
7 law enforcement to revoke any concealed pistol license issued to the
8 respondent.

9 (2) The court may, at the same time it issues an order pursuant
10 to this section, also issue an order authorizing the search for and
11 seizure of any firearm, dangerous weapon, or concealed pistol
12 license, if there is probable cause to find that the person subject
13 to the court's order issued pursuant to this section is violating the
14 order by refusing to comply after being served with the order. The
15 court's order authorizing such search and seizure must state with
16 specificity the location and scope of the search and seizure
17 authorized.

18 (3) The law enforcement officer serving any extreme risk
19 protection order under this chapter, including a temporary extreme
20 risk protection order, shall request that the respondent immediately
21 surrender all firearms in (~~his or her~~) the respondent's custody,
22 control, or possession, and any concealed pistol license issued under
23 RCW 9.41.070, and conduct any search permitted by law for such
24 firearms. The law enforcement officer shall take possession of all
25 firearms belonging to the respondent that are surrendered, in plain
26 sight, or discovered pursuant to a lawful search. If the order is
27 entered in open court and the respondent appears in person, the
28 respondent must be provided a copy and further service is not
29 required. If the respondent refuses to accept a copy, an agent of the
30 court may indicate on the record that the respondent refused to
31 accept a copy of the order. If the respondent appears remotely for
32 the hearing, or leaves the hearing before a final ruling is issued or
33 order signed, and the court believes the respondent has sufficient
34 notice such that additional service is not necessary, the order must
35 recite that the respondent appeared before the court, has actual
36 notice of the order, the necessity for further service is waived, and
37 proof of service of the order is not necessary. The court shall enter
38 the service and receipt into the record. A copy of the order and
39 service must be transmitted immediately to law enforcement. The
40 respondent must immediately surrender all firearms and any concealed

1 pistol license, not previously surrendered, in a safe manner to the
2 control of the local law enforcement agency on the day of the hearing
3 at which the respondent was present in person or remotely. If the
4 respondent is in custody, arrangements to recover the firearms must
5 be made prior to release. Alternatively, if personal service by a law
6 enforcement officer is not possible, and the respondent did not
7 appear in person or remotely at the hearing, the respondent shall
8 surrender the firearms in a safe manner to the control of the local
9 law enforcement agency within 24 hours of being served with the order
10 by alternate service.

11 ~~((3))~~ (4) At the time of surrender, a law enforcement officer
12 taking possession of a firearm or concealed pistol license shall
13 issue a receipt identifying all firearms that have been surrendered
14 and provide a copy of the receipt to the respondent. Within 72 hours
15 after service of the order, the officer serving the order shall file
16 the original receipt with the court and shall ensure that ~~((his or~~
17 ~~her))~~ the officer's law enforcement agency retains a copy of the
18 receipt.

19 ~~((4))~~ (5) Upon the sworn statement or testimony of the
20 petitioner or of any law enforcement officer alleging that the
21 respondent has failed to comply with the surrender of firearms as
22 required by an order issued under this chapter, the court shall
23 determine whether probable cause exists to believe that the
24 respondent has failed to surrender all firearms in ~~((his or her))~~ the
25 respondent's possession, custody, or control. If probable cause for a
26 violation of the order exists, the court shall issue a warrant
27 describing the firearms and authorizing a search of the locations
28 where the firearms are reasonably believed to be and the seizure of
29 any firearms discovered pursuant to such search.

30 ~~((5))~~ (6) If a person other than the respondent claims title to
31 any firearms surrendered pursuant to this section, and that person is
32 determined by the law enforcement agency to be the lawful owner of
33 the firearm, the firearm must be returned to that person, provided
34 that:

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

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

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

5 ~~((+6))~~ (7) Upon the issuance of a one-year extreme risk
6 protection order, the court shall order a new compliance review
7 hearing date and require the respondent to appear not later than
8 three judicial days from the issuance of the order. The court shall
9 require a showing that the respondent has surrendered any firearms in
10 the respondent's custody, control, or possession, and any concealed
11 pistol license issued under RCW 9.41.070 to a law enforcement agency.
12 The compliance review hearing is not required upon a satisfactory
13 showing on which the court can otherwise enter findings on the record
14 that the respondent has timely and completely surrendered all
15 firearms in the respondent's custody, control, or possession, and any
16 concealed pistol license issued under RCW 9.41.070 to a law
17 enforcement agency, and is in compliance with the order. If the court
18 does not have a sufficient record before it on which to make such a
19 finding, the court must set a review hearing to occur as soon as
20 possible, at which the respondent must be present and provide proof
21 of compliance with the court's order.

22 ~~((+7))~~ (8)(a) If a court finds at the compliance review hearing,
23 or any other hearing where compliance with the order is addressed,
24 that there is probable cause to believe the respondent was aware of,
25 and failed to fully comply with, the order, failed to appear at the
26 compliance review hearing, or violated the order after the court
27 entered findings of compliance, pursuant to its authority under
28 chapter 7.21 RCW, the court may initiate a contempt proceeding on its
29 own motion, or upon the motion of the prosecutor, city attorney, or
30 the petitioner's counsel, to impose remedial sanctions, and issue an
31 order requiring the respondent to appear, provide proof of compliance
32 with the order, and show cause why the respondent should not be held
33 in contempt of court.

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

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

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

11 (ii) The court shall take judicial notice of the receipt filed
12 with the court by the law enforcement agency pursuant to subsection
13 (~~((3))~~) (4) of this section. The court shall also provide sufficient
14 notice to the law enforcement agency of the hearing. Upon receiving
15 notice pursuant to this subsection, a law enforcement agency must:

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

20 (B) Provide the court with verification that any concealed pistol
21 license issued to the respondent has been surrendered and that a law
22 enforcement agency with authority to revoke the license has been
23 notified.

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

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

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

37 (~~((8))~~) (9)(a) To help ensure that accurate and comprehensive
38 information about firearms compliance is provided to judicial
39 officers, a representative from either the prosecuting attorney's
40 office or city attorney's office, or both, from the relevant

1 jurisdiction may appear and be heard or submit written information at
2 any hearing that concerns compliance with an extreme risk protection
3 order.

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

9 ~~((9))~~ (10)(a) An extreme risk protection order must state that
10 the act of voluntarily surrendering firearms, or providing testimony
11 relating to the surrender of firearms, pursuant to such an order, may
12 not be used against the respondent in any criminal prosecution under
13 this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

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

18 ~~((10))~~ (11) All law enforcement agencies must develop and
19 implement policies and procedures regarding the acceptance, storage,
20 and return of firearms required to be surrendered under this chapter.
21 Any surrendered firearms must be handled and stored properly to
22 prevent damage or degradation in appearance or function, and the
23 condition of the surrendered firearms documented, including by
24 digital photograph. A law enforcement agency holding any surrendered
25 firearm or concealed pistol license shall comply with the provisions
26 of RCW 9.41.340 and 9.41.345 before the return of the firearm or
27 concealed pistol license to the owner or individual from whom it was
28 obtained.

29 **Sec. 506.** RCW 10.21.050 and 2018 c 276 s 5 are each amended to
30 read as follows:

31 The judicial officer in any felony, misdemeanor, or gross
32 misdemeanor case must, in determining whether there are conditions of
33 release that will reasonably assure the safety of any other person
34 and the community, take into account the available information
35 concerning:

- 36 (1) The nature and circumstances of the offense charged,
37 including whether the offense is a crime of violence;
38 (2) The weight of the evidence against the defendant; and
39 (3) The history and characteristics of the defendant, including:

1 (a) The (~~person's~~) defendant's character, physical and mental
2 condition, family ties, employment, financial resources, length of
3 residence in the community, community ties, past conduct, history
4 relating to drug or alcohol abuse, criminal history, and record
5 concerning appearance at court proceedings;

6 (b) Whether, at the time of the current offense or arrest, the
7 defendant was on community supervision, probation, parole, or on
8 other release pending trial, sentencing, appeal, or completion of
9 sentence for an offense under federal, state, or local law; (~~and~~)

10 (c) The nature and seriousness of the danger to any person or the
11 community that would be posed by the defendant's release; and

12 (d) The defendant's firearms history, including purchase history,
13 any concealed pistol license history, and the requirements of RCW
14 9.41.800 regarding issuance of an order to surrender and prohibit
15 weapons.

16 **Part VI. Residential Protections**

17 **Sec. 601.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to
18 read as follows:

19 (1)(a) An adult person, a parent or guardian acting on behalf of
20 a minor, or a guardian acting on behalf of an incapacitated person,
21 (~~as defined in RCW 11.88.010,~~) (b) any election official as
22 described in RCW 9A.90.120 who is a target for threats or harassment
23 prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any (~~family~~
24 ~~members~~) person residing with (~~him or her~~) the election official,
25 and (c) any criminal justice participant as defined in RCW 9A.46.020
26 who is a target for threats or harassment prohibited under RCW
27 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant as
28 defined in RCW 9A.90.120 who is a target for threats or harassment
29 prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any (~~family~~
30 ~~members~~) person residing with (~~him or her~~) the criminal justice
31 participant, may apply to the secretary of state to have an address
32 designated by the secretary of state serve as the person's address or
33 the address of the minor or incapacitated person. The secretary of
34 state shall approve an application if it is filed in the manner and
35 on the form prescribed by the secretary of state and if it contains:

36 (i) A sworn statement, under penalty of perjury, by the applicant
37 that the applicant has good reason to believe (A) that the applicant,
38 or the minor or incapacitated person on whose behalf the application

1 is made, is a victim of domestic violence, sexual assault,
2 trafficking, or stalking and that the applicant fears for (~~his or~~
3 ~~her~~) the applicant's safety or (~~his or her~~) the applicant's
4 children's safety, or the safety of the minor or incapacitated person
5 on whose behalf the application is made((†)) (B) that the applicant,
6 as an election official as described in RCW 9A.90.120, is a target
7 for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii)
8 or (iv); or (C) that the applicant, as a criminal justice participant
9 as defined in RCW 9A.46.020, is a target for threats or harassment
10 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the
11 applicant, as a criminal justice participant as defined in RCW
12 9A.90.120 is a target for threats or harassment prohibited under RCW
13 9A.90.120(2)(b) (iii) or (iv);

14 (ii) If applicable, a sworn statement, under penalty of perjury,
15 by the applicant, that the applicant has reason to believe they are a
16 victim of (A) domestic violence, sexual assault, or stalking
17 perpetrated by an employee of a law enforcement agency, or((†)) (B)
18 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or
19 (iv) or 9A.46.020(2)(b) (iii) or (iv);

20 (iii) A designation of the secretary of state as agent for
21 purposes of service of process and for the purpose of receipt of
22 mail;

23 (iv) The residential address and any telephone number where the
24 applicant can be contacted by the secretary of state, which shall not
25 be disclosed because disclosure will increase the risk of (A)
26 domestic violence, sexual assault, trafficking, or stalking, or (B)
27 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or
28 (iv) or 9A.46.020(2)(b) (iii) or (iv);

29 (v) The signature of the applicant and of any individual or
30 representative of any office designated in writing under RCW
31 40.24.080 who assisted in the preparation of the application, and the
32 date on which the applicant signed the application.

33 (2) Applications shall be filed with the office of the secretary
34 of state.

35 (3) Upon filing a properly completed application, the secretary
36 of state shall certify the applicant as a program participant.
37 Applicants shall be certified for four years following the date of
38 filing unless the certification is withdrawn or invalidated before
39 that date. The secretary of state shall by rule establish a renewal
40 procedure.

1 (4) (a) During the application process, the secretary of state
2 shall provide each applicant a form to direct the department of
3 licensing to change the address of registration for vehicles or
4 vessels solely or jointly registered to the applicant and the address
5 associated with the applicant's driver's license or identicard to the
6 applicant's address as designated by the secretary of state upon
7 certification in the program. The directive to the department of
8 licensing is only valid if signed by the applicant. The directive may
9 only include information required by the department of licensing to
10 verify the applicant's identity and ownership information for
11 vehicles and vessels. This information is limited to the:

12 (i) Applicant's full legal name;

13 (ii) Applicant's Washington driver's license or identicard
14 number;

15 (iii) Applicant's date of birth;

16 (iv) Vehicle identification number and license plate number for
17 each vehicle solely or jointly registered to the applicant; and

18 (v) Hull identification number or vessel document number and
19 vessel decal number for each vessel solely or jointly registered to
20 the applicant.

21 (b) Upon certification of the applicants, the secretary of state
22 shall transmit completed and signed directives to the department of
23 licensing.

24 (c) Within 30 days of receiving a completed and signed directive,
25 the department of licensing shall update the applicant's address on
26 registration and licensing records.

27 (d) Applicants are not required to sign the directive to the
28 department of licensing to be certified as a program participant.

29 (5) A person who knowingly provides false or incorrect
30 information upon making an application or falsely attests in an
31 application that disclosure of the applicant's address would endanger

32 (a) the applicant's safety or the safety of the applicant's children
33 or the minor or incapacitated person on whose behalf the application
34 is made, (b) the safety of any election official as described in RCW
35 9A.90.120 who is a target for threats or harassment prohibited under
36 RCW 9A.90.120(2)(b) (iii) or (iv), or (c) the safety of any criminal
37 justice participant as defined in RCW 9A.46.020 who is a target for
38 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
39 (iv) or of any criminal justice participant as defined in RCW
40 9A.90.120 who is a target for threats or harassment prohibited under

1 RCW 9A.90.120(2)(b) (iii) or (iv), or any family members residing
2 with (~~him or her~~) the criminal justice participant, shall be
3 punished under RCW 40.16.030 or other applicable statutes.

4 **Sec. 602.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to
5 read as follows:

6 (1) The statement of financial affairs required by RCW 42.17A.700
7 shall disclose the following information for the reporting individual
8 and each member of the reporting individual's immediate family:

9 (a) Occupation, name of employer, and business address;

10 (b) Each bank account, savings account, and insurance policy in
11 which a direct financial interest was held that exceeds twenty
12 thousand dollars at any time during the reporting period; each other
13 item of intangible personal property in which a direct financial
14 interest was held that exceeds two thousand dollars during the
15 reporting period; the name, address, and nature of the entity; and
16 the nature and highest value of each direct financial interest during
17 the reporting period;

18 (c) The name and address of each creditor to whom the value of
19 two thousand dollars or more was owed; the original amount of each
20 debt to each creditor; the amount of each debt owed to each creditor
21 as of the date of filing; the terms of repayment of each debt; and
22 the security given, if any, for each such debt. Debts arising from a
23 "retail installment transaction" as defined in chapter 63.14 RCW
24 (retail installment sales act) need not be reported;

25 (d) Every public or private office, directorship, and position
26 held as trustee; except that an elected official or executive state
27 officer need not report the elected official's or executive state
28 officer's service on a governmental board, commission, association,
29 or functional equivalent, when such service is part of the elected
30 official's or executive state officer's official duties;

31 (e) All persons for whom any legislation, rule, rate, or standard
32 has been prepared, promoted, or opposed for current or deferred
33 compensation. For the purposes of this subsection, "compensation"
34 does not include payments made to the person reporting by the
35 governmental entity for which the person serves as an elected
36 official or state executive officer or professional staff member for
37 the person's service in office; the description of such actual or
38 proposed legislation, rules, rates, or standards; and the amount of
39 current or deferred compensation paid or promised to be paid;

1 (f) The name and address of each governmental entity,
2 corporation, partnership, joint venture, sole proprietorship,
3 association, union, or other business or commercial entity from whom
4 compensation has been received in any form of a total value of two
5 thousand dollars or more; the value of the compensation; and the
6 consideration given or performed in exchange for the compensation;

7 (g) The name of any corporation, partnership, joint venture,
8 association, union, or other entity in which is held any office,
9 directorship, or any general partnership interest, or an ownership
10 interest of ten percent or more; the name or title of that office,
11 directorship, or partnership; the nature of ownership interest; and:

12 (i) With respect to a governmental unit in which the official seeks
13 or holds any office or position, if the entity has received
14 compensation in any form during the preceding twelve months from the
15 governmental unit, the value of the compensation and the
16 consideration given or performed in exchange for the compensation;

17 and (ii) the name of each governmental unit, corporation,
18 partnership, joint venture, sole proprietorship, association, union,
19 or other business or commercial entity from which the entity has
20 received compensation in any form in the amount of ten thousand
21 dollars or more during the preceding twelve months and the
22 consideration given or performed in exchange for the compensation. As
23 used in (g)(ii) of this subsection, "compensation" does not include
24 payment for water and other utility services at rates approved by the
25 Washington state utilities and transportation commission or the
26 legislative authority of the public entity providing the service.
27 With respect to any bank or commercial lending institution in which
28 is held any office, directorship, partnership interest, or ownership
29 interest, it shall only be necessary to report either the name,
30 address, and occupation of every director and officer of the bank or
31 commercial lending institution and the average monthly balance of
32 each account held during the preceding twelve months by the bank or
33 commercial lending institution from the governmental entity for which
34 the individual is an official or candidate or professional staff
35 member, or all interest paid by a borrower on loans from and all
36 interest paid to a depositor by the bank or commercial lending
37 institution if the interest exceeds two thousand four hundred
38 dollars;

39 (h) A list, including legal or other sufficient descriptions as
40 prescribed by the commission, of all real property in the state of

1 Washington, the assessed valuation of which exceeds ten thousand
2 dollars in which any direct financial interest was acquired during
3 the preceding calendar year, and a statement of the amount and nature
4 of the financial interest and of the consideration given in exchange
5 for that interest;

6 (i) A list, including legal or other sufficient descriptions as
7 prescribed by the commission, of all real property in the state of
8 Washington, the assessed valuation of which exceeds ten thousand
9 dollars in which any direct financial interest was divested during
10 the preceding calendar year, and a statement of the amount and nature
11 of the consideration received in exchange for that interest, and the
12 name and address of the person furnishing the consideration;

13 (j) A list, including legal or other sufficient descriptions as
14 prescribed by the commission, of all real property in the state of
15 Washington, the assessed valuation of which exceeds ten thousand
16 dollars in which a direct financial interest was held. If a
17 description of the property has been included in a report previously
18 filed, the property may be listed, for purposes of this subsection
19 (1)(j), by reference to the previously filed report;

20 (k) A list, including legal or other sufficient descriptions as
21 prescribed by the commission, of all real property in the state of
22 Washington, the assessed valuation of which exceeds twenty thousand
23 dollars, in which a corporation, partnership, firm, enterprise, or
24 other entity had a direct financial interest, in which corporation,
25 partnership, firm, or enterprise a ten percent or greater ownership
26 interest was held;

27 (l) A list of each occasion, specifying date, donor, and amount,
28 at which food and beverage in excess of fifty dollars was accepted
29 under RCW 42.52.150(5);

30 (m) A list of each occasion, specifying date, donor, and amount,
31 at which items specified in RCW 42.52.010(9) (d) and (f) were
32 accepted; and

33 (n) Such other information as the commission may deem necessary
34 in order to properly carry out the purposes and policies of this
35 chapter, as the commission shall prescribe by rule.

36 (2)(a) When judges, prosecutors, sheriffs, participants in the
37 address confidentiality program under RCW 40.24.030, or their
38 immediate family members are required to disclose real property that
39 is the personal residence of the judge, prosecutor, ((~~or~~)) sheriff,
40 or address confidentiality program participant, the requirements of

1 subsection (1)(h) through (k) of this section may be satisfied for
2 that property by substituting:

- 3 (i) The city or town;
- 4 (ii) The type of residence, such as a single-family or
5 multifamily residence, and the nature of ownership; and
- 6 (iii) Such other identifying information the commission
7 prescribes by rule for the mailing address where the property is
8 located.

9 (b) Nothing in this subsection relieves the judge, prosecutor, or
10 sheriff of any other applicable obligations to disclose potential
11 conflicts or to recuse oneself.

12 (3)(a) Where an amount is required to be reported under
13 subsection (1)(a) through (m) of this section, it may be reported
14 within a range as provided in (b) of this subsection.

15 (b)

16 Code A	Less than thirty thousand dollars;
17 Code B	At least thirty thousand dollars, but less 18 than sixty thousand dollars;
19 Code C	At least sixty thousand dollars, but less 20 than one hundred thousand dollars;
21 Code D	At least one hundred thousand dollars, but 22 less than two hundred thousand dollars;
23 Code E	At least two hundred thousand dollars, but 24 less than five hundred thousand dollars;
25 Code F	At least five hundred thousand dollars, but 26 less than seven hundred and fifty 27 thousand dollars;
28 Code G	At least seven hundred fifty thousand 29 dollars, but less than one million dollars; 30 or
31 Code H	One million dollars or more.

32 (c) An amount of stock may be reported by number of shares
33 instead of by market value. No provision of this subsection may be
34 interpreted to prevent any person from filing more information or
35 more detailed information than required.

36 (4) Items of value given to an official's or employee's spouse,
37 domestic partner, or family member are attributable to the official

1 or employee, except the item is not attributable if an independent
2 business, family, or social relationship exists between the donor and
3 the spouse, domestic partner, or family member.

4 **Sec. 603.** RCW 9.41.800 and 2022 c 268 s 29 are each amended to
5 read as follows:

6 (1) Any court when entering an order authorized under chapter
7 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040,
8 10.99.045, 26.09.050, 26.09.060, 26.26B.020, ((~~or~~)) 26.26A.470, or
9 46.61.5055 shall, upon a showing by a preponderance of the evidence,
10 that a party has: Used, displayed, or threatened to use a firearm or
11 other dangerous weapon in a felony, or is ineligible to possess a
12 firearm under the provisions of RCW 9.41.040:

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

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

17 (c) Prohibit the party from accessing, having ((~~in his or her~~))
18 custody or control, possessing, purchasing, receiving, or attempting
19 to purchase or receive, any firearms or other dangerous weapons;

20 (d) Prohibit the party from obtaining or possessing a concealed
21 pistol license;

22 (e) Other than for ex parte temporary protection orders, unless
23 the ex parte temporary protection order was reissued after the party
24 received noticed and had an opportunity to be heard, direct law
25 enforcement to revoke any concealed pistol license issued to the
26 party.

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

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

35 (b) Restrains the party from harassing, stalking, or threatening
36 an intimate partner of the party, the protected person, or child of
37 the intimate partner, party, or protected person, or engaging in
38 other conduct that would place an intimate partner or protected

1 person in reasonable fear of bodily injury to the intimate partner,
2 protected person, or child; and

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

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

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

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

14 (C) Prohibit the party from accessing, having (~~in his or her~~)
15 custody or control, possessing, purchasing, receiving, or attempting
16 to purchase or receive, any firearms or other dangerous weapons; and

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

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

25 (4) In addition to the provisions of subsections (1) and (3) of
26 this section, the court may enter an order requiring a party to
27 comply with the provisions in subsection (1) of this section if it
28 finds that the possession of a firearm or other dangerous weapon by
29 any party presents a serious and imminent threat to public health or
30 safety, or to the health or safety of any individual.

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

33 (6) The court shall require the party to surrender all firearms
34 and other dangerous weapons in (~~his or her immediate~~) the party's
35 custody, control, or possession (~~or control~~), or subject to (~~his~~
36 ~~or her~~) the party's immediate possession or control, and any
37 concealed pistol license issued under RCW 9.41.070, to the local law
38 enforcement agency. (~~Law enforcement officers shall use law~~
39 ~~enforcement databases to assist in locating the party in situations~~
40 ~~where the protected person does not know where the party lives or~~

1 ~~where there is evidence that the party is trying to evade service.))~~
2 The court may, at the same time it issues an order pursuant to this
3 section, also issue an order authorizing the search for and seizure
4 of any firearm, dangerous weapon, or concealed pistol license, if
5 there is probable cause to find that the party subject to the court's
6 order issued pursuant to this section is violating the order by
7 refusing to comply after being served with the order. The court's
8 order authorizing such search and seizure must state with specificity
9 the location and scope of the search and seizure authorized.

10 (7) If the court enters a protection order, restraining order, or
11 no-contact order that includes an order to surrender firearms,
12 dangerous weapons, and any concealed pistol license under this
13 section:

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

16 (b) Law enforcement must immediately ensure entry of the order to
17 surrender and prohibit weapons and the revocation of any concealed
18 pistol license is made into the appropriate databases making the
19 party ineligible to possess firearms and a concealed pistol license;
20 and

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

25 **Part VII. Statewide Resources**

26 NEW SECTION. Sec. 701. A new section is added to chapter 43.101
27 RCW to read as follows:

28 (1) Subject to the availability of amounts appropriated for this
29 specific purpose, the commission must administer a grant program for
30 establishing a statewide resource prosecutor for domestic violence
31 cases.

32 (2) The grant recipient must be a statewide organization or
33 association representing prosecuting attorneys. The grant recipient
34 must hire a resource prosecutor for the following purposes:

35 (a) To provide technical assistance and research to prosecutors
36 for prosecuting domestic violence cases;

37 (b) To provide training on implementation and enforcement of
38 orders to surrender and prohibit weapons, extreme risk protection

1 orders, first appearances, case resolution, duties regarding recovery
2 of firearms at the scene of domestic violence incidents, service of
3 orders to surrender and prohibit weapons and extreme risk protection
4 orders, and firearm rights restoration petitions for domestic
5 violence perpetrators;

6 (c) To provide additional training and resources to prosecutors
7 to support a trauma-informed, victim-centered approach to prosecuting
8 domestic violence cases;

9 (d) To meet regularly with law enforcement agencies and
10 prosecutors to explain legal issues and prosecutorial approaches to
11 domestic violence cases and provide and receive feedback to improve
12 case outcomes;

13 (e) To consult with the commission with respect to developing and
14 implementing best practices for prosecuting domestic violence cases
15 across the state; and

16 (f) To comply with other requirements established by the
17 commission under this section.

18 (3) The commission may establish additional appropriate
19 conditions for any grant awarded under this section. The commission
20 may adopt necessary policies and procedures to implement and
21 administer the grant program, including monitoring the use of grant
22 funds and compliance with the grant requirements.

23 NEW SECTION. **Sec. 702.** A new section is added to chapter 43.330
24 RCW to read as follows:

25 (1) Subject to the availability of amounts appropriated for this
26 specific purpose, the department shall administer a pilot program to
27 implement domestic violence high risk teams. A domestic violence high
28 risk team must, at a minimum, include the following four elements:

29 (a) Early identification of the most dangerous cases through
30 evidence-based lethality assessments;

31 (b) Increased access to supportive services for high-risk
32 victims;

33 (c) Increased perpetrator monitoring and accountability; and

34 (d) A coordinated response to high-risk cases through a
35 multidisciplinary team.

36 (2) A domestic violence program must be the lead or co-lead of
37 the domestic violence high risk teams.

38 **Part VIII. Law Enforcement**

1 NEW SECTION. **Sec. 801.** A new section is added to chapter 43.101

2 RCW to read as follows:

3 (1) Subject to the availability of amounts appropriated for this
4 specific purpose, the commission must provide ongoing specialized,
5 intensive, and integrative training for persons responsible for
6 investigating domestic violence cases involving intimate partners.
7 The training must be based on a victim-centered, trauma-informed
8 approach to responding to domestic violence. Among other subjects,
9 the training must include content on the neurobiology of trauma and
10 trauma-informed interviewing, counseling, and investigative
11 techniques.

12 (2) The training must: Be based on research-based practices and
13 standards; offer participants an opportunity to practice interview
14 skills and receive feedback from instructors; minimize the trauma of
15 all persons who are interviewed during investigations; provide
16 methods of reducing the number of investigative interviews necessary
17 whenever possible; assure, to the extent possible, that investigative
18 interviews are thorough, objective, and complete; recognize needs of
19 special populations; recognize the nature and consequences of
20 domestic violence victimization; require investigative interviews to
21 be conducted in a manner most likely to permit the interviewed
22 persons the maximum emotional comfort under the circumstances;
23 address record retention and retrieval; address documentation of
24 investigative interviews; and educate investigators on the best
25 practices for notifying victims of significant events in the
26 investigative process.

27 (3) In developing the training, the commission must seek advice
28 from the Washington association of sheriffs and police chiefs,
29 organizations representing victims of domestic violence, and experts
30 on domestic violence and the neurobiology of trauma. The commission
31 must consult with the Washington association of prosecuting attorneys
32 in an effort to design training containing consistent elements for
33 all professionals engaged in interviewing and interacting with
34 domestic violence victims in the criminal legal system.

35 (4) The commission must develop the training and begin offering
36 it by January 1, 2025. Officers assigned to regularly investigate
37 domestic violence must complete the training within one year of being
38 assigned or by July 1, 2026, whichever is later.

1 **Sec. 802.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to
2 read as follows:

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

10 (1) Any police officer having probable cause to believe that a
11 person has committed or is committing a misdemeanor or gross
12 misdemeanor, involving physical harm or threats of harm to any person
13 or property or the unlawful taking of property or involving the use
14 or possession of cannabis, or involving the acquisition, possession,
15 or consumption of alcohol by a person under the age of twenty-one
16 years under RCW 66.44.270, or involving criminal trespass under RCW
17 9A.52.070 or 9A.52.080, shall have the authority to arrest the
18 person.

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

23 (a) A domestic violence protection order, a sexual assault
24 protection order, a stalking protection order, or a vulnerable adult
25 protection order has been issued, of which the person has knowledge,
26 under chapter 7.105 RCW, or an order has been issued, of which the
27 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,
28 9A.88, 10.99, 26.09, (~~26.107~~) 26.26A, 26.26B, or 74.34 RCW, or any
29 of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the
30 person and the person has violated the terms of the order restraining
31 the person from acts or threats of violence, or restraining the
32 person from going onto the grounds of, or entering, a residence,
33 workplace, school, or day care, or prohibiting the person from
34 knowingly coming within, or knowingly remaining within, a specified
35 distance of a location, a protected party's person, or a protected
36 party's vehicle, or requiring the person to submit to electronic
37 monitoring, or, in the case of an order issued under RCW 26.44.063,
38 imposing any other restrictions or conditions upon the person;

39 (b) An extreme risk protection order has been issued against the
40 person under chapter 7.105 RCW or former RCW 7.94.040, the person has

1 knowledge of the order, and the person has violated the terms of the
2 order prohibiting the person from having in (~~his or her~~) the
3 person's custody or control, purchasing, possessing, accessing, or
4 receiving a firearm or concealed pistol license;

5 (c) A foreign protection order, as defined in RCW 26.52.010, or a
6 Canadian domestic violence protection order, as defined in RCW
7 26.55.010, has been issued of which the person under restraint has
8 knowledge and the person under restraint has violated a provision of
9 the foreign protection order or the Canadian domestic violence
10 protection order prohibiting the person under restraint from
11 contacting or communicating with another person, or excluding the
12 person under restraint from a residence, workplace, school, or day
13 care, or prohibiting the person from knowingly coming within, or
14 knowingly remaining within, a specified distance of a location, a
15 protected party's person, or a protected party's vehicle, or a
16 violation of any provision for which the foreign protection order or
17 the Canadian domestic violence protection order specifically
18 indicates that a violation will be a crime; or

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (7) An officer may act upon the request of a law enforcement
38 officer, in whose presence a traffic infraction was committed, to
39 stop, detain, arrest, or issue a notice of traffic infraction to the
40 driver who is believed to have committed the infraction. The request

1 by the witnessing officer shall give an officer the authority to take
2 appropriate action under the laws of the state of Washington.

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

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

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

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

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

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

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

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

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

35 (16)(a) Except as provided in (b) of this subsection, a police
36 officer shall arrest and keep in custody, until release by a judicial
37 officer on bail, personal recognizance, or court order, a person
38 without a warrant when the officer has probable cause to believe that
39 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
40 local ordinance and the police officer: (i) Has knowledge that the

1 person has a prior offense as defined in RCW 46.61.5055 within ten
2 years; or (ii) has knowledge, based on a review of the information
3 available to the officer at the time of arrest, that the person is
4 charged with or is awaiting arraignment for an offense that would
5 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
6 conviction.

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

10 **Sec. 803.** RCW 36.28A.410 and 2021 c 215 s 147 are each amended
11 to read as follows:

12 (1)(a) Subject to the availability of amounts appropriated for
13 this specific purpose, the Washington association of sheriffs and
14 police chiefs shall create and operate a statewide automated
15 protected person notification system to automatically notify a
16 registered person via the registered person's choice of telephone or
17 email when a respondent subject to a court order specified in (b) of
18 this subsection has attempted to purchase or acquire a firearm and
19 been denied based on a background check or completed and submitted
20 firearm purchase or transfer application that indicates the
21 respondent is ineligible to possess a firearm under state or federal
22 law. The system must permit a person to register for notification, or
23 a registered person to update the person's registration information,
24 for the statewide automated protected person notification system by
25 calling a toll-free telephone number or by accessing a public
26 website.

27 (b) The notification requirements of this section apply to any
28 court order issued under chapter 7.105 RCW or former chapter 7.92
29 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
30 26.10.040, 26.26A.470, or 26.26B.020, any of the former RCW 7.90.090,
31 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign
32 protection order filed with a Washington court pursuant to chapter
33 26.52 RCW, and any Canadian domestic violence protection order filed
34 with a Washington court pursuant to chapter 26.55 RCW, where the
35 order prohibits the respondent from possessing firearms or where by
36 operation of law the respondent is ineligible to possess firearms
37 during the term of the order. The notification requirements of this
38 section apply even if the respondent has notified the Washington

1 state patrol that ((he or she)) the respondent has appealed a
2 background check denial under RCW 43.43.823.

3 (c) The statewide automated protected person notification system
4 must interface with the Washington state patrol, the administrative
5 office of the courts, and any court not contributing data to the
6 administrative office of the courts in real time.

7 (2) An appointed or elected official, public employee, or public
8 agency as defined in RCW 4.24.470, or combination of units of
9 government and its employees, as provided in RCW 36.28A.010, are
10 immune from civil liability for damages for any release of
11 information or the failure to release information related to the
12 statewide automated protected person notification system in this
13 section, so long as the release or failure to release was without
14 gross negligence. The immunity provided under this subsection applies
15 to the release of relevant and necessary information to other public
16 officials, public employees, or public agencies, and to the general
17 public.

18 (3) Information and records prepared, owned, used, or retained by
19 the Washington association of sheriffs and police chiefs pursuant to
20 chapter 261, Laws of 2017, including information a person submits to
21 register and participate in the statewide automated protected person
22 notification system, are exempt from public inspection and copying
23 under chapter 42.56 RCW.

24 NEW SECTION. Sec. 804. A new section is added to chapter 36.28A
25 RCW to read as follows:

26 Subject to the availability of amounts appropriated for this
27 specific purpose, the Washington association of sheriffs and police
28 chiefs must create and maintain an electronic portal for law
29 enforcement to enter when any respondent identified in a no-contact
30 order, restraining order, protection order, or order to restore
31 firearm rights, has met the requirements in RCW 9.41.345. The portal
32 shall collect the respondent's name, date of birth, protection order
33 number, and date the respondent is eligible to have the respondent's
34 firearms returned.

35 NEW SECTION. Sec. 805. A new section is added to chapter 2.56
36 RCW to read as follows:

37 The administrative office of the courts shall work with the
38 Washington association of sheriffs and police chiefs to develop and

1 maintain an interface to the statewide automated victim information
2 and notification system created under RCW 36.28A.040 and the
3 statewide automated protected person notification system created
4 under RCW 36.28A.410 to provide notifications per RCW 36.28A.040,
5 36.28A.410, and 7.105.105, and chapter 9.41 RCW. The interface shall
6 provide updated information not less than once per hour, 24 hours per
7 day, seven days per week, without exception.

8 **Part IX. Miscellaneous**

9 NEW SECTION. **Sec. 901.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 902.** If specific funding for the purposes of
14 this act, referencing this act by bill or chapter number, is not
15 provided by June 30, 2023, in the omnibus appropriations act, this
16 act is null and void."

E2SHB 1715 - S COMM AMD
By Committee on Law & Justice

NOT CONSIDERED 04/10/2023

17 On page 1, line 3 of the title, after "partners;" strike the
18 remainder of the title and insert "amending RCW 7.105.155, 7.105.255,
19 10.99.033, 10.99.040, 9.41.340, 9.41.345, 9.41.801, 9.41.804,
20 7.105.340, 10.21.050, 40.24.030, 42.17A.710, 9.41.800, 10.31.100, and
21 36.28A.410; adding new sections to chapter 43.101 RCW; adding a new
22 section to chapter 2.53 RCW; adding a new section to chapter 7.105
23 RCW; adding a new section to chapter 43.330 RCW; adding a new section
24 to chapter 36.28A RCW; adding a new section to chapter 2.56 RCW;
25 creating new sections; and providing an expiration date."

EFFECT: Section 201 requires the plan to include training for the
courts to differentiate between victims who may need civil legal
assistance, and abusers who may allege to be victims in order to
secure civil legal assistance.

Section 402(1)(c) changes "his or her" to "the attorney's."

Section 402(2)(a) changes "protective order" to "protection order."

Section 501(1)(a)(ii) includes "or order restoring firearm rights" in the notification protocol that would require entry in a portal for information to the statewide automated protected person notification system.

Section 502(1)(d) changes the wait period from 24 hours to 5 days before a law enforcement agency returns a privately owned firearm.

Section 502(1)(f) includes "or order to restore firearm rights" that would require entry in a portal for information to the statewide automated protected person notification system prior to returning a firearm; and changes "protective order" to "protection order."

Section 502(3) changes the wait period from 72 hours to 5 days from the time notification has been provided before a law enforcement agency returns a privately owned firearm where notification is required prior to return of a firearm.

Section 503 makes numerous changes:

- Subsection (6)(a), (b), and (c) make changes related to compliance review hearings.
- Sets factors for when a court may hold a hearing.
- Allows a court to waive a hearing with sufficient evidence and a finding of compliance.
- Provides service requirements for a hearing.
- Allows the court to consider a variety of different records and evidence in different types of cases at a compliance review hearing.
- Allows a request for a compliance review hearing to be held with reasonable suspicion that the respondent is out of compliance when a court is considering waiving the hearing.
- Subsection (7)(a) allows additional sanctions for failure to appear at a compliance review hearing.
- Subsection (7)(d)(ii)(B) changes "the" to "an" for an agency with authority to revoke a concealed pistol license.
- Subsection (8)(a) removes a condition on an order to surrender and prohibit weapons "issued in connection with another type of protection order."
- Subsection (9)(a) clarifies immunity language - that the voluntary surrender of firearms or weapons pursuant to an order issued under RCW 9.41.800 or 10.99.100 may not be used in any criminal prosecution except for perjury, false statement, or failing to comply with the order.
- Subsection (9)(b) provides a process for the court to hear an objection to an order to surrender a firearm or weapon on the basis that compliance with the order would violate a privilege against self-incrimination where there is no immunity under subsection (9)(a).
- Subsection (9)(c) affords the prosecuting attorney an opportunity to offer limited immunity from prosecution for the surrender of specific weapons where the threat of self-incrimination is established as realistic under subsection (9)(b), while ensuring that firearms not implicated are surrendered.
- Subsection (9)(d) directs the court's order of surrender to be limited to only those weapons that don't implicate a threat of self-incrimination where the prosecutor declines to offer limited immunity.
- Subsection (9)(e) requires a person to fully comply with the order issued by the court and the burden for compliance remains on the person subject to the order.
- Subsection (10) old (9)(b) is renumbered as (10). Remainder of the subsequent subsections for section 503 are also renumbered.

- Subsection (12) expands the reporting requirements of the Administrative Office of the Courts for compliance with surrender orders.

Section 504 makes numerous changes:

- Subsection (1) provides detail for what a person subject to an order to surrender must file with the court to prove full compliance, either:

- A completed proof of surrender and receipt form;
- A declaration that the person has no firearms, dangerous weapons, or concealed pistol license; or
- Other evidence sufficient to establish full and timely compliance.

- Subsection (2) sets a process for individuals to provide to the court the verification of compliance required in section 504(1):

- Within 48 hours after service of the order of surrender unless the order is pursuant to a criminal proceeding; or

- If the person is in custody, proof of compliance must be provided prior to release; otherwise

- Proof of compliance must be provided prior to the conclusion of the sentencing hearing.

Arrangements for surrender of weapons may be made and the court may order law enforcement to accompany the person to the location of the weapons for surrender of them directly to law enforcement.

- Subsection (3) requires the Administrative Office of the Courts to develop new or updated forms to implement section 504 or other sections of the act requiring form updates.

Section 505(2) provides that extreme risk protection orders may also include an order authorizing the search for and seizure of weapons if there is probable cause to find the person subject to an order to surrender weapons is violating that order after being served with it. The remaining subsections are renumbered and internal references are corrected accordingly.

Section 601 changes references to "them" in three places to "the election official," and "the criminal justice participant," as appropriate.

Section 603 amends RCW 9.41.800 relating to the surrender of firearms, dangerous weapons, and concealed pistol licenses, and prohibition on future possession or purchase.

- Subsection (1) authorizes a court to issue an order to surrender and prohibit weapons for additional types of no-contact orders - offenses involving trafficking, sex offense, and promoting prostitution in the 1st or 2nd degree - and for certain impaired driving offenses.

- Subsections (1)(c), (2)(c)(ii)(C), and (6) remove references to "his or her" and replace the references with "the party's" where appropriate.

- Subsection (6) provides that a court, in addition to issuing an order to surrender and prohibit weapons, may also include an order authorizing the search for and seizure of weapons if there is probable cause to find the person subject to an order to surrender and prohibit weapons is violating the order by refusing to comply after being served with that order.

- Subsection (7) moves a provision relating to law enforcement officers to subsection (7)(c). This provision was previously in subsection (6).

Section 804 adds "an order to restore firearms rights" to the provision that requires the Washington Association of Sheriffs and

Police Chiefs to enter the order into an electronic portal when the respondent in the order has met the requirements for the return of a privately owned firearm. Changes "protective order" to "protection order."

Section 805 adds a reference to the firearms and dangerous weapons state laws for the purpose of required notifications through an interface with the statewide automated victim information and notification system, and statewide automated protected person notification system.

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