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**SENATE BILL 5489**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Trudeau, Wellman, Dhingra, Hasegawa, Hunt, Keiser, Lias, Lovelett, Nguyen, Pedersen, Randall, Saldaña, Stanford, Valdez, and C. Wilson

Read first time 01/20/23. Referred to Committee on Law & Justice.

1 AN ACT Relating to protecting access to reproductive health care  
2 services and gender-affirming treatment in Washington state; amending  
3 RCW 5.51.020, 5.56.010, 9.73.040, 9.73.260, 10.55.020, 10.88.250,  
4 10.88.320, 10.88.330, 10.96.020, 10.96.040, and 40.24.030; adding a  
5 new chapter to Title 7 RCW; prescribing penalties; and declaring an  
6 emergency.

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

8 NEW SECTION. **Sec. 1.** This chapter may be known and cited as the  
9 shield law.

10 NEW SECTION. **Sec. 2.** The definitions in this section apply  
11 throughout this chapter unless the context clearly requires  
12 otherwise.

13 (1) "Aggrieved party" means a person against whom an underlying  
14 action is commenced based on the aggrieved party's provision,  
15 receipt, attempted provision or receipt, assistance in the provision  
16 or receipt, or attempted assistance in the provision or receipt of  
17 protected health care services.

18 (2) "Gender-affirming treatment" means health services or  
19 products that support and affirm an individual's gender identity,  
20 including social, psychological, behavioral, and medical or surgical

1 interventions. Gender-affirming care services include, but are not  
2 limited to, evaluation and treatments for gender dysphoria, gender-  
3 affirming hormone therapy, and gender-affirming surgical procedures.

4 (3) "Protected health care services" means gender-affirming  
5 treatment and reproductive health care services that are lawful in  
6 the state of Washington.

7 (4) "Reproductive health care services" means all services, care,  
8 or products of a medical, surgical, psychiatric, therapeutic, mental  
9 health, behavioral health, diagnostic, preventative, rehabilitative,  
10 supportive, counseling, referral, prescribing, or dispensing nature  
11 relating to the human reproductive system including, but not limited  
12 to, all services, care, and products relating to pregnancy, assisted  
13 reproduction, contraception, miscarriage management, or the  
14 termination of a pregnancy, including self-managed terminations.

15 (5) "Underlying action" means a civil, criminal, or  
16 administrative proceeding, or any proceeding preliminary thereto.

17 **PART I**  
18 **CIVIL PROCEDURE**

19 **Sec. 3.** RCW 5.51.020 and 2012 c 95 s 3 are each amended to read  
20 as follows:

21 (1) (a) To request issuance of a subpoena under this section, a  
22 party must submit a foreign subpoena to a clerk of court in the  
23 county in which discovery is sought to be conducted in this state. A  
24 request for the issuance of a subpoena under this chapter does not  
25 constitute an appearance in the courts of Washington state.

26 (b) A request for issuance of any subpoena pursuant to this  
27 section must include an attestation, made under penalty of perjury,  
28 stating whether the subpoena seeks documents, information, or  
29 testimony related to the provision, receipt, attempted provision or  
30 receipt, assistance in the provision or receipt, or attempted  
31 assistance in the provision or receipt of protected health care  
32 services as defined in section 2 of this act that are lawful in the  
33 state of Washington. Any false attestation submitted under this  
34 section is subject to a statutory penalty of \$10,000 per violation.  
35 Submission of such attestation subjects the attester to the  
36 jurisdiction of the courts of Washington state for any suit, penalty,  
37 or damages arising out of a false attestation under this section.

1           (2) ~~((When))~~ Except as provided in subsection (4) of this  
2 section, when a party submits a foreign subpoena to a clerk of court  
3 in this state, the clerk, in accordance with that court's procedure,  
4 shall promptly issue a subpoena for service upon the person to which  
5 the foreign subpoena is directed.

6           (3) A subpoena under subsection (2) of this section must:

7           (a) Incorporate the terms used in the foreign subpoena; and

8           (b) Contain or be accompanied by the names, addresses, and  
9 telephone numbers of all counsel of record in the proceeding to which  
10 the subpoena relates and of any party not represented by counsel.

11          (4) If a party submits a foreign subpoena to a clerk of court in  
12 this state that seeks documents, information, or testimony that  
13 relate to protected health care services, as defined in section 2 of  
14 this act, the clerk shall not issue a subpoena for service and shall  
15 present the request to the court for action. The court shall review  
16 the foreign subpoena and shall not issue a subpoena for service and  
17 shall quash any existing subpoena issued by the court if the subpoena  
18 is for documents, information, or testimony that relates to protected  
19 health care services as defined in section 2 of this act, unless the  
20 subpoena seeks documents, information, or testimony related to:

21          (a) An out-of-state action that is founded in tort, contract, or  
22 statute, for which a similar claim would exist under the laws of this  
23 state, that is brought by a person or the person's authorized legal  
24 representative, for damages suffered by the person or damages derived  
25 from an individual's loss of consortium of the person; or

26          (b) An out-of-state action that is founded in contract, and for  
27 which a similar claim would exist under the laws of this state, that  
28 is brought or sought to be enforced by a party with a contractual  
29 relationship with the person that is the subject of the subpoena.

30          **Sec. 4.** RCW 5.56.010 and 2011 c 336 s 141 are each amended to  
31 read as follows:

32          ~~((Any))~~ Except as provided in section 13 of this act, any person  
33 may be compelled to attend as a witness before any court of record,  
34 judge, commissioner, or referee, in any civil action or proceeding in  
35 this state. No such person shall be compelled to attend as a witness  
36 in any civil action or proceeding unless the fees ~~((be))~~ are paid or  
37 tendered ~~((him or her))~~ to such person which are allowed by law for  
38 one day's attendance as a witness and for traveling to and returning  
39 from the place where he or she is required to attend, together with

1 any allowance for meals and lodging theretofore fixed as specified  
2 herein: PROVIDED, That such fees be demanded by any witness residing  
3 within the same county where such court of record, judge,  
4 commissioner, or referee is located, or within twenty miles of the  
5 place where such court is located, at the time of service of the  
6 subpoena: PROVIDED FURTHER, That a party desiring the attendance of a  
7 witness residing outside of the county in which such action or  
8 proceeding is pending, or more than twenty miles of the place where  
9 such court is located, shall apply ex parte to such court, or to the  
10 judge, commissioner, referee, or clerk thereof, who, if such  
11 application be granted and a subpoena issued, shall fix without  
12 notice an allowance for meals and lodging, if any to be allowed,  
13 together with necessary travel expenses, and the amounts so fixed  
14 shall be endorsed upon the subpoena and tendered to such witness at  
15 the time of the service of the subpoena: PROVIDED FURTHER, That the  
16 court shall fix and allow at or after trial such additional amounts  
17 for meals, lodging, and travel as it may deem reasonable for the  
18 attendance of such witness.

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**PART II**  
**CRIMINAL PROCEDURE**

21 **Sec. 5.** RCW 9.73.040 and 1967 ex.s. c 93 s 2 are each amended to  
22 read as follows:

23 (1) An ex parte order for the interception of any communication  
24 or conversation listed in RCW 9.73.030 may be issued by any superior  
25 court judge in the state upon verified application of either the  
26 state attorney general or any county prosecuting attorney setting  
27 forth fully facts and circumstances upon which the application is  
28 based and stating (~~that~~):

29 (a) (~~There~~) That there are reasonable grounds to believe that  
30 national security is endangered, that a human life is in danger, that  
31 arson is about to be committed, or that a riot is about to be  
32 committed(~~, and~~);

33 (b) (~~There~~) That there are reasonable grounds to believe that  
34 evidence will be obtained essential to the protection of national  
35 security, the preservation of human life, or the prevention of arson  
36 or a riot(~~, and~~);

37 (c) (~~There~~) If the application seeks communications or  
38 conversations related to an investigation that alleges criminal

1 liability for the provision, receipt, attempted provision or receipt,  
2 assistance in the provision or receipt, or attempted assistance in  
3 the provision or receipt of protected health care services as defined  
4 in section 2 of this act that are lawful in the state of Washington,  
5 that such communications or conversations are being sought; and

6 (d) That there are no other means readily available for obtaining  
7 such information.

8 (2) Where statements are solely upon the information and belief  
9 of the applicant, the grounds for the belief must be given.

10 (3) The applicant must state whether any prior application has  
11 been made to obtain such communications on the same instrument or for  
12 the same person and if such prior application exists the applicant  
13 shall disclose the current status thereof.

14 (4) The application and any order issued under RCW 9.73.030  
15 through 9.73.080 shall identify as fully as possible the particular  
16 equipment, lines or location from which the information is to be  
17 obtained and the purpose thereof.

18 (5) The court may examine upon oath or affirmation the applicant  
19 and any witness the applicant desires to produce or the court  
20 requires to be produced.

21 (6) Orders issued under this section shall be effective for  
22 fifteen days, after which period the court which issued the order may  
23 upon application of the officer who secured the original order renew  
24 or continue the order for an additional period not to exceed fifteen  
25 days.

26 (7) No order issued under this section shall authorize or purport  
27 to authorize any activity which would violate any laws of the United  
28 States.

29 (8) The court shall not issue an order for the interception of  
30 any communication or conversation for the purpose of investigating or  
31 recovering evidence that relates to an investigation that alleges  
32 criminal liability for the provision, receipt, attempted provision or  
33 receipt, assistance in the provision or receipt, or attempted  
34 assistance in the provision or receipt of protected health care  
35 services as defined in section 2 of this act that are lawful in the  
36 state of Washington.

37 **Sec. 6.** RCW 9.73.260 and 2015 c 222 s 2 are each amended to read  
38 as follows:

39 (1) As used in this section:

1 (a) "Wire communication" means any aural transfer made in whole  
2 or in part through the use of facilities for the transmission of  
3 communications by the aid of wire, cable, or other like connection  
4 between the point of origin and the point of reception, including the  
5 use of such connection in a switching station, furnished or operated  
6 by any person engaged in providing or operating such facilities for  
7 the transmission of intrastate, interstate, or foreign  
8 communications, and such term includes any electronic storage of such  
9 communication.

10 (b) "Electronic communication" means any transfer of signs,  
11 signals, writing, images, sounds, data, or intelligence of any nature  
12 transmitted in whole or in part by a wire, radio, electromagnetic,  
13 photoelectronic, or photo-optical system, but does not include:

14 (i) Any wire or oral communication;

15 (ii) Any communication made through a tone-only paging device; or

16 (iii) Any communication from a tracking device, but solely to the  
17 extent the tracking device is owned by the applicable law enforcement  
18 agency.

19 (c) "Electronic communication service" means any service that  
20 provides to users thereof the ability to send or receive wire or  
21 electronic communications.

22 (d) "Pen register" means a device that records or decodes  
23 electronic or other impulses that identify the numbers dialed or  
24 otherwise transmitted on the telephone line to which such device is  
25 attached, but such term does not include any device used by a  
26 provider or customer of a wire or electronic communication service  
27 for billing, or recording as an incident to billing, for  
28 communications services provided by such provider or any device used  
29 by a provider or customer of a wire communication service for cost  
30 accounting or other like purposes in the ordinary course of its  
31 business.

32 (e) "Trap and trace device" means a device that captures the  
33 incoming electronic or other impulses that identify the originating  
34 number of an instrument or device from which a wire or electronic  
35 communication was transmitted.

36 (f) "Cell site simulator device" means a device that transmits or  
37 receives radio waves for the purpose of conducting one or more of the  
38 following operations: (i) Identifying, locating, or tracking the  
39 movements of a communications device; (ii) intercepting, obtaining,  
40 accessing, or forwarding the communications, stored data, or metadata

1 of a communications device; (iii) affecting the hardware or software  
2 operations or functions of a communications device; (iv) forcing  
3 transmissions from or connections to a communications device; (v)  
4 denying a communications device access to other communications  
5 devices, communications protocols, or services; or (vi) spoofing or  
6 simulating a communications device, cell tower, cell site, or  
7 service((~~r~~)) including, but not limited to, an international mobile  
8 subscriber identity catcher or other invasive cell phone or telephone  
9 surveillance or eavesdropping device that mimics a cell phone tower  
10 and sends out signals to cause cell phones in the area to transmit  
11 their locations, identifying information, and communications content,  
12 or a passive interception device or digital analyzer that does not  
13 send signals to a communications device under surveillance. A cell  
14 site simulator device does not include any device used or installed  
15 by an electric utility, as defined in RCW 19.280.020, solely to the  
16 extent such device is used by that utility to measure electrical  
17 usage, to provide services to customers, or to operate the electric  
18 grid.

19 (2) No person may install or use a pen register, trap and trace  
20 device, or cell site simulator device without a prior court order  
21 issued under this section except as provided under subsection (6) of  
22 this section or RCW 9.73.070.

23 (3) A law enforcement officer may apply for and the superior  
24 court may issue orders and extensions of orders authorizing the  
25 installation and use of pen registers, trap and trace devices, and  
26 cell site simulator devices as provided in this section. The  
27 application shall be under oath and shall include the identity of the  
28 officer making the application and the identity of the law  
29 enforcement agency conducting the investigation. The applicant must  
30 certify that the information likely to be obtained is relevant to an  
31 ongoing criminal investigation being conducted by that agency.

32 (4) If the court finds that the information likely to be obtained  
33 by such installation and use is relevant to an ongoing criminal  
34 investigation and finds that there is probable cause to believe that  
35 the pen register, trap and trace device, or cell site simulator  
36 device will lead to obtaining evidence of a crime, contraband, fruits  
37 of crime, things criminally possessed, weapons, or other things by  
38 means of which a crime has been committed or reasonably appears about  
39 to be committed, or will lead to learning the location of a person  
40 who is unlawfully restrained or reasonably believed to be a witness

1 in a criminal investigation or for whose arrest there is probable  
2 cause, the court shall enter an ex parte order authorizing the  
3 installation and use of a pen register, trap and trace device, or  
4 cell site simulator device. The order shall specify:

5 (a) (i) In the case of a pen register or trap and trace device,  
6 the identity, if known, of the person to whom is leased or in whose  
7 name is listed the telephone line to which the pen register or trap  
8 and trace device is to be attached; or

9 (ii) In the case of a cell site simulator device, the identity,  
10 if known, of (A) the person to whom is subscribed or in whose name is  
11 subscribed the electronic communications service utilized by the  
12 device to which the cell site simulator device is to be used and (B)  
13 the person who possesses the device to which the cell site simulator  
14 device is to be used;

15 (b) The identity, if known, of the person who is the subject of  
16 the criminal investigation;

17 (c) (i) In the case of a pen register or trap and trace device,  
18 the number and, if known, physical location of the telephone line to  
19 which the pen register or trap and trace device is to be attached  
20 and, in the case of a trap and trace device, the geographic limits of  
21 the trap and trace order; or

22 (ii) In the case of a cell site simulator device: (A) The  
23 telephone number or other unique subscriber account number  
24 identifying the wire or electronic communications service account  
25 used by the device to which the cell site simulator device is to be  
26 attached or used; (B) if known, the physical location of the device  
27 to which the cell site simulator device is to be attached or used;  
28 (C) the type of device, and the communications protocols being used  
29 by the device, to which the cell site simulator device is to be  
30 attached or used; (D) the geographic area that will be covered by the  
31 cell site simulator device; (E) all categories of metadata, data, or  
32 information to be collected by the cell site simulator device from  
33 the targeted device including, but not limited to, call records and  
34 geolocation information; (F) whether or not the cell site simulator  
35 device will incidentally collect metadata, data, or information from  
36 any parties or devices not specified in the court order, and if so,  
37 what categories of information or metadata will be collected; and (G)  
38 any disruptions to access or use of a communications or internet  
39 access network that may be created by use of the device; and



1 (d) A statement of the offense to which the information likely to  
2 be obtained by the pen register, trap and trace device, or cell site  
3 simulator device relates.

4 The order shall direct, if the applicant has requested, the  
5 furnishing of information, facilities, and technical assistance  
6 necessary to accomplish the installation of the pen register, trap  
7 and trace device, or cell site simulator device. An order issued  
8 under this section shall authorize the installation and use of a: (i)  
9 Pen register or a trap and trace device for a period not to exceed  
10 sixty days; and (ii) ((a)) cell site simulator device for sixty days.  
11 An extension of the original order may only be granted upon: A new  
12 application for an order under subsection (3) of this section; and a  
13 showing that there is a probability that the information or items  
14 sought under this subsection are more likely to be obtained under the  
15 extension than under the original order. No extension beyond the  
16 first extension shall be granted unless: There is a showing that  
17 there is a high probability that the information or items sought  
18 under this subsection are much more likely to be obtained under the  
19 second or subsequent extension than under the original order; and  
20 there are extraordinary circumstances such as a direct and immediate  
21 danger of death or serious bodily injury to a law enforcement  
22 officer. The period of extension shall be for a period not to exceed  
23 sixty days.

24 An order authorizing or approving the installation and use of a  
25 pen register, trap and trace device, or cell site simulator device  
26 shall direct that the order be sealed until otherwise ordered by the  
27 court and that the person owning or leasing the line to which the pen  
28 register, trap and trace device, and cell site simulator device((s))  
29 is attached or used, or who has been ordered by the court to provide  
30 assistance to the applicant, not disclose the existence of the pen  
31 register, trap and trace device, or cell site simulator device or the  
32 existence of the investigation to the listed subscriber or to any  
33 other person, unless or until otherwise ordered by the court.

34 (5) Upon the presentation of an order, entered under subsection  
35 (4) of this section, by an officer of a law enforcement agency  
36 authorized to install and use a pen register under this chapter, a  
37 provider of wire or electronic communication service, landlord,  
38 custodian, or other person shall furnish such law enforcement officer  
39 forthwith all information, facilities, and technical assistance  
40 necessary to accomplish the installation of the pen register

1 unobtrusively and with a minimum of interference with the services  
2 that the person so ordered by the court accords the party with  
3 respect to whom the installation and use is to take place, if such  
4 assistance is directed by a court order as provided in subsection (4)  
5 of this section.

6 Upon the request of an officer of a law enforcement agency  
7 authorized to receive the results of a trap and trace device under  
8 this chapter, a provider of a wire or electronic communication  
9 service, landlord, custodian, or other person shall install such  
10 device forthwith on the appropriate line and shall furnish such law  
11 enforcement officer all additional information, facilities, and  
12 technical assistance including installation and operation of the  
13 device unobtrusively and with a minimum of interference with the  
14 services that the person so ordered by the court accords the party  
15 with respect to whom the installation and use is to take place, if  
16 such installation and assistance is directed by a court order as  
17 provided in subsection (4) of this section. Unless otherwise ordered  
18 by the court, the results of the trap and trace device shall be  
19 furnished to the officer of a law enforcement agency, designated in  
20 the court order, at reasonable intervals during regular business  
21 hours for the duration of the order.

22 A provider of a wire or electronic communication service,  
23 landlord, custodian, or other person who furnishes facilities or  
24 technical assistance pursuant to this subsection shall be reasonably  
25 compensated by the law enforcement agency that requests the  
26 facilities or assistance for such reasonable expenses incurred in  
27 providing such facilities and assistance.

28 No cause of action shall lie in any court against any provider of  
29 a wire or electronic communication service, its officers, employees,  
30 agents, or other specified persons for providing information,  
31 facilities, or assistance in accordance with the terms of a court  
32 order under this section. A good faith reliance on a court order  
33 under this section, a request pursuant to this section, a legislative  
34 authorization, or a statutory authorization is a complete defense  
35 against any civil or criminal action brought under this chapter or  
36 any other law.

37 (6) (a) Notwithstanding any other provision of this chapter, a law  
38 enforcement officer and a prosecuting attorney or deputy prosecuting  
39 attorney who jointly and reasonably determine that there is probable  
40 cause to believe that an emergency situation exists that involves

1 immediate danger of death or serious bodily injury to any person that  
2 requires the installation and use of a pen register, trap and trace  
3 device, or cell site simulator device before an order authorizing  
4 such installation and use can, with due diligence, be obtained, and  
5 there are grounds upon which an order could be entered under this  
6 chapter to authorize such installation and use, may have installed  
7 and use a pen register, trap and trace device, or cell site simulator  
8 device if, within forty-eight hours after the installation has  
9 occurred, or begins to occur, an order approving the installation or  
10 use is issued in accordance with subsection (4) of this section. In  
11 the absence of an authorizing order, such use shall immediately  
12 terminate when the information sought is obtained, when the  
13 application for the order is denied or when forty-eight hours have  
14 lapsed since the installation of the pen register, trap and trace  
15 device, or cell site simulator device, whichever is earlier. If an  
16 order approving the installation or use is not obtained within forty-  
17 eight hours, any information obtained is not admissible as evidence  
18 in any legal proceeding. The knowing installation or use by any law  
19 enforcement officer of a pen register, trap and trace device, or cell  
20 site simulator device pursuant to this subsection without application  
21 for the authorizing order within forty-eight hours of the  
22 installation shall constitute a violation of this chapter and be  
23 punishable as a gross misdemeanor. A provider of a wire or electronic  
24 service, landlord, custodian, or other person who furnished  
25 facilities or technical assistance pursuant to this subsection shall  
26 be reasonably compensated by the law enforcement agency that requests  
27 the facilities or assistance for such reasonable expenses incurred in  
28 providing such facilities and assistance.

29 (b) A law enforcement agency that authorizes the installation of  
30 a pen register, trap and trace device, or cell site simulator device  
31 under this subsection (6) shall file a monthly report with the  
32 administrator for the courts. The report shall indicate the number of  
33 authorizations made, the date and time of each authorization, whether  
34 a court authorization was sought within forty-eight hours, and  
35 whether a subsequent court authorization was granted.

36 (c) A law enforcement agency authorized to use a cell site  
37 simulator device in accordance with this section must: (i) Take all  
38 steps necessary to limit the collection of any information or  
39 metadata to the target specified in the applicable court order; (ii)  
40 take all steps necessary to permanently delete any information or

1 metadata collected from any party not specified in the applicable  
2 court order immediately following such collection and must not  
3 transmit, use, or retain such information or metadata for any purpose  
4 whatsoever; and (iii) (~~must~~) delete any information or metadata  
5 collected from the target specified in the court order within thirty  
6 days if there is no longer probable cause to support the belief that  
7 such information or metadata is evidence of a crime.

8 (7)(a) If an application for the installation and use of a pen  
9 register, trap and trace device, or cell site simulator device is for  
10 the purpose of investigating or recovering evidence that relates to  
11 an investigation that alleges criminal liability for the provision,  
12 receipt, attempted provision or receipt, assistance in the provision  
13 or receipt, or attempted assistance in the provision or receipt of  
14 protected health care services as defined in section 2 of this act  
15 that are lawful in the state of Washington, the applicant shall  
16 include an attestation, made under penalty of perjury, stating that  
17 the application seeks information related to the provision, receipt,  
18 attempted provision or receipt, assistance in the provision or  
19 receipt, or attempted assistance in the provision or receipt of  
20 protected health care services as defined in section 2 of this act  
21 that are lawful in the state of Washington.

22 (b) The court shall not issue an order for the installation and  
23 use of pen registers, trap and trace devices, and cell site simulator  
24 devices for the purpose of investigating or recovering evidence that  
25 relates to an investigation that alleges criminal liability for the  
26 provision, receipt, attempted provision or receipt, assistance in the  
27 provision or receipt, or attempted assistance in the provision or  
28 receipt of protected health care services as defined in section 2 of  
29 this act that are lawful in the state of Washington.

30 **Sec. 7.** RCW 10.55.020 and 2010 c 8 s 1050 are each amended to  
31 read as follows:

32 (1) If a judge of a court of record in any state which by its  
33 laws has made provision for commanding persons within that state to  
34 attend and testify in this state certified under the seal of such  
35 court that there is a criminal prosecution pending in such court, or  
36 that a grand jury investigation has commenced or is about to  
37 commence, that a person being within this state is a material witness  
38 in such prosecution, or grand jury investigation, and that (~~his or~~  
39 her)) such person's presence will be required for a specified number

1 of days, upon presentation of such certificate, accompanied by an  
2 attestation made under penalty of perjury stating that such  
3 prosecution or grand jury investigation does not seek documents,  
4 information, or testimony related to the provision, receipt,  
5 attempted provision or receipt, assistance in the provision or  
6 receipt, or attempted assistance in the provision or receipt of  
7 protected health care services as defined in section 2 of this act  
8 that are lawful in the state of Washington, to any judge of a court  
9 of record in the county in which such person is, such judge shall fix  
10 a time and place for a hearing, and shall make an order directing the  
11 witness to appear at a time and place certain for the hearing. Any  
12 false attestation submitted under this section is subject to a  
13 statutory penalty of \$10,000 per violation. Submission of such  
14 attestation subjects the attester to the jurisdiction of the courts  
15 of Washington state for any suit, penalty, or damages arising out of  
16 a false attestation under this section.

17 (2) If at a hearing the judge determines that the witness is  
18 material and necessary, that it will not cause undue hardship to the  
19 witness to be compelled to attend and testify in the prosecution or a  
20 grand jury investigation in the other state, and that the laws of the  
21 state in which the prosecution is pending, or grand jury  
22 investigation has commenced or is about to commence, will give to  
23 (~~him or her~~) such witness protection from arrest and the service of  
24 civil and criminal process, he or she shall issue a summons, with a  
25 copy of the certificate attached, directing the witness to attend and  
26 testify in the court where the prosecution is pending, or where a  
27 grand jury investigation has commenced or is about to commence and of  
28 any other state through which the witness may be required to travel  
29 by ordinary course of travel, at a time and place specified in the  
30 certificate. In any such hearing the certificate shall be prima facie  
31 evidence of all the facts stated therein.

32 (3) If said certificate recommends that the witness be taken into  
33 immediate custody and delivered to an officer of the requesting state  
34 to assure (~~his or her~~) such person's attendance in the requesting  
35 state, such judge may, in lieu of notification of the hearing, direct  
36 that such witness be forthwith brought before (~~him or her~~) such  
37 judge for said hearing; and the judge at the hearing being satisfied  
38 of the desirability of such custody and delivery, for which  
39 determination the certificate shall be prima facie proof of such  
40 desirability may, in lieu of issuing subpoena or summons, order that

1 said witness be forthwith taken into custody and delivered to an  
2 officer of the requesting state.

3 (4) If the witness, who is summoned as above provided, after  
4 being paid or tendered by some properly authorized person the sum of  
5 ten cents a mile for each mile by the ordinary traveled route to and  
6 from the court where the prosecution is pending and five dollars for  
7 each day, that ((he or she)) such person is required to travel and  
8 attend as a witness, fails without good cause to attend and testify  
9 as directed in the summons, ((he or she)) such person shall be  
10 punished in the manner provided for the punishment of any witness who  
11 disobeys a summons issued from a court of record in this state.

12 (5) The summons of a witness to testify in the prosecution or a  
13 grand jury investigation in another state is prohibited if such  
14 prosecution or grand jury investigation is based on the provision,  
15 receipt, attempted provision or receipt, assistance in the provision  
16 or receipt, or attempted assistance in the provision or receipt of  
17 protected health care services as defined in section 2 of this act  
18 that are lawful in the state of Washington.

19 **Sec. 8.** RCW 10.88.250 and 1971 ex.s. c 46 s 6 are each amended  
20 to read as follows:

21 ((The)) (1) Except as provided in subsection (2) of this section,  
22 the governor of this state may also surrender, on demand of the  
23 executive authority of any other state, any person in this state  
24 charged in such other state in the manner provided in RCW 10.88.220  
25 with committing an act in this state, or in a third state,  
26 intentionally resulting in a crime in the state whose executive  
27 authority is making the demand, and the provisions of this chapter  
28 not otherwise inconsistent, shall apply to such cases, even though  
29 the accused was not in that state at the time of the commission of  
30 the crime, and has not fled therefrom.

31 (2) The governor of this state shall not surrender any person  
32 described in subsection (1) of this section where the charge against  
33 the person is based on the provision, receipt, attempted provision or  
34 receipt, assistance in the provision or receipt, or attempted  
35 assistance in the provision or receipt of protected health care  
36 services as defined in section 2 of this act that are lawful in the  
37 state of Washington.

1       **Sec. 9.** RCW 10.88.320 and 2010 c 8 s 1075 are each amended to  
2 read as follows:

3       (1) Whenever any person within this state shall be charged on the  
4 oath of any credible person before any judge or magistrate of this  
5 state with the commission of any crime in any other state and, except  
6 in cases arising under RCW 10.88.250, with having fled from justice,  
7 or with having been convicted of a crime in that state and having  
8 escaped from confinement, or having broken the terms of ((his or  
9 her)) such person's bail, probation, or parole, or whenever complaint  
10 shall have been made before any judge or magistrate in this state  
11 setting forth on the affidavit of any credible person in another  
12 state that a crime has been committed in such other state and that  
13 the accused has been charged in such state with the commission of the  
14 crime, and, except in cases arising under RCW 10.88.250, has fled  
15 from justice, or with having been convicted of a crime in that state  
16 and having escaped from confinement, or having broken the terms of  
17 ((his or her)) such person's bail, probation, or parole and is  
18 believed to be in this state, if the person making such charge or  
19 complaint and affidavit includes an attestation made under penalty of  
20 perjury stating that the charge for the commission of the crime in  
21 another state is not related to criminal liability that is based on  
22 the provision, receipt, attempted provision or receipt, assistance in  
23 the provision or receipt, or attempted assistance in the provision or  
24 receipt of protected health care services as defined in section 2 of  
25 this act that are lawful in the state of Washington, the judge or  
26 magistrate shall issue a warrant directed to any peace officer  
27 commanding ((him or her)) such officer to apprehend the person named  
28 therein, wherever ((he or she)) such person may be found in this  
29 state, and to bring ((him or her)) such person before the same or any  
30 other judge, magistrate or court who or which may be available in or  
31 convenient of access to the place where the arrest may be made, to  
32 answer the charge or complaint and affidavit, and a certified copy of  
33 the sworn charge or complaint and affidavit upon which the warrant is  
34 issued shall be attached to the warrant. Any false attestation  
35 submitted under this section is subject to a statutory penalty of  
36 \$10,000 per violation. Submission of such attestation subjects the  
37 attester to the jurisdiction of the courts of Washington state for  
38 any suit, penalty, or damages arising out of a false attestation  
39 under this section.

1       (2) Except in cases arising under RCW 10.88.220, the issuance of  
2 a warrant is prohibited for a charge or complaint that is related to  
3 criminal liability that is based on the provision, receipt, attempted  
4 provision or receipt, assistance in the provision or receipt, or  
5 attempted assistance in the provision or receipt of protected health  
6 care services as defined in section 2 of this act that are lawful in  
7 the state of Washington.

8       **Sec. 10.** RCW 10.88.330 and 2010 c 8 s 1076 are each amended to  
9 read as follows:

10       (1) The arrest of a person may be lawfully made also by any peace  
11 officer or a private person, without a warrant upon reasonable  
12 information that the accused stands charged in the courts of a state  
13 with a crime punishable by death or imprisonment for a term exceeding  
14 one year, but when so arrested the accused must be taken before a  
15 judge or magistrate with all practicable speed and complaint must be  
16 made against him or her under oath setting forth the ground for the  
17 arrest as in RCW 10.88.320; and thereafter his or her answer shall be  
18 heard as if he or she had been arrested on a warrant.

19       (2) An officer of the United States customs service or the  
20 immigration and naturalization service may, without a warrant, arrest  
21 a person if:

22       (a) The officer is on duty;

23       (b) One or more of the following situations exists:

24       (i) The person commits an assault or other crime involving  
25 physical harm, defined and punishable under chapter 9A.36 RCW,  
26 against the officer or against any other person in the presence of  
27 the officer;

28       (ii) The person commits an assault or related crime while armed,  
29 defined and punishable under chapter 9.41 RCW, against the officer or  
30 against any other person in the presence of the officer;

31       (iii) The officer has reasonable cause to believe that a crime as  
32 defined in (b) (i) or (ii) of this subsection has been committed and  
33 reasonable cause to believe that the person to be arrested has  
34 committed it;

35       (iv) The officer has reasonable cause to believe that a felony  
36 has been committed and reasonable cause to believe that the person to  
37 be arrested has committed it; or

38       (v) The officer has received positive information by written,  
39 telegraphic, teletypic, telephonic, radio, or other authoritative



1 source that a peace officer holds a warrant for the person's arrest;  
2 and

3 (c) The regional commissioner of customs certifies to the state  
4 of Washington that the customs officer has received proper training  
5 within the agency to enable that officer to enforce or administer  
6 this subsection.

7 (3) The arrest of a person is prohibited if the arrest is related  
8 to criminal liability that is based on the provision, receipt,  
9 attempted provision or receipt, assistance in the provision or  
10 receipt, or attempted assistance in the provision or receipt of  
11 protected health care services as defined in section 2 of this act  
12 that are lawful in the state of Washington.

13 **Sec. 11.** RCW 10.96.020 and 2008 c 21 s 3 are each amended to  
14 read as follows:

15 This section shall apply to any criminal process allowing for  
16 search of or commanding production of records that are in the actual  
17 or constructive possession of a recipient who receives service  
18 outside Washington, regardless of whether the recipient or the  
19 records are physically located within the state.

20 (1) When properly served with criminal process issued under this  
21 section, the recipient shall provide the applicant all records sought  
22 pursuant to the criminal process. The records shall be produced  
23 within twenty business days of receipt of the criminal process,  
24 unless the process requires earlier production. An applicant may  
25 consent to a recipient's request for additional time to comply with  
26 the criminal process.

27 (2) Criminal process issued under this section must contain the  
28 following language in bold type on the first page of the document:  
29 "This [warrant, subpoena, order] is issued pursuant to RCW [insert  
30 citation to this statute]. A response is due within twenty business  
31 days of receipt, unless a shorter time is stated herein, or the  
32 applicant consents to a recipient's request for additional time to  
33 comply."

34 (3) If the judge finds reason to suspect that failure to produce  
35 records within twenty business days would cause an adverse result,  
36 the criminal process may require production of records within less  
37 than twenty business days. A court may reasonably extend the time  
38 required for production of the records upon finding that the

1 recipient has shown good cause for that extension and that an  
2 extension of time would not cause an adverse result.

3 (4) When properly served with criminal process issued under this  
4 section, a recipient who seeks to quash the criminal process must  
5 seek relief from the court where the criminal process was issued,  
6 within the time originally required for production of records. The  
7 court shall hear and decide the motion no later than five court days  
8 after the motion is filed. An applicant's consent, under subsection  
9 (1) of this section, to a recipient's request for additional time to  
10 comply with the criminal process does not extend the date by which a  
11 recipient must seek the relief designated in this section.

12 (5) The issuance of criminal process is prohibited if such  
13 process is related to criminal liability that is based on the  
14 provision, receipt, attempted provision or receipt, assistance in the  
15 provision or receipt, or attempted assistance in the provision or  
16 receipt of protected health care services as defined in section 2 of  
17 this act that are lawful in the state of Washington.

18 **Sec. 12.** RCW 10.96.040 and 2008 c 21 s 5 are each amended to  
19 read as follows:

20 (1) A Washington recipient, when served with process that was  
21 issued by or in another state that on its face purports to be valid  
22 criminal process, shall comply with that process as if that process  
23 had been issued by a Washington court if the criminal process  
24 includes an attestation, made under penalty of perjury, stating that  
25 such process does not relate to criminal liability that is based on  
26 the provision, receipt, attempted provision or receipt, assistance in  
27 the provision or receipt, or attempted assistance in the provision or  
28 receipt of protected health care services as defined in section 2 of  
29 this act that are lawful in the state of Washington. Any false  
30 attestation submitted under this section is subject to a statutory  
31 penalty of \$10,000 per violation. Submission of such attestation  
32 subjects the attester to the jurisdiction of the courts of Washington  
33 state for any suit, penalty, or damages arising out of a false  
34 attestation under this section.

35 (2) A Washington recipient shall not be required to comply with a  
36 criminal process issued by or in another state that is related to  
37 criminal liability that is based on the provision, receipt, attempted  
38 provision or receipt, assistance in the provision or receipt, or  
39 attempted assistance in the provision or receipt of protected health

1 care services as defined in section 2 of this act that are lawful in  
2 the state of Washington.

3 **PART III**  
4 **ENFORCEMENT AND REMEDIES**

5 NEW SECTION. **Sec. 13.** (1) It is the public policy of Washington  
6 to protect the provision of protected health care services that are  
7 lawful in the state of Washington by a person duly licensed under the  
8 laws of the state of Washington and the provision of insurance  
9 coverage for such services regardless of the location of the person  
10 receiving the services.

11 (2) A law of another state that authorizes the imposition of  
12 civil or criminal penalties or liability related to the provision,  
13 receipt, attempted provision or receipt, assistance in the provision  
14 or receipt, or attempted assistance in the provision or receipt of  
15 protected health care services that are lawful in the state of  
16 Washington is against the public policy of this state. Accordingly:

17 (a) A state court, judicial officer, court employee or clerk, or  
18 public employee or official shall not issue or effectuate a warrant  
19 for the arrest of any person in connection with the provision,  
20 receipt, attempted provision or receipt, assistance in the provision  
21 or receipt, or attempted assistance in the provision or receipt of  
22 protected health care services that are lawful in the state of  
23 Washington and a state or local law enforcement agency or officer  
24 shall not effectuate such a warrant or knowingly arrest, or knowingly  
25 participate in the arrest of, any person for the provision, receipt,  
26 attempted provision or receipt, assistance in the provision or  
27 receipt, or attempted assistance in the provision or receipt of such  
28 protected health care services.

29 (b) A state or local agency or department, or any employee  
30 thereof, acting in their official capacity, shall not cooperate with  
31 or provide information to any individual, agency, or department from  
32 another state or, to the extent permitted by federal law, to a  
33 federal law enforcement agency, for the purpose of enforcing another  
34 state's law that asserts criminal or civil liability for the  
35 provision, receipt, attempted provision or receipt, assistance in the  
36 provision or receipt, or attempted assistance in the provision or  
37 receipt of protected health care services that are lawful in the  
38 state of Washington.

1 (c) A state court, judicial officer, court employee or clerk, or  
2 attorney shall not issue a subpoena, warrant, court order, or other  
3 civil or criminal legal process pursuant to any state law in  
4 connection with a proceeding in another state related to the  
5 provision, receipt, attempted provision or receipt, assistance in the  
6 provision or receipt, or attempted assistance in the provision or  
7 receipt of protected health care services that are lawful in the  
8 state of Washington.

9 (d)(i) A business entity that is incorporated, or has its  
10 principal place of business, in Washington that provides electronic  
11 communication services as defined in RCW 9.73.260 may not:

12 (A) Knowingly provide records, information, facilities, or  
13 assistance in response to a subpoena, warrant, court order, or other  
14 civil or criminal legal process that relates to an investigation  
15 into, or the enforcement of, another state's law that asserts  
16 criminal or civil liability for the provision, receipt, attempted  
17 provision or receipt, assistance in the provision or receipt, or  
18 attempted assistance in the provision or receipt of protected health  
19 care services that are lawful in the state of Washington; or

20 (B) Comply with a subpoena, warrant, court order, or other civil  
21 or criminal legal process for records, information, facilities, or  
22 assistance related to protected health care services that are lawful  
23 in the state of Washington unless the subpoena, warrant, court order,  
24 or other civil or criminal legal process includes, or is accompanied  
25 by, an attestation, made under penalty of perjury, stating that the  
26 subpoena, warrant, court order, or other civil or criminal legal  
27 process does not seek documents, information, or testimony relating  
28 to an investigation into, or the enforcement of, another state's law  
29 that asserts criminal or civil liability for the provision, receipt,  
30 attempted provision or receipt, assistance in the provision or  
31 receipt, or attempted assistance in the provision or receipt of  
32 protected health care services that are lawful in the state of  
33 Washington. Any false attestation submitted under this section is  
34 subject to a statutory penalty of \$10,000 per violation. Submission  
35 of such attestation subjects the attester to the jurisdiction of the  
36 courts of Washington state for any suit, penalty, or damages arising  
37 out of a false attestation under this section.

38 (ii) Any business entity described in (d)(i) of this subsection  
39 that is served with a subpoena, warrant, court order, or other civil  
40 or criminal legal process described in (d)(i) of this subsection is

1 entitled to rely on the representations made in an attestation  
2 described in (d)(i) of this subsection in determining whether the  
3 subpoena, warrant, court order, or other civil or criminal legal  
4 process relates to an investigation into, or the enforcement of,  
5 another state's law that asserts criminal or civil liability for the  
6 provision, receipt, attempted provision or receipt, assistance in the  
7 provision or receipt, or attempted assistance in the provision or  
8 receipt of protected health care services that are lawful in the  
9 state of Washington.

10 (3) Nothing in this section prohibits the investigation of any  
11 criminal activity in this state that may involve the alleged  
12 provision, receipt, attempted provision or receipt, assistance in the  
13 provision or receipt, or attempted assistance in the provision or  
14 receipt of protected health care services occurring in the state of  
15 Washington. Any information relating to any protected health care  
16 services provided to a specific individual shall not be shared with  
17 an agency, department, or individual from another state for the  
18 purpose of investigating or enforcing another state's law that  
19 asserts criminal or civil liability for the provision, receipt,  
20 attempted provision or receipt, assistance in the provision or  
21 receipt, or attempted assistance in the provision or receipt of  
22 protected health care services that are lawful in the state of  
23 Washington.

24 (4) A state court, judicial officer, court employee or clerk, or  
25 public employee or official shall not apply to a case or controversy  
26 heard in state court any law that is contrary to this state's public  
27 policy as described in this section.

28 NEW SECTION. **Sec. 14.** (1)(a) A claim for interference with  
29 protected health care services arises when:

30 (i) Any underlying action is commenced against an aggrieved party  
31 in any court, state or federal, in the United States or any of its  
32 territories, where liability in the underlying action is based in  
33 whole or in part on:

34 (A) The aggrieved party's provision, receipt, attempted provision  
35 or receipt, assistance in the provision or receipt, or attempted  
36 assistance in the provision or receipt of protected health care  
37 services that are lawful in the state of Washington;

38 (B) Conduct occurring in this state; and

1 (C) A cause of action or criminal liability that is not available  
2 under Washington law or the law of another state that is  
3 substantially similar to Washington law; or

4 (ii) (A) Any person in the state of Washington receives a subpoena  
5 from any court, state or federal, in the United States or any of its  
6 territories, where the information sought concerns the provision,  
7 receipt, attempted provision or receipt, assistance in the provision  
8 or receipt, or attempted assistance in the provision or receipt of  
9 protected health care services that are lawful in the state of  
10 Washington; and

11 (B) Where liability in the underlying action is based in whole or  
12 in part on a cause of action or criminal liability that is not  
13 available under Washington law or the law of another state that is  
14 substantially similar to Washington law.

15 (b) An underlying action is based on conduct occurring in this  
16 state if any part of the acts or omissions that form the basis of  
17 liability in the underlying action occur in Washington state, whether  
18 or not such acts or omissions are alleged in the action.

19 (2) A person may maintain a claim for interference with protected  
20 health care services under this section if the underlying action is  
21 objectively baseless and brought for an improper purpose.

22 (a) An underlying action is objectively baseless under this  
23 section if:

24 (i) The court in the underlying action lacked jurisdiction over  
25 the aggrieved party;

26 (ii) The underlying action impedes the right to travel; or

27 (iii) Other factors exist that the court determines demonstrate  
28 the objective baselessness of the underlying action.

29 (b) An underlying action is brought for an improper purpose under  
30 this section if:

31 (i) A purpose of the underlying action is to deter acts or  
32 omissions in Washington state that are permitted under the laws of  
33 the state of Washington; or

34 (ii) Other factors exist that the court determines demonstrate  
35 the underlying action was brought for an improper purpose.

36 (3) If a court finds for the aggrieved party in an action  
37 asserting a claim for interference with protected health care  
38 services authorized by this section, the aggrieved party may recover  
39 damages from any party that brought the underlying action.  
40 Recoverable damages include:

1 (a) Actual damages including, but not limited to, costs and  
2 reasonable attorneys' fees spent in defending the underlying action;

3 (b) Costs and reasonable attorneys' fees incurred in bringing an  
4 action under this section as may be allowed by the court; and

5 (c) Statutory damages up to \$10,000.

6 (4) The provisions of this section do not apply to a judgment  
7 entered in another state that is based on an action:

8 (a) Founded in tort, contract, or statute, and for which a  
9 similar claim would exist under the laws of this state, brought by  
10 the person who received the protected health care services upon which  
11 the original lawsuit was based or the person's authorized legal  
12 representative, for damages suffered by the person or damages derived  
13 from an individual's loss of consortium of the person;

14 (b) Founded in contract, and for which a similar claim would  
15 exist under the laws of this state, brought or sought to be enforced  
16 by a party with a contractual relationship with the person that is  
17 the subject of the judgment entered in another state; or

18 (c) Where no part of the acts that formed the basis for liability  
19 occurred in this state.

20 NEW SECTION. **Sec. 15.** The attorney general may bring an action  
21 to enjoin any person from violating any provision of this chapter.  
22 Upon proper showing, the superior court may grant a permanent or  
23 temporary injunction, restraining order, writ of mandamus, or any  
24 additional orders or judgments necessary to enjoin such persons from  
25 violating this chapter. For any action in which the attorney general  
26 prevails, the attorney general may recover the costs of the action,  
27 including a reasonable attorney's fee.

28 **Sec. 16.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to  
29 read as follows:

30 (1)(a) An adult person, a parent or guardian acting on behalf of  
31 a minor, or a guardian acting on behalf of an incapacitated person,  
32 as defined in RCW 11.88.010, (b) any election official as described  
33 in RCW 9A.90.120 who is a target for threats or harassment prohibited  
34 under RCW 9A.90.120(2)(b) (iii) or (iv), and any family members  
35 residing with (~~him or her, and~~) such person (c) any criminal  
36 justice participant as defined in RCW 9A.46.020 who is a target for  
37 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or  
38 (iv) and any criminal justice participant as defined in RCW 9A.90.120

1 who is a target for threats or harassment prohibited under RCW  
2 9A.90.120(2)(b) (iii) or (iv), and any family members residing with  
3 (~~him or her~~) such person, and (d) any protected health care  
4 services provider, employee, or an affiliate of such provider, who  
5 provides, attempts to provide, assists in the provision, or attempts  
6 to assist in the provision of protected health care services as  
7 defined in section 2 of this act, and any family members residing  
8 with such person, may apply to the secretary of state to have an  
9 address designated by the secretary of state serve as the person's  
10 address or the address of the minor or incapacitated person. The  
11 secretary of state shall approve an application if it is filed in the  
12 manner and on the form prescribed by the secretary of state and if it  
13 contains:

14 (i) A sworn statement, under penalty of perjury, by the applicant  
15 that the applicant has good reason to believe (A) that the applicant,  
16 or the minor or incapacitated person on whose behalf the application  
17 is made, is a victim of domestic violence, sexual assault,  
18 trafficking, or stalking and that the applicant fears for (~~his or~~  
19 ~~her~~) the applicant's safety or (~~his or her~~) the applicant's  
20 children's safety, or the safety of the minor or incapacitated person  
21 on whose behalf the application is made; (B) that the applicant, as  
22 an election official as described in RCW 9A.90.120, is a target for  
23 threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or  
24 (iv); (~~or~~) (C) that the applicant, as a criminal justice  
25 participant as defined in RCW 9A.46.020, is a target for threats or  
26 harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or  
27 that the applicant, as a criminal justice participant as defined in  
28 RCW 9A.90.120 is a target for threats or harassment prohibited under  
29 RCW 9A.90.120(2)(b) (iii) or (iv); or (D) that the applicant, as a  
30 protected health care services provider, employee, or an affiliate of  
31 such provider, who provides, attempts to provide, assists in the  
32 provision, or attempts to assist in the provision of protected health  
33 care services as defined in section 2 of this act, is a target for  
34 threats or harassment prohibited under RCW 9A.90.120 or 9A.46.020;

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



1 (iv) or 9A.46.020(2)(b) (iii) or (iv), or (C) threats or harassment  
2 as described in (a)(i)(D) of this subsection;

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

6 (iv) The residential address and any telephone number where the  
7 applicant can be contacted by the secretary of state, which shall not  
8 be disclosed because disclosure will increase the risk of (A)  
9 domestic violence, sexual assault, trafficking, or stalking, (~~or~~)  
10 (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii)  
11 or (iv) or 9A.46.020(2)(b) (iii) or (iv), or (C) threats or  
12 harassment as described in (a)(i)(D) of this subsection;

13 (v) The signature of the applicant and of any individual or  
14 representative of any office designated in writing under RCW  
15 40.24.080 who assisted in the preparation of the application, and the  
16 date on which the applicant signed the application.

17 (2) Applications shall be filed with the office of the secretary  
18 of state.

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

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

36 (i) Applicant's full legal name;

37 (ii) Applicant's Washington driver's license or identicard  
38 number;

39 (iii) Applicant's date of birth;

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

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

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

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

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

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

17 (a) the applicant's safety or the safety of the applicant's children  
18 or the minor or incapacitated person on whose behalf the application  
19 is made, (b) the safety of any election official as described in RCW  
20 9A.90.120 who is a target for threats or harassment prohibited under  
21 RCW 9A.90.120(2)(b) (iii) or (iv), ~~((or))~~ (c) the safety of any  
22 criminal justice participant as defined in RCW 9A.46.020 who is a  
23 target for threats or harassment prohibited under RCW 9A.46.020(2)(b)  
24 (iii) or (iv) or of any criminal justice participant as defined in  
25 RCW 9A.90.120 who is a target for threats or harassment prohibited  
26 under RCW 9A.90.120(2)(b) (iii) or (iv), or (d) the safety of any  
27 person as described in subsection (1)(a)(i)(D) of this section who is  
28 a target for threats or harassment, or any family members residing  
29 with ~~((him or her))~~ such person, shall be punished under RCW  
30 40.16.030 or other applicable statutes.

31 NEW SECTION. **Sec. 17.** If any provision of this act or its  
32 application to any person or circumstance is held invalid, the  
33 remainder of the act or the application of the provision to other  
34 persons or circumstances is not affected.

35 NEW SECTION. **Sec. 18.** This act is necessary for the immediate  
36 preservation of the public peace, health, or safety, or support of  
37 the state government and its existing public institutions, and takes  
38 effect immediately.

1        NEW SECTION.    **Sec. 19.**    Sections 1, 2, and 13 through 15 of this  
2    act constitute a new chapter in Title 7 RCW.

--- **END** ---