
HOUSE BILL 1715

State of Washington

68th Legislature

2023 Regular Session

By Representatives Davis, Mosbrucker, Duerr, Griffey, Walen, Lekanoff, Morgan, Callan, Ramel, Thai, Rule, Ryu, Kloba, Chopp, Pollet, Chapman, Mena, Cortes, Eslick, Bergquist, and Fey

Read first time 02/01/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to enacting comprehensive protections for victims
2 of domestic violence and other violence involving family members or
3 intimate partners; amending RCW 10.97.050, 10.21.050, 7.105.155,
4 7.105.255, 7.105.450, 7.105.500, 10.99.020, 10.99.033, 10.99.040,
5 10.99.045, 10.99.100, 9.41.340, 9.41.345, 9.41.800, 9.41.801,
6 9.41.804, 7.105.340, 40.24.030, 42.17A.710, and 10.31.100; reenacting
7 and amending RCW 7.105.310 and 10.99.030; adding a new section to
8 chapter 10.99 RCW; adding new sections to chapter 2.56 RCW; adding
9 new sections to chapter 43.101 RCW; adding new sections to chapter
10 2.53 RCW; adding a new section to chapter 7.105 RCW; adding a new
11 section to chapter 43.330 RCW; adding a new section to chapter 43.20A
12 RCW; and adding a new section to chapter 28B.20 RCW.

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

14 **Part I. Lethality Assessments**

15 NEW SECTION. **Sec. 101.** A new section is added to chapter 10.99
16 RCW to read as follows:

17 (1) By July 1, 2024, the department must, through the contractor
18 under subsection (2) of this section, establish the domestic violence
19 lethality hotline to provide an evidence-based standard of practice
20 to prevent intimate partner homicide, increase victim safety, and

1 enhance collaboration between law enforcement, domestic violence
2 agencies, and service providers across the state.

3 (2) The department must contract with an organization to operate
4 the hotline. The department must select the organization through a
5 competitive bidding process and ensure that the selected organization
6 has demonstrated financial stability, meets the qualifications for
7 the duties identified in this section, and does not have any
8 conflicts of interest that would interfere with the duties identified
9 in this section. The department may adopt rules for carrying out this
10 section.

11 (3) (a) The hotline must develop or select a lethality assessment
12 instrument and protocol to be used to determine the likelihood that a
13 homicide will be committed by one intimate partner against another.
14 The lethality determination may not be based exclusively on a numeric
15 score, but must be based on a comprehensive picture of the situation
16 and the professional determination of the person conducting the
17 assessment. All lethality assessments must be rooted in evidence-
18 based risk factors for domestic homicide.

19 (b) Beginning January 1, 2025, the hotline must provide on-call
20 service for completing lethality assessments remotely through victim
21 interviews facilitated by peace officers under RCW 10.99.030 and for
22 petitioners in domestic violence protection order proceedings. The
23 hotline must also assist victims with immediate safety planning. Upon
24 completing a lethality assessment, the hotline must electronically
25 transmit a copy of the assessment to the applicable local law
26 enforcement agency or court. Services under this subsection must be
27 offered statewide, on-demand, 24 hours per day, seven days per week.

28 (c) The hotline must establish policies and procedures for
29 conducting lethality assessments, and develop and provide training to
30 peace officers on best practices for coordinating with the hotline,
31 as required under RCW 10.99.030.

32 (d) Recognizing that past history of domestic violence is a
33 significant lethality factor, law enforcement agencies and the courts
34 must provide the hotline access to criminal history records and court
35 records to the extent necessary for the hotline to perform lethality
36 assessments under this section.

37 (4) The hotline must implement a mechanism to place a high
38 lethality designation in law enforcement and court databases if a
39 respondent or defendant is determined to be at high risk of intimate
40 partner homicide under this section.

1 (5) For the purposes of this section:

2 (a) "Department" means the department of social and health
3 services; and

4 (b) "Hotline" means the domestic violence lethality hotline.

5 NEW SECTION. **Sec. 102.** A new section is added to chapter 2.56
6 RCW to read as follows:

7 (1) The administrative office of the courts must develop a model
8 form for courts to use when granting protection orders or no-contact
9 orders when the respondent or defendant has a high lethality
10 designation under section 101 of this act. The form must
11 automatically include all mandatory conditions for protection orders
12 or no-contact orders with a high lethality designation.

13 (2) The administrative office of the courts must adopt rules
14 requiring courts to rapidly transmit protection orders and no-contact
15 orders with a high lethality designation under section 101 of this
16 act to the department of licensing.

17 **Sec. 103.** RCW 10.97.050 and 2020 c 184 s 2 are each amended to
18 read as follows:

19 (1) Conviction records may be disseminated without restriction.

20 (2) Any criminal history record information which pertains to an
21 incident that occurred within the last twelve months for which a
22 person is currently being processed by the criminal justice system,
23 including the entire period of correctional supervision extending
24 through final discharge from parole, when applicable, may be
25 disseminated without restriction.

26 (3) Criminal history record information which includes
27 nonconviction data may be disseminated by a criminal justice agency
28 to another criminal justice agency for any purpose associated with
29 the administration of criminal justice, or in connection with the
30 employment of the subject of the record by a criminal justice or
31 juvenile justice agency, except as provided under RCW 13.50.260. A
32 criminal justice agency may respond to any inquiry from another
33 criminal justice agency without any obligation to ascertain the
34 purpose for which the information is to be used by the agency making
35 the inquiry.

36 (4) Criminal history record information which includes
37 nonconviction data may be disseminated by a criminal justice agency
38 to implement a statute, ordinance, executive order, or a court rule,

1 decision, or order which expressly refers to records of arrest,
2 charges, or allegations of criminal conduct or other nonconviction
3 data and authorizes or directs that it be available or accessible for
4 a specific purpose.

5 (5) Criminal history record information which includes
6 nonconviction data may be disseminated to individuals and agencies
7 pursuant to a contract with a criminal justice agency to provide
8 services related to the administration of criminal justice. Such
9 contract must specifically authorize access to criminal history
10 record information, but need not specifically state that access to
11 nonconviction data is included. The agreement must limit the use of
12 the criminal history record information to stated purposes and insure
13 the confidentiality and security of the information consistent with
14 state law and any applicable federal statutes and regulations.

15 (6) Criminal history record information which includes
16 nonconviction data may be disseminated to individuals and agencies
17 for the express purpose of research, evaluative, or statistical
18 activities pursuant to an agreement with a criminal justice agency.
19 Such agreement must authorize the access to nonconviction data, limit
20 the use of that information which identifies specific individuals to
21 research, evaluative, or statistical purposes, and contain provisions
22 giving notice to the person or organization to which the records are
23 disseminated that the use of information obtained therefrom and
24 further dissemination of such information are subject to the
25 provisions of this chapter and applicable federal statutes and
26 regulations, which shall be cited with express reference to the
27 penalties provided for a violation thereof.

28 (7) Criminal history record information that includes
29 nonconviction data may be disseminated to the domestic violence
30 lethality hotline to the extent necessary for the hotline to perform
31 lethality assessments under section 101 of this act.

32 (8) Every criminal justice agency that maintains and disseminates
33 criminal history record information must maintain information
34 pertaining to every dissemination of criminal history record
35 information except a dissemination to the effect that the agency has
36 no record concerning an individual. Information pertaining to
37 disseminations shall include:

38 (a) An indication of to whom (agency or person) criminal history
39 record information was disseminated;

40 (b) The date on which the information was disseminated;

1 (c) The individual to whom the information relates; and

2 (d) A brief description of the information disseminated.

3 The information pertaining to dissemination required to be
4 maintained shall be retained for a period of not less than one year.

5 ~~((8))~~ (9) In addition to the other provisions in this section
6 allowing dissemination of criminal history record information, RCW
7 4.24.550 governs dissemination of information concerning offenders
8 who commit sex offenses as defined by RCW 9.94A.030. Criminal justice
9 agencies, their employees, and officials shall be immune from civil
10 liability for dissemination on criminal history record information
11 concerning sex offenders as provided in RCW 4.24.550.

12 **Sec. 104.** RCW 10.21.050 and 2018 c 276 s 5 are each amended to
13 read as follows:

14 The judicial officer in any felony, misdemeanor, or gross
15 misdemeanor case must, in determining whether there are conditions of
16 release that will reasonably assure the safety of any other person
17 and the community, take into account the available information
18 concerning:

19 (1) The nature and circumstances of the offense charged,
20 including whether the offense is a crime of violence;

21 (2) The weight of the evidence against the defendant; ~~(and)~~

22 (3) The history and characteristics of the defendant, including:

23 (a) The person's character, physical and mental condition, family
24 ties, employment, financial resources, length of residence in the
25 community, community ties, past conduct, history relating to drug or
26 alcohol abuse, criminal history, and record concerning appearance at
27 court proceedings;

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

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

34 (4) In the case of alleged intimate partner domestic violence,
35 the results of any applicable and available lethality assessment.

36 **Part II. Electronic Monitoring with Victim Notification Technology**

1 NEW SECTION. **Sec. 201.** A new section is added to chapter 43.101
2 RCW to read as follows:

3 (1) By July 1, 2024, electronic monitoring with victim
4 notification technology services must be available for all courts in
5 all jurisdictions in the state.

6 (2) By December 1, 2023, the commission must adopt rules to
7 implement the following:

8 (a) Requiring local governments to enter into contracts with a
9 monitoring agency to provide electronic monitoring with victim
10 notification technology services under court order, including
11 specifying which entities are responsible for entering into those
12 contracts;

13 (b) Establishing standards for the operation of electronic
14 monitoring with victim notification technology by monitoring
15 agencies, with the goal of implementing best practices to improve
16 victim safety;

17 (c) Establishing protocols for implementing court orders that
18 include electronic monitoring with victim notification, including
19 protocols for the installation and removal of monitoring devices to
20 ensure uninterrupted monitoring services following release from
21 detention or incarceration; and

22 (d) Establishing any additional requirements necessary to promote
23 compliance with RCW 2.56.260 and 9.94A.736, which may include, but
24 not be limited to, training requirements for court officials, peace
25 officers, local corrections officers and staff, and other appropriate
26 practitioners.

27 (3) In developing the rules required under this section, the
28 commission must solicit input from courts of general and limited
29 jurisdiction, local governments, monitoring agencies, and statewide
30 associations representing law enforcement leaders, prosecutors,
31 domestic violence victims, and domestic violence agencies.

32 (4) The commission must develop a model policy on electronic
33 monitoring with victim notification technology based on best
34 practices where the technology is being currently used in Washington.
35 Each law enforcement agency in the state must adopt its own policy
36 based on the model policy.

37 (5) For the purposes of this section:

38 (a) "Electronic monitoring" has the meaning provided in RCW
39 9.94A.030; and

1 (b) "Monitoring agency" has the meaning provided in RCW
2 9.94A.736.

3 NEW SECTION. **Sec. 202.** A new section is added to chapter 2.56
4 RCW to read as follows:

5 The administrative office of the courts must contract with one or
6 more entities to:

7 (1) Provide training on electronic monitoring with victim
8 notification technology to prosecutors, law enforcement officers,
9 judges, domestic violence agencies, attorneys representing domestic
10 violence survivors, and any other persons or entities deemed
11 appropriate by the administrative office of the courts; and

12 (2) Create a website with information about electronic monitoring
13 with victim notification technology, including recorded trainings,
14 brochures or flyers, approved vendors, and specific instructions on
15 how victims may advocate or request electronic monitoring with victim
16 notification technology.

17 **Part III. Access to Counsel**

18 NEW SECTION. **Sec. 301.** A new section is added to chapter 2.53
19 RCW to read as follows:

20 (1) The office of civil legal aid must propose a plan to create a
21 right to counsel for low-income survivors of domestic violence in
22 domestic violence protection order proceedings. The plan must
23 include:

24 (a) Recommended income thresholds for the right to counsel;

25 (b) An estimate of projected demand;

26 (c) An estimate of projected start-up and ongoing costs;

27 (d) Recommended methods to prioritize scarce resources;

28 (e) Equity considerations;

29 (f) A reasonable plan and timeline to phase in the right to
30 counsel;

31 (g) Any statutory changes necessary to implement the plan,
32 including a description of how the right to counsel interacts with
33 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.

1 (2) The office of civil legal aid must report the plan to the
2 supreme court, the governor, and the appropriate standing committees
3 of the legislature by January 1, 2024.

4 NEW SECTION. **Sec. 302.** A new section is added to chapter 2.53
5 RCW to read as follows:

6 (1) The office of civil legal aid must maintain on its website a
7 statewide list of attorneys who specialize in representing survivors
8 of domestic violence. The list of attorneys must be organized by
9 region of the state and include contact information for the attorneys
10 on the list.

11 (2) The office of civil legal aid must develop minimum
12 qualifications for an attorney to be included on the list. An
13 attorney licensed in this state may submit an application to the
14 office of civil legal aid to be included on the list. The office of
15 civil legal aid must include the attorney on the list after verifying
16 the attorneys bar membership and qualifications.

17 **Part IV. Civil Protection Orders**

18 **Sec. 401.** RCW 7.105.155 and 2022 c 268 s 10 are each amended to
19 read as follows:

20 When service is to be completed under this chapter by a law
21 enforcement officer:

22 (1) The clerk of the court shall have a copy of any order issued
23 under this chapter, the confidential information form, as well as the
24 petition for a protection order and any supporting materials,
25 electronically forwarded on (~~or before the next~~) the same judicial
26 day to the law enforcement agency in the county or municipality where
27 the respondent resides, as specified in the order, for service upon
28 the respondent. If the respondent has moved from that county or
29 municipality and personal service is not required, the law
30 enforcement agency specified in the order may serve the order;

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

34 (3) Where personal service is required, the first attempt at
35 service must occur within 24 hours of receiving the order from the
36 court (~~whenever practicable, but not more than five days after~~
37 ~~receiving the order~~) unless an emergency situation renders the

1 service infeasible. The law enforcement officer must give priority to
2 orders with a high lethality designation under section 101 of this
3 act. If the first attempt is not successful, no fewer than two
4 additional attempts should be made to serve the order, particularly
5 for respondents who present heightened risk of lethality or other
6 risk of physical harm to the petitioner or petitioner's family or
7 household members. All attempts at service must be documented on a
8 proof of service form and submitted to the court in a timely manner;

9 (4) The law enforcement officer serving an order under this
10 section must attempt to contact the petitioner before the attempted
11 service so that the petitioner may provide pertinent information
12 related to officer safety considerations, the respondent's behavior,
13 the location and description of the respondent's firearms, and other
14 relevant details;

15 (5) 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))~~ (6) If the respondent is in a protected person's presence
25 at the time of contact for service, the law enforcement officer
26 should take reasonable steps to separate the parties when possible
27 prior to completing the service or inquiring about or collecting
28 firearms. When the order requires the respondent to vacate the
29 parties' shared residence, law enforcement shall take reasonable
30 steps to ensure that the respondent has left the premises and is on
31 notice that his or her 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))~~ (7) Any law enforcement officer who serves a protection
37 order on a respondent with the knowledge that the respondent requires
38 special assistance due to a disability, brain injury, or impairment
39 shall make a reasonable effort to accommodate the needs of the

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

3 ~~((7))~~ (8) Proof of service must be submitted to the court on
4 the proof of service form. The form must include the date and time of
5 service and each document that was served in order for the service to
6 be 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; ~~((8))~~

12 ~~(8))~~ (9) Upon service of the order, the law enforcement officer
13 must contact the petitioner to communicate that the order has been
14 served, is now in effect, and can be lawfully enforced. The officer
15 must also convey to the petitioner information regarding the
16 respondent's behavior that may be relevant to the petitioner's safety
17 planning;

18 (10) If attempts at service were not successful, the proof of
19 service form or the form letter showing that the order was not
20 served, and stating the reason it was not served, must be returned to
21 the court by the next judicial day following the last unsuccessful
22 attempt at service. Each attempt at service must be noted and
23 reflected in computer aided dispatch records, with the date, time,
24 address, and reason service was not completed; or

25 (11) The law enforcement information sheet may not include the
26 petitioner's residential address.

27 **Sec. 402.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to
28 read as follows:

29 (1) To help ensure familiarity with the unique nature of
30 protection order proceedings, and an understanding of trauma-informed
31 practices and best practices in the use of new technologies for
32 remote hearings, judicial officers, including persons who serve as
33 judicial officers pro tempore, should receive evidence-based training
34 on procedural justice, trauma-informed practices, gender-based
35 violence dynamics, coercive control, elder abuse, juvenile sex
36 offending, teen dating violence, domestic violence homicide
37 prevention, and requirements for the surrender of weapons before
38 presiding over protection order hearings. Trainings should be
39 provided on an ongoing basis as best practices, research on trauma,

1 and legislation continue to evolve. As a method of continuous
2 training, court commissioners, including pro tempore commissioners,
3 shall be notified by the presiding judge or court administrator upon
4 revision of any decision made under this chapter.

5 (2) The administrative office of the courts, in consultation with
6 the supreme court gender and justice commission, should notify
7 judicial officers of the training required under this section.

8 **Sec. 403.** RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9
9 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

12 (g) Order the respondent to participate in a state-certified
13 domestic violence perpetrator treatment program approved under RCW
14 43.20A.735 or a state-certified sex offender treatment program
15 approved under RCW 18.155.070;

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

25 (i) In cases where the petitioner and the respondent are students
26 who attend the same public or private elementary, middle, or high
27 school, the court, when issuing a protection order and providing
28 relief, shall consider, among the other facts of the case, the
29 severity of the act, any continuing physical danger, emotional
30 distress, or educational disruption to the petitioner, and the
31 financial difficulty and educational disruption that would be caused
32 by a transfer of the respondent to another school. The court may
33 order that the respondent not attend the public or private
34 elementary, middle, or high school attended by the petitioner. If a
35 minor respondent is prohibited attendance at the minor's assigned
36 public school, the school district must provide the student
37 comparable educational services in another setting. In such a case,
38 the district shall provide transportation at no cost to the
39 respondent if the respondent's parent or legal guardian is unable to
40 pay for transportation. The district shall put in place any needed

1 supports to ensure successful transition to the new school
2 environment. The court shall send notice of the restriction on
3 attending the same school as the petitioner to the public or private
4 school the respondent will attend and to the school the petitioner
5 attends;

6 (j) Require the respondent to pay the administrative court costs
7 and service fees, as established by the county or municipality
8 incurring the expense, and to reimburse the petitioner for costs
9 incurred in bringing the action, including reasonable attorneys' fees
10 or limited license legal technician fees when such fees are incurred
11 by a person licensed and practicing in accordance with state supreme
12 court admission and practice rule 28, the limited practice rule for
13 limited license legal technicians. Reasonable attorneys' fees or
14 limited licensed legal technical fees are mandatory under subsection
15 (4) of this section. Minors are presumed to be unable to pay. The
16 parent or legal guardian is responsible for costs unless the parent
17 or legal guardian demonstrates inability to pay;

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

27 (l) (i) Other than for respondents who are minors, require the
28 respondent to submit to electronic monitoring, including electronic
29 monitoring with victim notification technology. The order must
30 specify who shall provide the electronic monitoring services and the
31 terms under which the monitoring must be performed. The order also
32 may include a requirement that the respondent pay the costs of the
33 monitoring. The court shall consider the ability of the respondent to
34 pay for electronic monitoring;

35 (ii) The court must order the respondent to submit to electronic
36 monitoring with victim notification technology upon the request of
37 the petitioner if the respondent has a high lethality designation
38 under section 101 of this act. In all other cases, electronic
39 monitoring with victim notification technology is discretionary;

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

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

18 (o) Order use of a vehicle;

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

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

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

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

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

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

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

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

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

32 (4) In issuing a domestic violence, sexual assault, or stalking
33 protection order on behalf of a prevailing petitioner, the court must
34 order the respondent to pay reasonable attorneys' fees or limited
35 license legal technician fees when such fees are incurred by a person
36 licensed and practicing in accordance with state supreme court
37 admission and practice rule 28, the limited practice rule for limited
38 license legal technicians.

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

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

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

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

16 ~~((+5))~~ (6) The order shall specify the date the order expires,
17 if any. For permanent orders, the court shall set the date to expire
18 99 years from the issuance date. The order shall also state whether
19 the court issued the protection order following personal service,
20 service by electronic means, service by mail, or service by
21 publication, and whether the court has approved service by mail or
22 publication of an order issued under this section.

23 **Sec. 404.** RCW 7.105.450 and 2022 c 268 s 21 are each amended to
24 read as follows:

25 (1)(a) Whenever a domestic violence protection order, a sexual
26 assault protection order, a stalking protection order, or a
27 vulnerable adult protection order is granted under this chapter, or
28 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,
29 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign
30 protection order as defined in RCW 26.52.020, or there is a Canadian
31 domestic violence protection order as defined in RCW 26.55.010, and
32 the respondent or person to be restrained knows of the order, a
33 violation of any of the following provisions of the order is a gross
34 misdemeanor, except as provided in subsections (4) and (5) of this
35 section:

36 (i) The restraint provisions prohibiting acts or threats of
37 violence against, or stalking of, a protected party, or the restraint
38 provisions prohibiting contact with a protected party;

1 (ii) A provision excluding the person from a residence,
2 workplace, school, or day care;

3 (iii) A provision prohibiting the person from knowingly coming
4 within, or knowingly remaining within, a specified distance of a
5 location, a protected party's person, or a protected party's vehicle;

6 (iv) A provision prohibiting interfering with the protected
7 party's efforts to remove a pet owned, possessed, leased, kept, or
8 held by the petitioner, the respondent, or a minor child residing
9 with either the petitioner or the respondent; (~~(or)~~)

10 (v) A provision requiring the respondent to submit to electronic
11 monitoring; or

12 (vi) A provision of a foreign protection order or a Canadian
13 domestic violence protection order specifically indicating that a
14 violation will be a crime.

15 (b) Upon conviction, and in addition to any other penalties
16 provided by law, the court:

17 (i) May require that the respondent submit to electronic
18 monitoring. The court shall specify who must provide the electronic
19 monitoring services and the terms under which the monitoring must be
20 performed. The order also may include a requirement that the
21 respondent pay the costs of the monitoring. The court shall consider
22 the ability of the convicted person to pay for electronic monitoring;
23 and

24 (ii) Shall impose a fine of \$15, in addition to any penalty or
25 fine imposed, for a violation of a domestic violence protection order
26 issued under this chapter. Revenue from the \$15 fine must be remitted
27 monthly to the state treasury for deposit in the domestic violence
28 prevention account.

29 (2) A law enforcement officer shall arrest without a warrant and
30 (~~(take into)~~) keep in custody until release by a judicial officer on
31 bail, personal recognizance, or court order, a person whom the law
32 enforcement officer has probable cause to believe has violated a
33 domestic violence protection order, a sexual assault protection
34 order, a stalking protection order, or a vulnerable adult protection
35 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,
36 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
37 protection order as defined in RCW 26.52.020, or a Canadian domestic
38 violence protection order as defined in RCW 26.55.010, that restrains
39 the person or excludes the person from a residence, workplace,
40 school, or day care, or prohibits the person from knowingly coming

1 within, or knowingly remaining within, a specified distance of a
2 location, a protected party's person, or a protected party's vehicle,
3 if the person restrained knows of the order. Presence of the order in
4 the law enforcement computer-based criminal intelligence information
5 system is not the only means of establishing knowledge of the order.
6 A law enforcement officer is not required to keep in custody a person
7 under this subsection if the person requires immediate medical
8 attention and is admitted to a hospital.

9 (3) A violation of a domestic violence protection order, a sexual
10 assault protection order, a stalking protection order, or a
11 vulnerable adult protection order, or an order issued under chapter
12 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B
13 RCW, or a valid foreign protection order as defined in RCW 26.52.020,
14 or a Canadian domestic violence protection order as defined in RCW
15 26.55.010, shall also constitute contempt of court, and is subject to
16 the penalties prescribed by law.

17 (4) Any assault that is a violation of a domestic violence
18 protection order, a sexual assault protection order, a stalking
19 protection order, or a vulnerable adult protection order, or an order
20 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,
21 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
22 in RCW 26.52.020, or a Canadian domestic violence protection order as
23 defined in RCW 26.55.010, and that does not amount to assault in the
24 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
25 felony, and any conduct in violation of such an order that is
26 reckless and creates a substantial risk of death or serious physical
27 injury to another person is a class C felony.

28 (5) A violation of a domestic violence protection order, a sexual
29 assault protection order, a stalking protection order, or a
30 vulnerable adult protection order, or a court order issued under
31 chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or
32 26.26B RCW, or a valid foreign protection order as defined in RCW
33 26.52.020, or a Canadian domestic violence protection order as
34 defined in RCW 26.55.010, is a class C felony if the offender has at
35 least two previous convictions for violating the provisions of a
36 domestic violence protection order, a sexual assault protection
37 order, a stalking protection order, or a vulnerable adult protection
38 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,
39 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
40 protection order as defined in RCW 26.52.020, or a Canadian domestic

1 violence protection order as defined in RCW 26.55.010. The previous
2 convictions may involve the same victim or other victims specifically
3 protected by the orders the offender violated.

4 (6) (a) A defendant arrested for violating a domestic violence
5 protection order, sexual assault protection order, stalking
6 protection order, or vulnerable adult protection order, or an order
7 granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99,
8 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as
9 defined in RCW 26.52.020, or a Canadian domestic violence protection
10 order as defined in RCW 26.55.010, is required to appear in person
11 before a magistrate within one judicial day after the arrest. At the
12 time of the appearance, the court shall determine the necessity of
13 imposing a no-contact order or other conditions of pretrial release.

14 (b) A defendant who is charged by citation, complaint, or
15 information with violating any protection order identified in (a) of
16 this subsection and not arrested shall appear in court for
17 arraignment in person as soon as practicable, but in no event later
18 than 14 days after the next day on which court is in session
19 following the issuance of the citation or the filing of the complaint
20 or information.

21 (7) Upon the filing of an affidavit by the petitioner or any law
22 enforcement officer alleging that the respondent has violated a
23 domestic violence protection order, a sexual assault protection
24 order, a stalking protection order, or a vulnerable adult protection
25 order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88,
26 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
27 protection order as defined in RCW 26.52.020, or a Canadian domestic
28 violence protection order as defined in RCW 26.55.010, the court may
29 issue an order to the respondent, requiring the respondent to appear
30 and show cause within 14 days as to why the respondent should not be
31 found in contempt of court and punished accordingly. The hearing may
32 be held in the court of any county or municipality in which the
33 petitioner or respondent temporarily or permanently resides at the
34 time of the alleged violation.

35 (8) Appearances required under this section are mandatory and
36 cannot be waived.

37 **Sec. 405.** RCW 7.105.500 and 2022 c 268 s 23 are each amended to
38 read as follows:

1 This section applies to modification or termination of domestic
2 violence protection orders, sexual assault protection orders,
3 stalking protection orders, and antiharassment protection orders.

4 (1) Upon a motion with notice to all parties and after a hearing,
5 the court may modify the terms of an existing protection order or
6 terminate an existing order.

7 (2) A respondent's motion to modify or terminate an existing
8 protection order must include a declaration setting forth facts
9 supporting the requested order for modification or termination. The
10 nonmoving parties to the proceeding may file opposing declarations.
11 All motions to modify or terminate shall be based on the written
12 materials and evidence submitted to the court. The court shall set a
13 hearing only if the court finds that adequate cause is established.
14 If the court finds that the respondent established adequate cause,
15 the court shall set a date for hearing the respondent's motion, which
16 must be at least 14 days from the date the court finds adequate
17 cause.

18 (3) Upon the motion of a respondent, the court may not modify or
19 terminate an existing protection order unless the respondent proves
20 by a preponderance of the evidence that there has been a substantial
21 change in circumstances such that the respondent will not resume,
22 engage in, or attempt to engage in, the following acts against the
23 petitioner or those persons protected by the protection order if the
24 order is terminated or modified:

25 (a) Acts of domestic violence, in cases involving domestic
26 violence protection orders;

27 (b) Physical or nonphysical contact, in cases involving sexual
28 assault protection orders;

29 (c) Acts of stalking, in cases involving stalking protection
30 orders; or

31 (d) Acts of unlawful harassment, in cases involving
32 antiharassment protection orders.

33 The petitioner bears no burden of proving that he or she has a
34 current reasonable fear of harm by the respondent.

35 (4) In determining whether there has been a substantial change in
36 circumstances, the court may consider the following unweighted
37 factors, and no inference is to be drawn from the order in which the
38 factors are listed:

39 (a) Whether the respondent has committed or threatened sexual
40 assault, domestic violence, stalking, or other harmful acts against

1 the petitioner or any other person since the protection order was
2 entered;

3 (b) Whether the respondent has violated the terms of the
4 protection order and the time that has passed since the entry of the
5 order;

6 (c) Whether the respondent has exhibited suicidal ideation or
7 attempts since the protection order was entered;

8 (d) Whether the respondent has been convicted of criminal
9 activity since the protection order was entered;

10 (e) Whether the respondent has either acknowledged responsibility
11 for acts of sexual assault, domestic violence, stalking, or behavior
12 that resulted in the entry of the protection order, or successfully
13 completed state-certified perpetrator treatment or counseling since
14 the protection order was entered;

15 (f) Whether the respondent has a continuing involvement with drug
16 or alcohol abuse, if such abuse was a factor in the protection order;

17 (g) Whether the petitioner consents to terminating the protection
18 order, provided that consent is given voluntarily and knowingly; or

19 (h) Other factors relating to a substantial change in
20 circumstances.

21 (5) In determining whether there has been a substantial change in
22 circumstances, the court may not base its determination on the fact
23 that time has passed without a violation of the order.

24 (6) Regardless of whether there is a substantial change in
25 circumstances, the court may decline to terminate a protection order
26 if it finds that the acts of domestic violence, sexual assault,
27 stalking, unlawful harassment, and other harmful acts that resulted
28 in the issuance of the protection order were of such severity that
29 the order should not be terminated.

30 (7) A respondent may file a motion to modify or terminate an
31 order no more than once in every 12-month period that the order is in
32 effect, starting from the date of the order and continuing through
33 any renewal period.

34 (8) If a person who is protected by a protection order has a
35 child or adopts a child after a protection order has been issued, but
36 before the protection order has expired, the petitioner may seek to
37 include the new child in the order of protection on an ex parte basis
38 if the child is already in the physical custody of the petitioner. If
39 the restrained person is the legal or biological parent of the child,

1 a hearing must be set and notice given to the restrained person prior
2 to final modification of the full protection order.

3 (9) A court (~~may~~) must require the respondent to pay the
4 petitioner for costs incurred in responding to a motion to modify or
5 terminate a domestic violence, sexual assault, or stalking protection
6 order, including reasonable attorneys' fees. A court may require the
7 respondent to pay the petitioner for costs incurred in responding to
8 a motion to modify or terminate any other type of protection order,
9 including reasonable attorneys' fees.

10 NEW SECTION. Sec. 406. A new section is added to chapter 7.105
11 RCW to read as follows:

12 (1) In any proceeding in which the court enters a temporary
13 protection order that includes a temporary order to surrender and
14 prohibit weapons, and after the hearing the court denies the petition
15 for a full protection order, the court must stay entry of the
16 decision and provide notice to the petitioner of the right to seek
17 reconsideration or revision of the decision in accordance with this
18 section.

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

27 (3) A motion for reconsideration or a motion for revision must be
28 filed within 10 calendar days of the court's denial of the petition
29 for a full protection order. The petitioner may not file both a
30 motion for reconsideration and a motion for revision. The hearing on
31 the motion must be held within 30 calendar days from the filing of
32 the motion.

33 (4) The court's order denying entry of a full protection order
34 must be stayed, and the temporary protection order and temporary
35 order to surrender and prohibit weapons must remain in effect,
36 pending reconsideration or revision, as follows:

37 (a) If the petitioner does not timely file a motion for
38 reconsideration or motion for revision, the order denying the full

1 protection order becomes final once the filing deadline for a motion
2 for reconsideration or motion for revision has passed; and

3 (b) If the petitioner timely files a motion for reconsideration
4 or motion for revision, the stay of the court's order denying the
5 full protection order remains in place until the hearing on the
6 motion for reconsideration or motion for revision is held, but no
7 later than 30 calendar days after the motion is filed.

8 **Part V. Domestic Violence Protections**

9 **Sec. 501.** RCW 10.99.020 and 2021 c 215 s 121 are each amended to
10 read as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Agency" means a general authority Washington law enforcement
14 agency as defined in RCW 10.93.020.

15 (2) "Association" means the Washington association of sheriffs
16 and police chiefs.

17 (3) "Dating relationship" has the same meaning as in RCW
18 7.105.010.

19 (4) "Domestic violence" includes but is not limited to any of the
20 following crimes when committed either by (a) one family or household
21 member against another family or household member, or (b) one
22 intimate partner against another intimate partner:

23 (i) Assault in the first degree (RCW 9A.36.011);

24 (ii) Assault in the second degree (RCW 9A.36.021);

25 (iii) Assault in the third degree (RCW 9A.36.031);

26 (iv) Assault in the fourth degree (RCW 9A.36.041);

27 (v) Drive-by shooting (RCW 9A.36.045);

28 (vi) Reckless endangerment (RCW 9A.36.050);

29 (vii) Coercion (RCW 9A.36.070);

30 (viii) Burglary in the first degree (RCW 9A.52.020);

31 (ix) Burglary in the second degree (RCW 9A.52.030);

32 (x) Criminal trespass in the first degree (RCW 9A.52.070);

33 (xi) Criminal trespass in the second degree (RCW 9A.52.080);

34 (xii) Malicious mischief in the first degree (RCW 9A.48.070);

35 (xiii) Malicious mischief in the second degree (RCW 9A.48.080);

36 (xiv) Malicious mischief in the third degree (RCW 9A.48.090);

37 (xv) Kidnapping in the first degree (RCW 9A.40.020);

38 (xvi) Kidnapping in the second degree (RCW 9A.40.030);

1 (xvii) Unlawful imprisonment (RCW 9A.40.040);
2 (xviii) Violation of the provisions of a restraining order, no-
3 contact order, or protection order restraining or enjoining the
4 person or restraining the person from going onto the grounds of or
5 entering a residence, workplace, school, or day care, or prohibiting
6 the person from knowingly coming within, or knowingly remaining
7 within, a specified distance of a location, a protected party's
8 person, or a protected party's vehicle (chapter 7.105 RCW, or RCW
9 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063,
10 26.44.150, or 26.52.070, or any of the former RCW 26.50.060,
11 26.50.070, 26.50.130, and 74.34.145);
12 (xix) Rape in the first degree (RCW 9A.44.040);
13 (xx) Rape in the second degree (RCW 9A.44.050);
14 (xxi) Residential burglary (RCW 9A.52.025);
15 (xxii) Stalking (RCW 9A.46.110); and
16 (xxiii) Interference with the reporting of domestic violence (RCW
17 9A.36.150).
18 (5) "Electronic monitoring" means the same as in RCW 9.94A.030.
19 (6) "Employee" means any person currently employed with an
20 agency.
21 (7) "Family or household members" means: (a) Adult persons
22 related by blood or marriage; (b) adult persons who are presently
23 residing together or who have resided together in the past; and (c)
24 persons who have a biological or legal parent-child relationship,
25 including stepparents and stepchildren and grandparents and
26 grandchildren.
27 (8) "Intimate partners" means: (a) Spouses or domestic partners;
28 (b) former spouses or former domestic partners; (c) persons who have
29 a child in common regardless of whether they have been married or
30 have lived together at any time; (d) adult persons presently or
31 previously residing together who have or have had a dating
32 relationship; (e) persons 16 years of age or older who are presently
33 residing together or who have resided together in the past and who
34 have or have had a dating relationship; or (f) persons 16 years of
35 age or older with whom a person 16 years of age or older has or has
36 had a dating relationship.
37 (9) "Intimate terrorism" refers to a type of intimate partner
38 violence in which the perpetrator uses violence, threats, coercive
39 control, or other behaviors with the intent to dominate, intimidate
40 or control the victim. If there are criminal acts, those acts simply

1 punctuate a broader pattern of subjugation. In cases of intimate
2 terrorism, the victim is usually fearful of the perpetrator.

3 (10) "Sworn employee" means a general authority Washington peace
4 officer as defined in RCW 10.93.020, any person appointed under RCW
5 35.21.333, and any person appointed or elected to carry out the
6 duties of the sheriff under chapter 36.28 RCW.

7 ~~((10))~~ (11) "Victim" means a family or household member or an
8 intimate partner who has been subjected to domestic violence.

9 **Sec. 502.** RCW 10.99.030 and 2019 c 367 s 1 and 2019 c 110 s 2
10 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

36 (b) The peace officer shall separate the parties and then inquire
37 of the victim: (i) If there are any firearms or ammunition in the
38 home that are owned or possessed by either party; (ii) if the alleged
39 abuser has access to any other firearms located off-site; and (iii)

1 whether the alleged abuser has an active concealed pistol license, so
2 that there is a complete record for future court proceedings. The
3 inquiry should make clear to the victim that the peace officer is not
4 asking only about whether a firearm was used at the time of the
5 incident but also under other circumstances, such as whether the
6 alleged abuser has kept a firearm in plain sight in a manner that is
7 coercive, has threatened use of firearms in the past, or has
8 additional firearms in a vehicle or other location. Law enforcement
9 personnel may use a pictorial display of common firearms to assist
10 the victim in identifying firearms.

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

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

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

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

28 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
29 city or county prosecuting attorney to file a criminal
30 complaint. You also have the right to file a petition in
31 superior, district, or municipal court requesting an order
32 for protection from domestic abuse which could include any of
33 the following: (a) An order restraining your abuser from
34 further acts of abuse; (b) an order directing your abuser to
35 leave your household; (c) an order preventing your abuser
36 from entering your residence, school, business, or place of
37 employment; (d) an order awarding you or the other parent
38 custody of or visitation with your minor child or children;
39 (e) an order restraining your abuser from molesting or

1 interfering with minor children in your custody; and (f) an
2 order requiring your abuser to turn in any firearms and
3 concealed pistol license in the abuser's possession or
4 control to law enforcement and prohibiting the abuser from
5 possessing or accessing firearms or a concealed pistol
6 license for the duration of the civil order. The forms you
7 need to obtain a protection order are available in any
8 municipal, district, or superior court.

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

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

17 (5) Beginning January 1, 2025, when a peace officer responds to a
18 domestic violence call and has probable cause to believe that a crime
19 has been committed, he or she shall, with the consent of the victim,
20 connect the victim with the domestic violence lethality hotline under
21 section 101 of this act to conduct a lethality assessment and assist
22 the victim with safety planning.

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

26 ((+6)) (7) An appointed or elected public official, public
27 employee, or public agency as defined in RCW 4.24.470, or units of
28 local government and its employees, as provided in RCW 36.28A.010,
29 are immune from civil liability for damages arising out of the
30 seizure or lack of seizure of a firearm, unless it is shown that the
31 official, employee, or agency acted with gross negligence or in bad
32 faith.

33 **Sec. 503.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to
34 read as follows:

35 (1) All training relating to the handling of domestic violence
36 complaints by law enforcement officers must stress enforcement of
37 criminal laws in domestic situations, availability of community
38 resources, and protection of the victim. Law enforcement agencies and

1 community organizations with expertise in the issue of domestic
2 violence shall cooperate in all aspects of such training.

3 (2) The criminal justice training commission shall implement by
4 July 28, 2019, a course of instruction for the training of law
5 enforcement officers in Washington in the handling of domestic
6 violence complaints. The basic law enforcement curriculum of the
7 criminal justice training commission must include at least twenty
8 hours of basic training instruction on the law enforcement response
9 to domestic violence. The course of instruction, the learning and
10 performance objectives, and the standards for the training must be
11 developed by the commission and focus on enforcing the criminal laws,
12 safety of the victim, and holding the perpetrator accountable for the
13 violence. The curriculum must include training on the extent and
14 prevalence of domestic violence, distinguishing situational family
15 violence from intimate terrorism, the importance of criminal justice
16 intervention, techniques for responding to incidents that minimize
17 the likelihood of officer injury and that promote victim safety,
18 investigation and interviewing skills, evidence gathering and report
19 writing, assistance to and services for victims and children,
20 domestic violence homicide prevention, conducting lethality
21 assessments in consultation with the domestic violence lethality
22 hotline under section 101 of this act, understanding the risks of
23 traumatic brain injury posed by domestic violence, verification and
24 enforcement of court orders, liability, and any additional provisions
25 that are necessary 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 conducting lethality assessments in consultation with the domestic
33 violence lethality hotline under section 101 of this act, and serving
34 and enforcing protection orders. The commission shall make the
35 training program available to all law enforcement agencies in the
36 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. 504.** 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 client the victim's location,~~
16 ~~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 order
31 prohibiting that person from having contact with the victim, the
32 court authorizing release may issue, by telephone, a no-contact order
33 prohibiting the person charged or arrested from having contact with
34 the victim or from knowingly coming within, or knowingly remaining
35 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 any available
15 lethality assessment and all information documented in the incident
16 report concerning the person's possession of and access to firearms
17 and whether law enforcement took temporary custody of firearms at the
18 time of the arrest. ((The)) In cases with a high lethality
19 designation under section 101 of this act, the court must as a
20 condition of release prohibit the defendant from possessing or
21 accessing firearms and order the defendant to immediately surrender
22 all firearms and any concealed pistol license to a law enforcement
23 agency upon release. In all other cases, the court may as a condition
24 of release prohibit the defendant from possessing or accessing
25 firearms and order the defendant to immediately surrender all
26 firearms and any concealed pistol license to a law enforcement agency
27 upon release.

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

1 (ii) The court must order the defendant to submit to electronic
2 monitoring with victim notification technology if the victim was the
3 defendant's intimate partner and the defendant has a high lethality
4 designation under section 101 of this act. In all other cases,
5 electronic monitoring with victim notification technology is
6 discretionary.

7 (4) (a) Willful violation of a court order issued under subsection
8 (2), (3), or (7) of this section is punishable under RCW 7.105.450.

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

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

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

23 (6) Whenever a no-contact order is issued, modified, or
24 terminated under subsection (2) or (3) of this section, the clerk of
25 the court shall forward a copy of the order on or before the next
26 judicial day to the appropriate law enforcement agency specified in
27 the order. Upon receipt of the copy of the order the law enforcement
28 agency shall enter the order for one year or until the expiration
29 date specified on the order into any computer-based criminal
30 intelligence information system available in this state used by law
31 enforcement agencies to list outstanding warrants. Entry into the
32 computer-based criminal intelligence information system constitutes
33 notice to all law enforcement agencies of the existence of the order.
34 The order is fully enforceable in any jurisdiction in the state. Upon
35 receipt of notice that an order has been terminated under subsection
36 (3) of this section, the law enforcement agency shall remove the
37 order from the computer-based criminal intelligence information
38 system.

39 (7) All courts shall develop policies and procedures by January
40 1, 2011, to grant victims a process to modify or rescind a no-contact

1 order issued under this chapter. The administrative office of the
2 courts shall develop a model policy to assist the courts in
3 implementing the requirements of this subsection.

4 **Sec. 505.** RCW 10.99.045 and 2021 c 215 s 77 are each amended to
5 read as follows:

6 (1) A defendant arrested for an offense involving domestic
7 violence as defined by RCW 10.99.020 shall be required to appear in
8 person before a magistrate within one judicial day after the arrest.

9 (2) A defendant who is charged by citation, complaint, or
10 information with an offense involving domestic violence as defined by
11 RCW 10.99.020 and not arrested shall appear in court for arraignment
12 in person as soon as practicable, but in no event later than 14 days
13 after the next day on which court is in session following the
14 issuance of the citation or the filing of the complaint or
15 information.

16 (3) (a) At the time of the appearances provided in subsection (1)
17 or (2) of this section, the court shall determine the necessity of
18 imposing a no-contact order or other conditions of pretrial release
19 according to the procedures established by court rule for a
20 preliminary appearance or an arraignment. The court may include in
21 the order any conditions authorized under RCW 9.41.800 and 10.99.040.

22 (b) For the purposes of (a) of this subsection, the prosecutor
23 shall provide for the court's review:

24 (i) The defendant's criminal history, if any, that occurred in
25 Washington or any other state;

26 (ii) If available, the defendant's criminal history that occurred
27 in any tribal jurisdiction;

28 (iii) The defendant's individual order history; ~~((and))~~

29 (iv) The defendant's firearms purchase history, including any
30 concealed pistol license history; and

31 (v) Any available and applicable domestic violence lethality
32 assessment.

33 (c) For the purposes of (b) of this subsection, criminal history
34 includes all previous convictions and orders of deferred prosecution,
35 as reported through the judicial information system or otherwise
36 available to the court or prosecutor, current to within the period
37 specified in (d) of this subsection before the date of the
38 appearance.

1 (d) The periods applicable to previous convictions and orders of
2 deferred prosecution are:

3 (i) One working day, in the case of previous actions of courts
4 that fully participate in the state judicial information system; and

5 (ii) Seven calendar days, in the case of previous actions of
6 courts that do not fully participate in the judicial information
7 system. For the purposes of this subsection, "fully participate"
8 means regularly providing records to and receiving records from the
9 system by electronic means on a daily basis.

10 (4) If pretrial supervision is available, a defendant with a high
11 lethality designation under section 101 of this act must be ordered
12 to pretrial supervision at the highest level offered.

13 (5) If the defendant carries a high lethality designation under
14 section 101 of this act, the court must order electronic monitoring
15 with victim notification technology as a condition for pretrial
16 release. The court may order that the defendant pay the costs of the
17 electronic monitoring.

18 (6) If the court uses an entity to make recommendations on
19 conditions for pretrial release, the entity may not make such
20 recommendations before performing a domestic violence lethality
21 assessment in cases involving an intimate partner victim.

22 (7) Appearances required pursuant to this section are mandatory
23 and cannot be waived.

24 ~~((+5))~~ (8) The no-contact order shall be issued and entered with
25 the law enforcement agency pursuant to the procedures outlined in RCW
26 10.99.040 (2) and (6).

27 **Sec. 506.** RCW 10.99.100 and 2010 c 274 s 404 are each amended to
28 read as follows:

29 (1) In sentencing for a crime of domestic violence as defined in
30 this chapter, courts of limited jurisdiction shall consider, among
31 other factors, whether:

32 (a) The defendant suffered a continuing pattern of coercion,
33 control, or abuse by the victim of the offense and the offense is a
34 response to that coercion, control, or abuse;

35 (b) The offense was part of an ongoing pattern of psychological,
36 physical, or sexual abuse of a victim or multiple victims manifested
37 by multiple incidents over a prolonged period of time; ~~((and))~~

1 (c) The purpose of the offense was to gain or maintain power and
2 control over the victim as part of a broader pattern of intimate
3 terrorism; and

4 (d) The offense occurred within sight or sound of the victim's or
5 the offender's minor children under the age of eighteen years.

6 (2) In sentencing for a crime of intimate partner domestic
7 violence with a high lethality designation under section 101 of this
8 act, courts of limited jurisdiction must order the defendant to
9 electronic monitoring with victim notification technology.

10 (3)(a) In sentencing for a crime of domestic violence as defined
11 in this chapter, the prosecutor shall provide for the court's review:

12 (i) The defendant's criminal history, if any, that occurred in
13 Washington or any other state;

14 (ii) If available, the defendant's prior criminal history that
15 occurred in any tribal jurisdiction; and

16 (iii) The defendant's individual order history.

17 (b) For the purposes of (a) of this subsection, criminal history
18 includes all previous convictions and orders of deferred prosecution,
19 as reported through the judicial information system or otherwise
20 available to the court or prosecutor, current to within the period
21 specified in (c) of this subsection before the date of sentencing.

22 (c) The periods applicable to previous convictions and orders of
23 deferred prosecution are:

24 (i) One working day, in the case of previous actions of courts
25 that fully participate in the state judicial information system; and

26 (ii) Seven calendar days, in the case of previous actions of
27 courts that do not fully participate in the judicial information
28 system. For the purposes of this subsection, "fully participate"
29 means regularly providing records to and receiving records from the
30 system by electronic means on a daily basis.

31 (4) When sentencing a defendant for the crime of intimate partner
32 domestic violence with a high lethality designation under section 101
33 of this act, other than a crime that would cause the defendant to be
34 ineligible to possess firearms under RCW 9.41.040, the court must
35 order the defendant to surrender all firearms and dangerous weapons
36 on the day of release from any term of confinement, or, if the
37 defendant does not serve a term of confinement, on the day the order
38 is entered.

1 **Sec. 601.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to
2 read as follows:

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

5 (i) Allows a family or household member or intimate partner to
6 use an incident or case number to request to be notified when a law
7 enforcement agency returns a privately owned firearm to the
8 individual from whom it was obtained or to an authorized
9 representative of that person; and

10 (ii) Requires notification to any person identified in a no-
11 contact order or protection order and any identified victim of the
12 crime that resulted in the firearm surrender.

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

16 ~~((b))~~ (ii) If a law enforcement agency is in possession of more
17 than one privately owned firearm from a single person, notification
18 relating to the return of one firearm shall be considered
19 notification for all privately owned firearms for that 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))~~ 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. 602.** 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 have elapsed from the time the
13 firearm was obtained by law enforcement, unless the firearm was
14 seized in connection with a domestic violence call pursuant to RCW
15 10.99.030, in which case the law enforcement agency must ensure that
16 five business days have elapsed from the time the firearm was
17 obtained.

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

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

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

32 (3) If ~~((a family or household member or intimate partner has~~
33 ~~requested to be notified pursuant to RCW 9.41.340))~~ notification is
34 required under RCW 9.41.340(1)(a) (i) or (ii), a law enforcement
35 agency must:

36 (a) Provide notice to the family or household member ~~((~~or~~)),~~
37 intimate partner, identified victim, or person identified in a no
38 contact order or a protection order within one business day of
39 verifying that the requirements in subsection (1) of this section
40 have been met; and

1 (b) Hold the firearm in custody for seventy-two hours from the
2 time notification has been provided.

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

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

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

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

21 (1) Any court when entering an order authorized under chapter
22 7.105 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
23 26.26B.020, or 26.26A.470 shall, upon a showing by a preponderance of
24 the evidence, that a party has: Used, displayed, or threatened to use
25 a firearm or other dangerous weapon in a felony, or is ineligible to
26 possess a firearm under the provisions of RCW 9.41.040:

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

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

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

34 (d) Prohibit the party from obtaining or possessing a concealed
35 pistol license;

36 (e) Other than for ex parte temporary protection orders, unless
37 the ex parte temporary protection order was reissued after the party
38 received noticed and had an opportunity to be heard, direct law

1 enforcement to revoke any concealed pistol license issued to the
2 party.

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

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

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

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

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

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

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

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

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

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

39 (4) In addition to the provisions of subsections (1) and (3) of
40 this section, the court may enter an order requiring a party to

1 comply with the provisions in subsection (1) of this section if it
2 finds that the possession of a firearm or other dangerous weapon by
3 any party presents a serious and imminent threat to public health or
4 safety, or to the health or safety of any individual.

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

7 (6) The court shall require the party to surrender all firearms
8 and other dangerous weapons in his or her immediate possession or
9 control or subject to his or her immediate possession or control, and
10 any concealed pistol license issued under RCW 9.41.070, to the local
11 law enforcement agency. The court may order the search for and
12 seizure of any firearm or dangerous weapon at any location where the
13 court has probable cause to believe the firearm or dangerous weapon
14 is located. The court order must state with specificity the reasons
15 for and scope of the search and seizure authorized.

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

20 ((+7)) (8) If the court enters a protection order, restraining
21 order, or no-contact order that includes an order to surrender
22 firearms, dangerous weapons, and any concealed pistol license under
23 this section:

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

25 (b) Law enforcement must immediately ensure entry of the order to
26 surrender and prohibit weapons and the revocation of any concealed
27 pistol license is made into the appropriate databases making the
28 party ineligible to possess firearms and a concealed pistol license.

29 **Sec. 604.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to
30 read as follows:

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

38 (2) (a) A law enforcement officer serving a protection order, no-
39 contact order, or restraining order that includes an order to

1 surrender all firearms, dangerous weapons, and a concealed pistol
2 license under RCW 9.41.800 shall inform the respondent that the order
3 is effective upon service and the respondent must immediately
4 surrender all firearms and dangerous weapons in the respondent's
5 custody, control, or possession and any concealed pistol license
6 issued under RCW 9.41.070, and conduct any search permitted by law
7 for such firearms, dangerous weapons, and concealed pistol license.
8 The law enforcement officer shall take possession of all firearms,
9 dangerous weapons, and any concealed pistol license belonging to the
10 respondent that are surrendered, in plain sight, or discovered
11 pursuant to a lawful search. If the order is entered in open court
12 and the respondent appears in person, the respondent shall be
13 provided a copy and further service is not required. If the
14 respondent refuses to receive a copy, an agent of the court may
15 indicate on the record that the respondent refused to receive a copy
16 of the order. If the respondent appears remotely for the hearing, or
17 leaves the hearing before a final ruling is issued or order signed,
18 and the court believes the respondent has sufficient notice such that
19 additional service is not necessary, the order must recite that the
20 respondent appeared before the court, has actual notice of the order,
21 the necessity for further service is waived, and proof of service of
22 the order is not necessary. The court shall enter the service and
23 receipt into the record. A copy of the order and service shall be
24 transmitted immediately to law enforcement. The respondent must
25 immediately surrender all firearms, dangerous weapons, and any
26 concealed pistol license in a safe manner to the control of the local
27 law enforcement agency on the day of the hearing at which the
28 respondent was present in person or remotely. (~~Alternatively, if
29 personal service by a law enforcement officer is not possible, and
30 the respondent did not appear in person or remotely at the hearing,
31 the respondent shall surrender the firearms in a safe manner to the
32 control of the local law enforcement agency within 24 hours of being
33 served with the order by alternate service.~~)

34 (b) Because of the heightened risk of serious violence after
35 arrest for a crime of domestic violence, when there is a high
36 lethality designation under section 101 of this act and the court has
37 probable cause to believe that a person serving a term of confinement
38 for an offense requiring the surrender of firearms or other dangerous
39 weapons continues to possess such firearms or dangerous weapons, the
40 court must order a law enforcement officer to accompany the person to

1 the location where the court has probable cause to believe the
2 firearms or dangerous weapons are stored. The law enforcement officer
3 must immediately take possession of any firearms or dangerous weapons
4 the officer finds at the location.

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

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

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

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

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

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

1 (6) Courts shall develop procedures to verify timely and complete
2 compliance with orders to surrender and prohibit weapons under RCW
3 9.41.800 or 10.99.100, including compliance review hearings to be
4 held as soon as possible upon receipt from law enforcement of proof
5 of service. (~~(A compliance review hearing is not required if the~~
6 ~~court can otherwise enter findings on the record or enter written~~
7 ~~findings that the proof of surrender or declaration of nonsurrender~~
8 ~~attested to by the person subject to the order, along with~~
9 ~~verification from law enforcement and any other relevant evidence,~~
10 ~~makes a sufficient showing that the person has timely and completely~~
11 ~~surrendered all firearms and dangerous weapons in the person's~~
12 ~~custody, control, or possession, and any concealed pistol license~~
13 ~~issued under RCW 9.41.070, to a law enforcement agency. If the court~~
14 ~~does not have a sufficient record before it on which to make such a~~
15 ~~finding, the)) The court must set a review hearing to occur as soon~~
16 as possible at which the respondent must be present and provide proof
17 of compliance with the court's order. Courts shall make available
18 forms that petitioners may complete and submit to the court in
19 response to a respondent's declaration of whether the respondent has
20 surrendered weapons.

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

1 of the order to show cause on the petitioner, either electronically
2 or in person, at no cost.

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

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

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

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

23 (B) Provide the court with verification that any concealed pistol
24 license issued to the respondent has been surrendered and the agency
25 with authority to revoke the license has been notified.

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

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

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

39 (8) (a) To help ensure that accurate and comprehensive information
40 about firearms compliance is provided to judicial officers, a

1 representative from either the prosecuting attorney's office or city
2 attorney's office, or both, from the relevant jurisdiction may appear
3 and be heard at any hearing that concerns compliance with an order to
4 surrender and prohibit weapons issued in connection with another type
5 of protection order.

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

11 (9) (a) An order to surrender and prohibit weapons issued pursuant
12 to RCW 9.41.800 must state that the act of voluntarily surrendering
13 firearms or weapons, or providing testimony relating to the surrender
14 of firearms or weapons, pursuant to such an order, may not be used
15 against the respondent in any criminal prosecution under this
16 chapter, chapter 7.105 RCW, or RCW 9A.56.310.

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

21 (10) All law enforcement agencies must have policies and
22 procedures to provide for the acceptance, storage, and return of
23 firearms, dangerous weapons, and concealed pistol licenses that a
24 court requires must be surrendered under RCW 9.41.800. A law
25 enforcement agency holding any firearm or concealed pistol license
26 that has been surrendered under RCW 9.41.800 shall comply with the
27 provisions of RCW 9.41.340 and 9.41.345 before the return of the
28 firearm or concealed pistol license to the owner or individual from
29 whom it was obtained.

30 (11) The administrative office of the courts shall create a
31 statewide pattern form to assist the courts in ensuring timely and
32 complete compliance in a consistent manner with orders issued under
33 this chapter. The administrative office of the courts shall report
34 annually on the number of orders issued under this chapter by each
35 court, the degree of compliance, and the number of firearms obtained,
36 and may make recommendations regarding additional procedures to
37 enhance compliance and victim safety.

38 **Sec. 605.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to
39 read as follows:

1 ((A)) (1) Except as provided in subsection (2) of this section, a
2 party ordered to surrender firearms, dangerous weapons, and his or
3 her concealed pistol license under RCW 9.41.800 must file with the
4 clerk of the court a proof of surrender and receipt form or a
5 declaration of nonsurrender form within five judicial days of the
6 entry of the order.

7 (2) A person ordered to surrender firearms or dangerous weapons
8 under RCW 10.99.100 must file with the clerk of the court a proof of
9 surrender and receipt form or a declaration of nonsurrender form on
10 the same day the defendant is released from any term of confinement,
11 or, if the defendant is not sentenced to a term of confinement, on
12 the same day as the entry of the order.

13 **Sec. 606.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to
14 read as follows:

15 (1) Upon the issuance of any extreme risk protection order under
16 this chapter, including a temporary extreme risk protection order(~~(7~~
17 ~~the)):~~

18 (a) The court shall:

19 ~~((a))~~ (i) Order the respondent to surrender to the local law
20 enforcement agency all firearms in the respondent's custody, control,
21 or possession, and any concealed pistol license issued under RCW
22 9.41.070; and

23 ~~((b))~~ (ii) Other than for ex parte temporary protection orders,
24 direct law enforcement to revoke any concealed pistol license issued
25 to the respondent;

26 (b) The court may order the search for and seizure of any firearm
27 or dangerous weapon at any location where the court has probable
28 cause to believe the firearm or dangerous weapon is located. The
29 court order must state with specificity the reasons for and scope of
30 the search and seizure authorized.

31 (2) The law enforcement officer serving any extreme risk
32 protection order under this chapter, including a temporary extreme
33 risk protection order, shall request that the respondent immediately
34 surrender all firearms in his or her custody, control, or possession,
35 and any concealed pistol license issued under RCW 9.41.070, and
36 conduct any search permitted by law for such firearms. The law
37 enforcement officer shall take possession of all firearms belonging
38 to the respondent that are surrendered, in plain sight, or discovered
39 pursuant to a lawful search. If the order is entered in open court

1 and the respondent appears in person, the respondent must be provided
2 a copy and further service is not required. If the respondent refuses
3 to accept a copy, an agent of the court may indicate on the record
4 that the respondent refused to accept a copy of the order. If the
5 respondent appears remotely for the hearing, or leaves the hearing
6 before a final ruling is issued or order signed, and the court
7 believes the respondent has sufficient notice such that additional
8 service is not necessary, the order must recite that the respondent
9 appeared before the court, has actual notice of the order, the
10 necessity for further service is waived, and proof of service of the
11 order is not necessary. The court shall enter the service and receipt
12 into the record. A copy of the order and service must be transmitted
13 immediately to law enforcement. The respondent must immediately
14 surrender all firearms and any concealed pistol license, not
15 previously surrendered, in a safe manner to the control of the local
16 law enforcement agency on the day of the hearing at which the
17 respondent was present in person or remotely. If the respondent is in
18 custody, arrangements to recover the firearms must be made prior to
19 release. Alternatively, if personal service by a law enforcement
20 officer is not possible, and the respondent did not appear in person
21 or remotely at the hearing, the respondent shall surrender the
22 firearms in a safe manner to the control of the local law enforcement
23 agency within 24 hours of being served with the order by alternate
24 service.

25 (3) At the time of surrender, a law enforcement officer taking
26 possession of a firearm or concealed pistol license shall issue a
27 receipt identifying all firearms that have been surrendered and
28 provide a copy of the receipt to the respondent. Within 72 hours
29 after service of the order, the officer serving the order shall file
30 the original receipt with the court and shall ensure that his or her
31 law enforcement agency retains a copy of the receipt.

32 (4) Upon the sworn statement or testimony of the petitioner or of
33 any law enforcement officer alleging that the respondent has failed
34 to comply with the surrender of firearms as required by an order
35 issued under this chapter, the court shall determine whether probable
36 cause exists to believe that the respondent has failed to surrender
37 all firearms in his or her possession, custody, or control. If
38 probable cause for a violation of the order exists, the court shall
39 issue a warrant describing the firearms and authorizing a search of

1 the locations where the firearms are reasonably believed to be and
2 the seizure of any firearms discovered pursuant to such search.

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

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

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

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

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

34 (7)(a) If a court finds at the compliance review hearing, or any
35 other hearing where compliance with the order is addressed, that
36 there is probable cause to believe the respondent was aware of, and
37 failed to fully comply with, the order, failed to appear at the
38 compliance review hearing, or violated the order after the court
39 entered findings of compliance, pursuant to its authority under
40 chapter 7.21 RCW, the court may initiate a contempt proceeding on its

1 own motion, or upon the motion of the prosecutor, city attorney, or
2 the petitioner's counsel, to impose remedial sanctions, and issue an
3 order requiring the respondent to appear, provide proof of compliance
4 with the order, and show cause why the respondent should not be held
5 in contempt of court.

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

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

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

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

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

32 (B) Provide the court with verification that any concealed pistol
33 license issued to the respondent has been surrendered and that a law
34 enforcement agency with authority to revoke the license has been
35 notified.

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

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

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

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

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

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

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

29 (10) All law enforcement agencies must develop and implement
30 policies and procedures regarding the acceptance, storage, and return
31 of firearms required to be surrendered under this chapter. Any
32 surrendered firearms must be handled and stored properly to prevent
33 damage or degradation in appearance or function, and the condition of
34 the surrendered firearms documented, including by digital photograph.
35 A law enforcement agency holding any surrendered firearm or concealed
36 pistol license shall comply with the provisions of RCW 9.41.340 and
37 9.41.345 before the return of the firearm or concealed pistol license
38 to the owner or individual from whom it was obtained.

1 **Sec. 701.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to
2 read as follows:

3 (1) (a) An adult person, a parent or guardian acting on behalf of
4 a minor, or a guardian acting on behalf of an incapacitated person,
5 (~~as defined in RCW 11.88.010,~~) (b) any election official as
6 described in RCW 9A.90.120 who is a target for threats or harassment
7 prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any (~~family~~
8 ~~members~~) person residing with him or her, and (c) any criminal
9 justice participant as defined in RCW 9A.46.020 who is a target for
10 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
11 (iv) and any criminal justice participant as defined in RCW 9A.90.120
12 who is a target for threats or harassment prohibited under RCW
13 9A.90.120(2)(b) (iii) or (iv), and any (~~family members~~) person
14 residing with him or her, may apply to the secretary of state to have
15 an address designated by the secretary of state serve as the person's
16 address or the address of the minor or incapacitated person. The
17 secretary of state shall approve an application if it is filed in the
18 manner and on the form prescribed by the secretary of state and if it
19 contains:

20 (i) A sworn statement, under penalty of perjury, by the applicant
21 that the applicant has good reason to believe (A) that the applicant,
22 or the minor or incapacitated person on whose behalf the application
23 is made, is a victim of domestic violence, sexual assault,
24 trafficking, or stalking and that the applicant fears for his or her
25 safety or his or her children's safety, or the safety of the minor or
26 incapacitated person on whose behalf the application is made(~~(†)~~) (B)
27 that the applicant, as an election official as described in RCW
28 9A.90.120, is a target for threats or harassment prohibited under RCW
29 9A.90.120(2)(b) (iii) or (iv); or (C) that the applicant, as a
30 criminal justice participant as defined in RCW 9A.46.020, is a target
31 for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii)
32 or (iv), or that the applicant, as a criminal justice participant as
33 defined in RCW 9A.90.120 is a target for threats or harassment
34 prohibited under RCW 9A.90.120(2)(b) (iii) or (iv);

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

1 (iii) A designation of the secretary of state as agent for
2 purposes of service of process and for the purpose of receipt of
3 mail;

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

10 (v) The signature of the applicant and of any individual or
11 representative of any office designated in writing under RCW
12 40.24.080 who assisted in the preparation of the application, and the
13 date on which the applicant signed the application.

14 (2) Applications shall be filed with the office of the secretary
15 of state.

16 (3) Upon filing a properly completed application, the secretary
17 of state shall certify the applicant as a program participant.
18 Applicants shall be certified for four years following the date of
19 filing unless the certification is withdrawn or invalidated before
20 that date. The secretary of state shall by rule establish a renewal
21 procedure.

22 (4)(a) During the application process, the secretary of state
23 shall provide each applicant a form to direct the department of
24 licensing to change the address of registration for vehicles or
25 vessels solely or jointly registered to the applicant and the address
26 associated with the applicant's driver's license or identicard to the
27 applicant's address as designated by the secretary of state upon
28 certification in the program. The directive to the department of
29 licensing is only valid if signed by the applicant. The directive may
30 only include information required by the department of licensing to
31 verify the applicant's identity and ownership information for
32 vehicles and vessels. This information is limited to the:

33 (i) Applicant's full legal name;

34 (ii) Applicant's Washington driver's license or identicard
35 number;

36 (iii) Applicant's date of birth;

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

1 (v) Hull identification number or vessel document number and
2 vessel decal number for each vessel solely or jointly registered to
3 the applicant.

4 (b) Upon certification of the applicants, the secretary of state
5 shall transmit completed and signed directives to the department of
6 licensing.

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

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

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

15 (a) the applicant's safety or the safety of the applicant's children
16 or the minor or incapacitated person on whose behalf the application
17 is made, (b) the safety of any election official as described in RCW
18 9A.90.120 who is a target for threats or harassment prohibited under
19 RCW 9A.90.120(2)(b) (iii) or (iv), or (c) the safety of any criminal
20 justice participant as defined in RCW 9A.46.020 who is a target for
21 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
22 (iv) or of any criminal justice participant as defined in RCW
23 9A.90.120 who is a target for threats or harassment prohibited under
24 RCW 9A.90.120(2)(b) (iii) or (iv), or any family members residing
25 with him or her, shall be punished under RCW 40.16.030 or other
26 applicable statutes.

27 **Sec. 702.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to
28 read as follows:

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

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

33 (b) Each bank account, savings account, and insurance policy in
34 which a direct financial interest was held that exceeds twenty
35 thousand dollars at any time during the reporting period; each other
36 item of intangible personal property in which a direct financial
37 interest was held that exceeds two thousand dollars during the
38 reporting period; the name, address, and nature of the entity; and

1 the nature and highest value of each direct financial interest during
2 the reporting period;

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

10 (d) Every public or private office, directorship, and position
11 held as trustee; except that an elected official or executive state
12 officer need not report the elected official's or executive state
13 officer's service on a governmental board, commission, association,
14 or functional equivalent, when such service is part of the elected
15 official's or executive state officer's official duties;

16 (e) All persons for whom any legislation, rule, rate, or standard
17 has been prepared, promoted, or opposed for current or deferred
18 compensation. For the purposes of this subsection, "compensation"
19 does not include payments made to the person reporting by the
20 governmental entity for which the person serves as an elected
21 official or state executive officer or professional staff member for
22 the person's service in office; the description of such actual or
23 proposed legislation, rules, rates, or standards; and the amount of
24 current or deferred compensation paid or promised to be paid;

25 (f) The name and address of each governmental entity,
26 corporation, partnership, joint venture, sole proprietorship,
27 association, union, or other business or commercial entity from whom
28 compensation has been received in any form of a total value of two
29 thousand dollars or more; the value of the compensation; and the
30 consideration given or performed in exchange for the compensation;

31 (g) The name of any corporation, partnership, joint venture,
32 association, union, or other entity in which is held any office,
33 directorship, or any general partnership interest, or an ownership
34 interest of ten percent or more; the name or title of that office,
35 directorship, or partnership; the nature of ownership interest; and:

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

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

23 (h) A list, including legal or other sufficient descriptions as
24 prescribed by the commission, of all real property in the state of
25 Washington, the assessed valuation of which exceeds ten thousand
26 dollars in which any direct financial interest was acquired during
27 the preceding calendar year, and a statement of the amount and nature
28 of the financial interest and of the consideration given in exchange
29 for that interest;

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

37 (j) A list, including legal or other sufficient descriptions as
38 prescribed by the commission, of all real property in the state of
39 Washington, the assessed valuation of which exceeds ten thousand
40 dollars in which a direct financial interest was held. If a

1 description of the property has been included in a report previously
2 filed, the property may be listed, for purposes of this subsection
3 (1)(j), by reference to the previously filed report;

4 (k) A list, including legal or other sufficient descriptions as
5 prescribed by the commission, of all real property in the state of
6 Washington, the assessed valuation of which exceeds twenty thousand
7 dollars, in which a corporation, partnership, firm, enterprise, or
8 other entity had a direct financial interest, in which corporation,
9 partnership, firm, or enterprise a ten percent or greater ownership
10 interest was held;

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

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

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

20 (2)(a) When judges, prosecutors, sheriffs, participants in the
21 address confidentiality program under RCW 40.24.030, or their
22 immediate family members are required to disclose real property that
23 is the personal residence of the judge, prosecutor, ~~((or))~~ sheriff,
24 or address confidentiality program participant, the requirements of
25 subsection (1)(h) through (k) of this section may be satisfied for
26 that property by substituting:

27 (i) The city or town;

28 (ii) The type of residence, such as a single-family or
29 multifamily residence, and the nature of ownership; and

30 (iii) Such other identifying information the commission
31 prescribes by rule for the mailing address where the property is
32 located.

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

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

39 (b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;
Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;
Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

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

(4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

Part VIII. Statewide Resources

NEW SECTION. **Sec. 801.** A new section is added to chapter 43.101 RCW to read as follows:

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

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

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

3 (b) To provide additional training and resources to prosecutors
4 to support a trauma-informed, victim-centered approach to prosecuting
5 domestic violence cases;

6 (c) To meet regularly with law enforcement agencies and
7 prosecutors to explain legal issues and prosecutorial approaches to
8 domestic violence cases and provide and receive feedback to improve
9 case outcomes;

10 (d) To consult with the commission with respect to developing and
11 implementing best practices for prosecuting domestic violence cases
12 across the state; and

13 (e) To comply with other requirements established by the
14 commission under this section.

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

20 NEW SECTION. **Sec. 802.** A new section is added to chapter 43.330
21 RCW to read as follows:

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

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

28 (b) Increased access to supportive services for high-risk
29 victims;

30 (c) Increased perpetrator monitoring and accountability; and

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

33 (2) The department must administer the pilot program in
34 partnership with local domestic violence programs.

35 (3) When there is a high lethality designation under section 101
36 of this act in a civil or criminal domestic violence proceeding, the
37 court must refer the case to a domestic violence high risk team, if a
38 team is available in the relevant jurisdiction.

1 (4) The department may scale the pilot program within the limits
2 of appropriated funds, but at least five teams must be available west
3 of the crest of the Cascade mountains and five teams east of the
4 crest of the Cascade mountains.

5 NEW SECTION. **Sec. 803.** A new section is added to chapter 43.20A
6 RCW to read as follows:

7 (1) By July 1, 2024, the department must establish the office of
8 the statewide domestic violence ombuds to promote and protect the
9 rights of victims of domestic violence and to ensure the intent of
10 chapter 10.99 RCW is fulfilled.

11 (2) The office of the statewide domestic violence ombuds must:

12 (a) Receive, investigate, and attempt to address and resolve
13 complaints related to the treatment of victims of domestic violence
14 across systems, including both the civil and criminal legal systems;

15 (b) Implement a statewide case review system for civil domestic
16 violence protection orders to examine and report on irregularities in
17 rulings and judicial officer conduct; and

18 (c) Implement a statewide case review system for criminal
19 domestic violence protection cases to examine and report on law
20 enforcement responses and investigations, prosecutorial behavior,
21 irregularities in rulings, and the conduct of judicial officers. The
22 case review system must review cases from diverse geographic regions
23 of the state and must include:

24 (i) Data on:

25 (A) The percentage of domestic violence protection order
26 petitions that result in a full protection order being issued and
27 regional variances therein; and

28 (B) Categories of the bases upon which domestic violence
29 protection orders are issued and the percentages of granted
30 protection orders in each category, including physical violence,
31 stalking, coercive control, and sexual assault;

32 (ii) Trained volunteers that will provide both real-time case
33 reviews in court and reviews of recorded court proceedings;

34 (iii) Information on the percentage of intimate partner violence
35 police reports that lead to charges and the conviction rate for these
36 charges; and

37 (iv) A review of case files from law enforcement agencies and
38 prosecuting attorneys selected by the office of the statewide
39 domestic violence ombuds in order to identify changes to training,

1 investigatory, and prosecutorial practices necessary to optimize
2 outcomes in domestic violence investigations and prosecutions. The
3 review must include:

4 (A) An evaluation of whether current training and practices
5 foster a trauma-informed, victim-centered approach, and whether
6 practices prevent domestic violence homicides;

7 (B) A comparison of arrests, charges, and convictions, including
8 an analysis of the reasons why prosecutors decline to file charges;
9 and

10 (C) Randomly selected cases for a systematic review to assess
11 whether current practices conform to national best practices for a
12 multidisciplinary approach to investigating and prosecuting domestic
13 violence cases and interacting with survivors.

14 (3) The case review system may review and access files, including
15 all reports and recordings, pertaining to closed cases involving
16 allegations of domestic violence. Any law enforcement agency or
17 prosecuting attorney selected for a review by the office of the
18 statewide domestic violence ombuds must make requested case files and
19 other documents available to the office of the statewide domestic
20 violence ombuds, provided that the case files are not linked to
21 ongoing, open investigations and that redactions may be made where
22 appropriate and necessary. Agencies and prosecuting attorneys must
23 include available information on the race and ethnicity of all
24 victims in the relevant case files provided to the office of the
25 statewide domestic violence ombuds. Case files and other documents
26 must be made available to the office of the statewide domestic
27 violence ombuds according to appropriate deadlines established by the
28 office of the statewide domestic violence ombuds in consultation with
29 the agency or prosecuting attorney.

30 (4) In designing and conducting the case review system, the
31 office of the statewide domestic violence ombuds must consult and
32 collaborate with experts in trauma-informed and victim-centered
33 training, experts in domestic violence investigations and
34 prosecutions, domestic violence survivors, domestic violence victim
35 advocates, and other stakeholders identified by the office of the
36 statewide domestic violence ombuds. The office of the statewide
37 domestic violence ombuds may form a multidisciplinary work group for
38 the purpose of carrying out the requirements of this section.

1 (5) The office of the statewide domestic violence ombuds must
2 provide semiannual reports to the governor, the supreme court, and
3 the appropriate committees of the legislature.

4 NEW SECTION. **Sec. 804.** A new section is added to chapter 28B.20
5 RCW to read as follows:

6 (1) The University of Washington must establish a center of
7 excellence in domestic violence research, policy, and practice. The
8 center is created to:

9 (a) Conduct scientifically rigorous intimate partner violence
10 research that informs policy and practice in Washington and serves as
11 a national model;

12 (b) Promote a collaborative, multidisciplinary approach to
13 addressing intimate partner violence, informed by community members
14 and practitioners;

15 (c) Collaborate with and be informed by survivors and community
16 and governmental agencies that interact with and provide services to
17 those affected by intimate partner violence;

18 (d) Disseminate research findings to assist in the development of
19 evidence-based intimate partner violence policy and practice; and

20 (e) Assist in the support, success, and continued training of
21 intimate partner violence research scholars.

22 (2) The center must:

23 (a) Establish an advisory council for the center with
24 representation from relevant disciplines across the University of
25 Washington and intimate partner violence community groups in order to
26 guide development of the center's overarching goals and strategic
27 vision. The advisory council will also assist center leadership and
28 core center faculty in identifying priority areas of research to best
29 inform intimate partner violence policy and practice;

30 (b) Award research grants to facilitate timely generation of
31 research results to inform the legislature and others on key policy
32 or practice-related issues relevant to those affected by intimate
33 partner violence;

34 (c) Generate an annual report beginning December 1, 2024, on the
35 state of domestic violence in Washington, including available
36 prevalence data;

37 (d) Conduct listening sessions with survivors of intimate partner
38 violence statewide, including survivors in urban and rural areas,

1 black survivors, indigenous survivors, survivors of color, and
2 survivors who identify as part of the LGBTQ community;

3 (e) Provide presentations and research-informed training to
4 system actors, including domestic violence victim advocates;

5 (f) Convene an annual statewide domestic violence summit. The
6 first summit must occur by June 30, 2025;

7 (g) Develop a statewide strategic plan to reduce intimate partner
8 violence and increase support for victims. The preliminary strategic
9 plan is due December 1, 2025, and must be updated every five years
10 thereafter; and

11 (h) Undertake a body of work related to domestic violence
12 intervention treatment. This must include:

13 (i) Executing a robust, multiyear research study to test the
14 efficacy of various therapeutic interventions for domestic violence
15 perpetrators aimed at reducing intimate partner violence, including
16 intimate terrorism as defined in RCW 10.99.020. Treatment
17 interventions may vary, but must include internal family systems and
18 an evidence-based intervention for the treatment of suicidality, such
19 as the collaborative assessment and management of suicidality or
20 dialectical behavioral therapy; and

21 (ii) Working with the department of health, domestic violence
22 intervention treatment providers, insurance carriers, and other
23 relevant entities in order to formulate a detailed plan that would
24 facilitate medicaid and commercial insurance reimbursement for
25 domestic violence intervention treatment in Washington. The plan must
26 include licensing requirements and provider credentialing necessary
27 for reimbursement, billing codes, needed changes to law or rule, and
28 any other relevant information.

29 **Part IX. Law Enforcement**

30 NEW SECTION. **Sec. 901.** A new section is added to chapter 43.101
31 RCW to read as follows:

32 (1) Subject to the availability of amounts appropriated for this
33 specific purpose, the commission must provide ongoing specialized,
34 intensive, and integrative training for persons responsible for
35 investigating domestic violence cases involving intimate partners.
36 The training must be based on a victim-centered, trauma-informed
37 approach to responding to domestic violence. Among other subjects,
38 the training must include content on the neurobiology of trauma and

1 trauma-informed interviewing, counseling, and investigative
2 techniques.

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

18 (3) In developing the training, the commission must seek advice
19 from the Washington association of sheriffs and police chiefs,
20 organizations representing victims of domestic violence, and experts
21 on domestic violence and the neurobiology of trauma. The commission
22 must consult with the Washington association of prosecuting attorneys
23 in an effort to design training containing consistent elements for
24 all professionals engaged in interviewing and interacting with
25 domestic violence victims in the criminal legal system.

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

30 **Sec. 902.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to
31 read as follows:

32 A police officer having probable cause to believe that a person
33 has committed or is committing a felony shall have the authority to
34 arrest the person without a warrant. A police officer may arrest a
35 person without a warrant for committing a misdemeanor or gross
36 misdemeanor only when the offense is committed in the presence of an
37 officer, except as provided in subsections (1) through (~~((11))~~) (12)
38 of this section.

1 (1) Any police officer having probable cause to believe that a
2 person has committed or is committing a misdemeanor or gross
3 misdemeanor, involving physical harm or threats of harm to any person
4 or property or the unlawful taking of property or involving the use
5 or possession of cannabis, or involving the acquisition, possession,
6 or consumption of alcohol by a person under the age of twenty-one
7 years under RCW 66.44.270, or involving criminal trespass under RCW
8 9A.52.070 or 9A.52.080, shall have the authority to arrest the
9 person.

10 (2) ((A)) Except as provided in subsection (3) of this section, a
11 police officer shall arrest and ~~((take into))~~ keep in custody,
12 ~~((pending release))~~ until release by a judicial officer on bail,
13 personal recognizance, or court order, a person without a warrant
14 when the officer has probable cause to believe that:

15 (a) A domestic violence protection order, a sexual assault
16 protection order, a stalking protection order, or a vulnerable adult
17 protection order has been issued, of which the person has knowledge,
18 under chapter 7.105 RCW, or an order has been issued, of which the
19 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,
20 9A.88, 10.99, 26.09, ~~((26.10,))~~ 26.26A, 26.26B, or 74.34 RCW, or any
21 of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the
22 person and the person has violated the terms of the order restraining
23 the person from acts or threats of violence, or restraining the
24 person from going onto the grounds of, or entering, a residence,
25 workplace, school, or day care, or prohibiting the person from
26 knowingly coming within, or knowingly remaining within, a specified
27 distance of a location, a protected party's person, or a protected
28 party's vehicle, or requiring the person to submit to electronic
29 monitoring, or, in the case of an order issued under RCW 26.44.063,
30 imposing any other restrictions or conditions upon the person;

31 (b) An extreme risk protection order has been issued against the
32 person under chapter 7.105 RCW or former RCW 7.94.040, the person has
33 knowledge of the order, and the person has violated the terms of the
34 order prohibiting the person from having in his or her custody or
35 control, purchasing, possessing, accessing, or receiving a firearm or
36 concealed pistol license;

37 (c) A foreign protection order, as defined in RCW 26.52.010, or a
38 Canadian domestic violence protection order, as defined in RCW
39 26.55.010, has been issued of which the person under restraint has
40 knowledge and the person under restraint has violated a provision of

1 the foreign protection order or the Canadian domestic violence
2 protection order prohibiting the person under restraint from
3 contacting or communicating with another person, or excluding the
4 person under restraint from a residence, workplace, school, or day
5 care, or prohibiting the person from knowingly coming within, or
6 knowingly remaining within, a specified distance of a location, a
7 protected party's person, or a protected party's vehicle, or a
8 violation of any provision for which the foreign protection order or
9 the Canadian domestic violence protection order specifically
10 indicates that a violation will be a crime; or

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

32 (3) A police officer is not required to keep in custody a person
33 under subsection (2) of this section if the person requires immediate
34 medical attention and is admitted to a hospital.

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

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

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

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

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

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

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

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

13 (~~(4)~~) (5) A law enforcement officer investigating at the scene
14 of a motor vehicle accident may arrest the driver of a motor vehicle
15 involved in the accident if the officer has probable cause to believe
16 that the driver has committed, in connection with the accident, a
17 violation of any traffic law or regulation.

18 (~~(5)~~) (6)(a) A law enforcement officer investigating at the
19 scene of a motor vessel accident may arrest the operator of a motor
20 vessel involved in the accident if the officer has probable cause to
21 believe that the operator has committed, in connection with the
22 accident, a criminal violation of chapter 79A.60 RCW.

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

29 (~~(6)~~) (7) Any police officer having probable cause to believe
30 that a person has committed or is committing a violation of RCW
31 79A.60.040 shall have the authority to arrest the person.

32 (~~(7)~~) (8) An officer may act upon the request of a law
33 enforcement officer, in whose presence a traffic infraction was
34 committed, to stop, detain, arrest, or issue a notice of traffic
35 infraction to the driver who is believed to have committed the
36 infraction. The request by the witnessing officer shall give an
37 officer the authority to take appropriate action under the laws of
38 the state of Washington.

1 ~~((8))~~ (9) Any police officer having probable cause to believe
2 that a person has committed or is committing any act of indecent
3 exposure, as defined in RCW 9A.88.010, may arrest the person.

4 ~~((9))~~ (10) A police officer may arrest and take into custody,
5 pending release on bail, personal recognizance, or court order, a
6 person without a warrant when the officer has probable cause to
7 believe that an antiharassment protection order has been issued of
8 which the person has knowledge under chapter 7.105 RCW or former
9 chapter 10.14 RCW and the person has violated the terms of that
10 order.

11 ~~((10))~~ (11) Any police officer having probable cause to believe
12 that a person has, within twenty-four hours of the alleged violation,
13 committed a violation of RCW 9A.50.020 may arrest such person.

14 ~~((11))~~ (12) A police officer having probable cause to believe
15 that a person illegally possesses or illegally has possessed a
16 firearm or other dangerous weapon on private or public elementary or
17 secondary school premises shall have the authority to arrest the
18 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))~~ (13) A law enforcement officer having probable cause to
23 believe that a person has committed a violation under RCW
24 77.15.160(5) may issue a citation for an infraction to the person in
25 connection with the violation.

26 ~~((13))~~ (14) A law enforcement officer having probable cause to
27 believe that a person has committed a criminal violation under RCW
28 77.15.809 or 77.15.811 may arrest the person in connection with the
29 violation.

30 ~~((14))~~ (15) Except as specifically provided in subsections (2),
31 ~~((3))~~ (4), (5), and ~~((7))~~ (8) of this section, nothing in this
32 section extends or otherwise affects the powers of arrest prescribed
33 in Title 46 RCW.

34 ~~((15))~~ (16) No police officer may be held criminally or civilly
35 liable for making an arrest pursuant to subsection (2) or ~~((9))~~
36 (10) of this section if the police officer acts in good faith and
37 without malice.

38 ~~((16))~~ (17) (a) Except as provided in (b) of this subsection, a
39 police officer shall arrest and keep in custody, until release by a
40 judicial officer on bail, personal recognizance, or court order, a

1 person without a warrant when the officer has probable cause to
2 believe that the person has violated RCW 46.61.502 or 46.61.504 or an
3 equivalent local ordinance and the police officer: (i) Has knowledge
4 that the person has a prior offense as defined in RCW 46.61.5055
5 within ten years; or (ii) has knowledge, based on a review of the
6 information available to the officer at the time of arrest, that the
7 person is charged with or is awaiting arraignment for an offense that
8 would qualify as a prior offense as defined in RCW 46.61.5055 if it
9 were a conviction.

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

--- END ---