

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6227

Chapter 137, Laws of 2024

68th Legislature
2024 Regular Session

NOT GUILTY BY REASON OF INSANITY—PROTECTION ORDERS

EFFECTIVE DATE: June 6, 2024

Passed by the Senate February 6, 2024
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House February 27, 2024
Yeas 92 Nays 3

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 15, 2024 10:09 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6227** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 15, 2024

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6227

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

2024 Regular Session

By Senate Law & Justice (originally sponsored by Senators Dhingra, Cleveland, Hasegawa, Keiser, Nobles, Randall, Torres, and C. Wilson)

READ FIRST TIME 01/26/24.

1 AN ACT Relating to allowing entry of a civil protection order to
2 protect victims when a person is found not guilty by reason of
3 insanity; amending RCW 10.77.110 and 7.105.450; and adding a new
4 section to chapter 10.77 RCW.

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

6 **Sec. 1.** RCW 10.77.110 and 2000 c 94 s 14 are each amended to
7 read as follows:

8 (1) If a defendant is acquitted of a crime by reason of insanity,
9 and it is found that he or she is not a substantial danger to other
10 persons, and does not present a substantial likelihood of committing
11 criminal acts jeopardizing public safety or security, unless kept
12 under further control by the court or other persons or institutions,
13 the court shall direct the defendant's release. If it is found that
14 such defendant is a substantial danger to other persons, or presents
15 a substantial likelihood of committing criminal acts jeopardizing
16 public safety or security, unless kept under further control by the
17 court or other persons or institutions, the court shall order his or
18 her hospitalization, or any appropriate alternative treatment less
19 restrictive than detention in a state mental hospital, pursuant to
20 the terms of this chapter.

1 ~~((2) If the defendant has been found not guilty by reason of~~
2 ~~insanity and a substantial danger, or presents a substantial~~
3 ~~likelihood of committing criminal acts jeopardizing public safety or~~
4 ~~security, so as to require treatment then the secretary shall~~
5 ~~immediately cause the defendant to be evaluated to ascertain if the~~
6 ~~defendant is developmentally disabled. When appropriate, and subject~~
7 ~~to available funds, the defendant may be committed to a program~~
8 ~~specifically reserved for the treatment and training of~~
9 ~~developmentally disabled persons. A person so committed shall receive~~
10 ~~habilitation services according to an individualized service plan~~
11 ~~specifically developed to treat the behavior which was the subject of~~
12 ~~the criminal proceedings. The treatment program shall be administered~~
13 ~~by developmental disabilities professionals and others trained~~
14 ~~specifically in the needs of developmentally disabled persons. The~~
15 ~~treatment program shall provide physical security to a degree~~
16 ~~consistent with the finding that the defendant is dangerous and may~~
17 ~~incorporate varying conditions of security and alternative sites when~~
18 ~~the dangerousness of any particular defendant makes this necessary.~~
19 ~~The department may limit admissions to this specialized program in~~
20 ~~order to ensure that expenditures for services do not exceed amounts~~
21 ~~appropriated by the legislature and allocated by the department for~~
22 ~~such services. The department may establish admission priorities in~~
23 ~~the event that the number of eligible persons exceeds the limits set~~
24 ~~by the department.~~

25 ~~(3))~~ If it is found that such defendant is not a substantial
26 danger to other persons, and does not present a substantial
27 likelihood of committing criminal acts jeopardizing public safety or
28 security, but that he or she is in need of control by the court or
29 other persons or institutions, the court shall direct the defendant's
30 conditional release.

31 (2) (a) Upon placement of the defendant under control by the court
32 or other persons and institutions or placement of the defendant on
33 conditional release, or upon application by the prosecuting attorney
34 at any subsequent time during which the court retains supervision of
35 the defendant, the court may enter a separate no-contact order to
36 protect any victim of the defendant's conduct in addition to the
37 defendant's order of commitment. The maximum term of the no-contact
38 order shall be the defendant's maximum term of commitment, or until
39 the defendant's release under RCW 10.77.200, whichever comes sooner.

1 The clerk's office shall provide a written certified copy of the no-
2 contact order to the victim.

3 (b) The no-contact order shall contain the court's directives and
4 shall state that a violation of the order is a criminal offense under
5 chapter 7.105 RCW and will subject the person who violates the order
6 to arrest, and that any assault, drive-by shooting, or reckless
7 endangerment that is a violation of the order is a felony.

8 (c) Any willful violation of a no-contact order issued under this
9 section is punishable under RCW 7.105.450.

10 (d) For the purpose of this subsection, "victim" has the same
11 meaning as in RCW 9.94A.030.

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

26 **Sec. 2.** RCW 7.105.450 and 2022 c 268 s 21 are each amended to
27 read as follows:

28 (1)(a) Whenever a domestic violence protection order, a sexual
29 assault protection order, a stalking protection order, or a
30 vulnerable adult protection order is granted under this chapter, or
31 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,
32 10.77, 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid
33 foreign protection order as defined in RCW 26.52.020, or there is a
34 Canadian domestic violence protection order as defined in RCW
35 26.55.010, and the respondent or person to be restrained knows of the
36 order, a violation of any of the following provisions of the order is
37 a gross misdemeanor, except as provided in subsections (4) and (5) of
38 this section:

1 (i) The restraint provisions prohibiting acts or threats of
2 violence against, or stalking of, a protected party, or the restraint
3 provisions prohibiting contact with a protected party;

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

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

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

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

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

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

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

30 (2) A law enforcement officer shall arrest without a warrant and
31 take into custody a person whom the law enforcement officer has
32 probable cause to believe has violated a domestic violence protection
33 order, a sexual assault protection order, a stalking protection
34 order, or a vulnerable adult protection order, or an order issued
35 under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99, 26.09,
36 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
37 in RCW 26.52.020, or a Canadian domestic violence protection order as
38 defined in RCW 26.55.010, that restrains the person or excludes the
39 person from a residence, workplace, school, or day care, or prohibits
40 the person from knowingly coming within, or knowingly remaining

1 within, a specified distance of a location, a protected party's
2 person, or a protected party's vehicle, if the person restrained
3 knows of the order. Presence of the order in the law enforcement
4 computer-based criminal intelligence information system is not the
5 only means of establishing knowledge of the order.

6 (3) A violation of a domestic violence protection order, a sexual
7 assault protection order, a stalking protection order, or a
8 vulnerable adult protection order, or an order issued under chapter
9 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99, 26.09, 26.26A, or
10 26.26B RCW, or a valid foreign protection order as defined in RCW
11 26.52.020, or a Canadian domestic violence protection order as
12 defined in RCW 26.55.010, shall also constitute contempt of court,
13 and is subject to the penalties prescribed by law.

14 (4) Any assault that is a violation of a domestic violence
15 protection order, a sexual assault protection order, a stalking
16 protection order, or a vulnerable adult protection order, or an order
17 issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99,
18 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as
19 defined in RCW 26.52.020, or a Canadian domestic violence protection
20 order as defined in RCW 26.55.010, and that does not amount to
21 assault in the first or second degree under RCW 9A.36.011 or
22 9A.36.021 is a class C felony, and any conduct in violation of such
23 an order that is reckless and creates a substantial risk of death or
24 serious physical injury to another person is a class C felony.

25 (5) A violation of a domestic violence protection order, a sexual
26 assault protection order, a stalking protection order, or a
27 vulnerable adult protection order, or a court order issued under
28 chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77, 10.99, 26.09,
29 26.26A, or 26.26B RCW, or a valid foreign protection order as defined
30 in RCW 26.52.020, or a Canadian domestic violence protection order as
31 defined in RCW 26.55.010, is a class C felony if the offender has at
32 least two previous convictions for violating the provisions of 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, 10.77, 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. The previous
39 convictions may involve the same victim or other victims specifically
40 protected by the orders the offender violated.

1 (6) (a) A defendant arrested for violating a domestic violence
2 protection order, sexual assault protection order, stalking
3 protection order, or vulnerable adult protection order, or an order
4 granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.77,
5 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection
6 order as defined in RCW 26.52.020, or a Canadian domestic violence
7 protection order as defined in RCW 26.55.010, is required to appear
8 in person before a magistrate within one judicial day after the
9 arrest. At the time of the appearance, the court shall determine the
10 necessity of imposing a no-contact order or other conditions of
11 pretrial release.

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

19 (7) Upon the filing of an affidavit by the petitioner or any law
20 enforcement officer alleging that the respondent has violated a
21 domestic violence protection order, a sexual assault protection
22 order, a stalking protection order, or a vulnerable adult protection
23 order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88,
24 9.94A, 10.77, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign
25 protection order as defined in RCW 26.52.020, or a Canadian domestic
26 violence protection order as defined in RCW 26.55.010, the court may
27 issue an order to the respondent, requiring the respondent to appear
28 and show cause within 14 days as to why the respondent should not be
29 found in contempt of court and punished accordingly. The hearing may
30 be held in the court of any county or municipality in which the
31 petitioner or respondent temporarily or permanently resides at the
32 time of the alleged violation.

33 (8) Appearances required under this section are mandatory and
34 cannot be waived.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.77
36 RCW to read as follows:

37 If the defendant has been found not guilty by reason of insanity
38 and a substantial danger, or presents a substantial likelihood of
39 committing criminal acts jeopardizing public safety or security, so

1 as to require treatment then the secretary shall immediately cause
2 the defendant to be evaluated to ascertain if the defendant has a
3 developmental disability. When appropriate, and subject to available
4 funds, the defendant may be committed to a program specifically
5 reserved for the treatment and training of persons with developmental
6 disabilities. A person so committed shall receive habilitation
7 services according to an individualized service plan specifically
8 developed to treat the behavior which was the subject of the criminal
9 proceedings. The treatment program shall be administered by
10 developmental disabilities professionals and others trained
11 specifically in the needs of persons with developmental disabilities.
12 The treatment program shall provide physical security to a degree
13 consistent with the finding that the defendant is dangerous and may
14 incorporate varying conditions of security and alternative sites when
15 the dangerousness of any particular defendant makes this necessary.
16 The department may limit admissions to this specialized program in
17 order to ensure that expenditures for services do not exceed amounts
18 appropriated by the legislature and allocated by the department for
19 such services. The department may establish admission priorities in
20 the event that the number of eligible persons exceeds the limits set
21 by the department.

Passed by the Senate February 6, 2024.

Passed by the House February 27, 2024.

Approved by the Governor March 15, 2024.

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