

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1715

Chapter 462, Laws of 2023

68th Legislature
2023 Regular Session

DOMESTIC VIOLENCE—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023

Passed by the House April 22, 2023
Yeas 91 Nays 7

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 22, 2023
Yeas 42 Nays 7

DENNY HECK

President of the Senate

Approved May 15, 2023 3:05 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1715** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 16, 2023

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1715

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored 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 02/24/23.

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 7.105.155, 7.105.255, 10.99.033,
4 10.99.040, 9.41.340, 9.41.345, 9.41.801, 9.41.804, 7.105.340,
5 10.21.050, 40.24.030, 42.17A.710, 9.41.800, and 10.31.100; adding a
6 new section to chapter 2.56 RCW; adding a new section to chapter
7 7.105 RCW; adding a new section to chapter 43.330 RCW; adding a new
8 section to chapter 28B.20 RCW; adding a new section to chapter 43.101
9 RCW; and creating a new section.

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

11 **Part I. Electronic Monitoring with Victim Notification Technology**

12 NEW SECTION. **Sec. 101.** A new section is added to chapter 2.56
13 RCW to read as follows:

14 (1) Subject to funds appropriated for this specific purpose, by
15 June 1, 2024, the Washington courts' board for judicial
16 administration must develop model standards:

17 (a) Establishing best practices for the operation of electronic
18 monitoring with victim notification technology by monitoring
19 agencies, with the goal of improving victim safety;

1 (b) Establishing protocols for implementing court orders that
2 include electronic monitoring with victim notification, including
3 protocols for the installation and removal of monitoring devices to
4 ensure uninterrupted monitoring services following release from
5 detention or incarceration; and

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

11 (2) In developing the standards required under this section, the
12 Washington courts' board for judicial administration must solicit
13 input from courts of general and limited jurisdiction, local
14 governments, monitoring agencies, and statewide associations
15 representing law enforcement leaders, prosecutors, the department of
16 corrections, domestic violence victims, and domestic violence
17 agencies.

18 (3) Subject to funds appropriated for this specific purpose, the
19 Washington courts' board for judicial administration must develop a
20 model policy on electronic monitoring with victim notification
21 technology based on best practices where the technology is being
22 currently used in Washington. Each law enforcement agency in the
23 state must adopt its own policy based on the model policy.

24 (4) For the purposes of this section:

25 (a) "Electronic monitoring" has the meaning provided in RCW
26 9.94A.030; and

27 (b) "Monitoring agency" has the meaning provided in RCW
28 9.94A.736.

29 **Part II. Civil Proceedings**

30 **Sec. 201.** RCW 7.105.155 and 2022 c 268 s 10 are each amended to
31 read as follows:

32 When service is to be completed under this chapter by a law
33 enforcement officer:

34 (1) The clerk of the court shall have a copy of any order issued
35 under this chapter, the confidential information form, as well as the
36 petition for a protection order and any supporting materials,
37 electronically forwarded on or before the next judicial day to the
38 law enforcement agency in the county or municipality where the

1 respondent resides, as specified in the order, for service upon the
2 respondent. If the respondent has moved from that county or
3 municipality and personal service is not required, the law
4 enforcement agency specified in the order may serve the order;

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

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

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

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

1 information form completed by the protected party and the proof of
2 service form;

3 (6) Any law enforcement officer who serves a protection order on
4 a respondent with the knowledge that the respondent requires special
5 assistance due to a disability, brain injury, or impairment shall
6 make a reasonable effort to accommodate the needs of the respondent
7 to the extent practicable without compromise to the safety of the
8 petitioner;

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

18 (8) 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.

25 **Sec. 202.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to
26 read as follows:

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

1 shall be notified by the presiding judge or court administrator upon
2 revision of any decision made under this chapter.

3 (2) Subject to funds appropriated for this specific purpose, the
4 administrative office of the courts shall develop training for
5 judicial officers on the topics listed in subsection (1) of this
6 section, which must be provided free of charge to judicial officers.

7 NEW SECTION. Sec. 203. A new section is added to chapter 7.105
8 RCW to read as follows:

9 (1) The legislature recognizes the inherent volatility and danger
10 associated with domestic violence, particularly when the court has
11 made a finding that an ex parte order to surrender and prohibit
12 weapons is necessary. The risk of domestic violence homicide is most
13 acute when a victim is ending the relationship and throughout legal
14 proceedings. The presence of a firearm in a domestic violence
15 situation increases the risk of homicide by 11 times. The legislature
16 acknowledges the potential for judicial or administrative error in
17 hearings on full protection orders and the significant consequences
18 that can result from such errors. In recognition of the potential for
19 error, the legislature has previously established in RCW 2.24.050
20 that decisions of court commissioners are subject to revision and the
21 courts have created processes for reconsideration of rulings.
22 Therefore, in any proceeding in which the court enters a temporary
23 protection order that includes a temporary order to surrender and
24 prohibit weapons, and after the hearing the court denies the petition
25 for a full protection order, the order to surrender and prohibit
26 weapons must remain in effect until the period for a petitioner to
27 file a motion for reconsideration or revision has passed. If a motion
28 for reconsideration or revision is filed, the order to surrender and
29 prohibit weapons must remain in effect until the motion for
30 reconsideration or revision is resolved.

31 (2) At the hearing in which the court denies the petition for a
32 full protection order, if the petitioner is present, the court must
33 notify the petitioner verbally of the procedures and timelines for
34 filing a motion for reconsideration or a motion for revision. The
35 court must provide the petitioner with written information explaining
36 the procedures and timelines for filing a motion for reconsideration
37 or a motion for revision. The information must also include contact
38 information for civil legal aid organizations that may assist the

1 petitioner with a motion for reconsideration or a motion for
2 revision.

3 (3) Subsections (1) and (2) of this section do not apply if
4 allowing the order to surrender and prohibit weapons to remain in
5 effect would be manifestly unjust including, but not limited to,
6 situations where the court finds the temporary protection order was
7 entirely without merit, the petitioner was engaged in abusive use of
8 litigation, or the petitioner was exerting coercive control, as
9 defined in RCW 7.105.010, over the respondent.

10 **Part III. Domestic Violence Protections**

11 **Sec. 301.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to
12 read as follows:

13 (1) All training relating to the handling of domestic violence
14 complaints by law enforcement officers must stress enforcement of
15 criminal laws in domestic situations, availability of community
16 resources, and protection of the victim. Law enforcement agencies and
17 community organizations with expertise in the issue of domestic
18 violence shall cooperate in all aspects of such training.

19 (2) The criminal justice training commission shall implement by
20 July 28, 2019, a course of instruction for the training of law
21 enforcement officers in Washington in the handling of domestic
22 violence complaints. The basic law enforcement curriculum of the
23 criminal justice training commission must include at least twenty
24 hours of basic training instruction on the law enforcement response
25 to domestic violence. The course of instruction, the learning and
26 performance objectives, and the standards for the training must be
27 developed by the commission and focus on enforcing the criminal laws,
28 safety of the victim, and holding the perpetrator accountable for the
29 violence. The curriculum must include training on the extent and
30 prevalence of domestic violence, the importance of criminal justice
31 intervention, techniques for responding to incidents that minimize
32 the likelihood of officer injury and that promote victim safety,
33 investigation and interviewing skills, evidence gathering and report
34 writing, assistance to and services for victims and children,
35 verification and enforcement of court orders, liability, and any
36 additional provisions that are necessary to carry out the intention
37 of this subsection.

1 (3) The criminal justice training commission shall develop and
2 update annually an in-service training program to familiarize law
3 enforcement officers with domestic violence laws. The program must
4 include techniques for handling incidents of domestic violence that
5 minimize the likelihood of injury to the officer and that promote the
6 safety of all parties. The commission shall make the training program
7 available to all law enforcement agencies in the state.

8 (4) Development of the training in subsections (2) and (3) of
9 this section must be conducted in conjunction with agencies having a
10 primary responsibility for serving victims of domestic violence with
11 emergency shelter and other services, and representatives to the
12 statewide organization providing training and education to these
13 organizations and to the general public.

14 (5) Subject to funds appropriated for this specific purpose:

15 (a) The curriculum required in subsection (2) of this section
16 must include trauma-informed investigation and interviewing skills,
17 domestic violence homicide prevention, the intersection of firearms
18 and domestic violence, best practices for serving and enforcing
19 protection orders, and assistance to and services for victims and
20 children; and

21 (b) The in-service training program required in subsection (3) of
22 this section must include training on domestic violence homicide
23 prevention, the intersection of firearms and domestic violence, best
24 practices for serving and enforcing protection orders, and assistance
25 to and services for victims and children.

26 **Sec. 302.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to
27 read as follows:

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

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

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

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

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

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

6 (2) (a) Because of the likelihood of repeated violence directed at
7 those who have been victims of domestic violence in the past, when
8 any person charged with or arrested for a crime involving domestic
9 violence is released from custody before arraignment or trial on bail
10 or personal recognizance, the court authorizing the release may
11 prohibit that person from having any contact with the victim. The
12 jurisdiction authorizing the release shall determine whether that
13 person should be prohibited from having any contact with the victim.
14 If there is no outstanding restraining or (~~protective~~) protection
15 order prohibiting that person from having contact with the victim,
16 the court authorizing release may issue, by telephone, a no-contact
17 order prohibiting the person charged or arrested from having contact
18 with the victim or from knowingly coming within, or knowingly
19 remaining within, a specified distance of a location.

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

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

31 (3) (a) At the time of arraignment the court shall determine
32 whether a no-contact order shall be issued or extended. So long as
33 the court finds probable cause, the court may issue or extend a no-
34 contact order even if the defendant fails to appear at arraignment.
35 The no-contact order shall terminate if the defendant is acquitted or
36 the charges are dismissed.

37 (b) In issuing the order, the court shall consider all
38 information documented in the incident report concerning the person's
39 possession of and access to firearms and whether law enforcement took
40 temporary custody of firearms at the time of the arrest. The court

1 may as a condition of release prohibit the defendant from possessing
2 or accessing firearms and order the defendant to immediately
3 surrender all firearms and any concealed pistol license to a law
4 enforcement agency upon release.

5 (c) If a no-contact order is issued or extended, the court may
6 also include in the conditions of release a requirement that the
7 defendant submit to electronic monitoring as defined in RCW
8 9.94A.030. If electronic monitoring is ordered, the court shall
9 specify who shall provide the monitoring services, and the terms
10 under which the monitoring shall be performed. Upon conviction, the
11 court may require as a condition of the sentence that the defendant
12 (~~reimburse the providing agency for~~) pay the costs of the
13 electronic monitoring. If a defendant enters into a deferred
14 prosecution or stipulated order of continuance, the applicable order
15 or agreement may require the defendant pay the costs of the
16 electronic monitoring.

17 (4) (a) Willful violation of a court order issued under subsection
18 (2), (3), or (7) of this section is punishable under RCW 7.105.450.

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

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

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

33 (6) Whenever a no-contact order is issued, modified, or
34 terminated under subsection (2) or (3) of this section, the clerk of
35 the court shall forward a copy of the order on or before the next
36 judicial day to the appropriate law enforcement agency specified in
37 the order. Upon receipt of the copy of the order the law enforcement
38 agency shall enter the order for one year or until the expiration
39 date specified on the order into any computer-based criminal
40 intelligence information system available in this state used by law

1 enforcement agencies to list outstanding warrants. Entry into the
2 computer-based criminal intelligence information system constitutes
3 notice to all law enforcement agencies of the existence of the order.
4 The order is fully enforceable in any jurisdiction in the state. Upon
5 receipt of notice that an order has been terminated under subsection
6 (3) of this section, the law enforcement agency shall remove the
7 order from the computer-based criminal intelligence information
8 system.

9 (7) All courts shall develop policies and procedures by January
10 1, 2011, to grant victims a process to modify or rescind a no-contact
11 order issued under this chapter. The administrative office of the
12 courts shall develop a model policy to assist the courts in
13 implementing the requirements of this subsection.

14 **Part IV. Firearms and Dangerous Weapons**

15 **Sec. 401.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to
16 read as follows:

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

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

24 (ii) Requires notification to any person identified in a no-
25 contact order, restraining order, or protection order and any
26 identified victim of the crime that resulted in the firearm
27 surrender.

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

31 ~~((b))~~ (ii) If a law enforcement agency is in possession of more
32 than one privately owned firearm from ~~((a single person))~~ an
33 individual, notification relating to the return of one firearm shall
34 be considered notification for all privately owned firearms for that
35 person.

36 (2) A law enforcement agency shall not provide notification to
37 any party other than ~~((a family or household member or intimate~~
38 ~~partner who has an incident or case number and who has requested to~~

1 ~~be notified pursuant to this section or~~) another criminal justice
2 agency or as authorized or required under subsection (1) of this
3 section.

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

8 (4) An appointed or elected official, public employee, or public
9 agency as defined in RCW 4.24.470, or combination of units of local
10 government and its employees, as provided in RCW 36.28A.010, are
11 immune from civil liability for damages for any release of
12 information or the failure to release information related to this
13 section, so long as the release or failure was without gross
14 negligence.

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

18 **Sec. 402.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to
19 read as follows:

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

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

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

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

29 (d) Ensure that ~~((twenty-four hours))~~ five business days have
30 elapsed from the time the firearm was obtained by law enforcement ~~((~~
31 ~~unless the firearm was seized in connection with a domestic violence~~
32 ~~call pursuant to RCW 10.99.030, in which case the law enforcement~~
33 ~~agency must ensure that five business days have elapsed from the time~~
34 ~~the firearm was obtained))~~; and

35 (e) If a family or household member or intimate partner has
36 requested notification under RCW 9.41.340(1)(a)(i), or notification
37 to an identified victim or protected person is required per RCW
38 9.41.340(1)(a)(ii), provide notice to the appropriate person within

1 one business day of verifying that the requirements in (a) through
2 (c) of this subsection have been met.

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

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

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

17 (3) ~~If ((a family or household member or intimate partner has~~
18 ~~requested to be notified pursuant to RCW 9.41.340))~~ notification is
19 required under RCW 9.41.340(1)(a) (i) or (ii), a law enforcement
20 agency must ~~((~~

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

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

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

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

37 (5) The provisions of chapter 130, Laws of 2015 and subsection
38 (4) of this section shall not apply to circumstances where a law
39 enforcement officer has momentarily obtained a firearm or concealed
40 pistol license from an individual and would otherwise immediately

1 return the firearm or concealed pistol license to the individual
2 during the same interaction.

3 **Sec. 403.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to
4 read as follows:

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

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

1 law enforcement agency on the day of the hearing at which the
2 respondent was present in person or remotely. Alternatively, if
3 personal service by a law enforcement officer is not possible, and
4 the respondent did not appear in person or remotely at the hearing,
5 the respondent shall surrender the firearms in a safe manner to the
6 control of the local law enforcement agency within 24 hours of being
7 served with the order by alternate service.

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

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

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

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

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

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

4 (6) (a) Courts shall develop procedures to verify timely and
5 complete compliance with orders to surrender and prohibit weapons
6 under RCW 9.41.800 or 10.99.100, including compliance review hearings
7 to be held as soon as possible upon receipt from law enforcement of
8 proof of service. ~~((A compliance review hearing is not required if
9 the court can otherwise enter findings on the record or enter written
10 findings that the proof of surrender or declaration of nonsurrender))~~
11 For any case where the court has indication that the respondent has
12 in the respondent's possession, custody, or control firearms,
13 dangerous weapons, or a concealed pistol license, a compliance review
14 hearing shall be held. A compliance review hearing may be waived by
15 the court or held at a later date if the information attested to by
16 the person subject to the order, along with verification from law
17 enforcement and any other relevant evidence, makes a sufficient
18 showing that the person has timely and completely surrendered all
19 firearms and dangerous weapons in the person's custody, control, or
20 possession, and any concealed pistol license issued under RCW
21 9.41.070, to a law enforcement agency, and the court is able to make
22 a finding of compliance. If the court does not have a sufficient
23 record before it on which to make such a finding, the court must set
24 a review hearing to occur as soon as possible ~~((at which the))~~ and
25 service by law enforcement shall be prioritized to minimize the time
26 during which the respondent could access their firearms, dangerous
27 weapons, or concealed pistol license. The respondent must be present
28 and provide proof of compliance with the court's order. Courts shall
29 make available forms that petitioners may complete and submit to the
30 court in response to a respondent's declaration of whether the
31 respondent has surrendered weapons.

32 (b) In making its findings regarding compliance, the court should
33 also consider any available department of licensing and Washington
34 state patrol firearm records; for criminal cases, the police report
35 and any documentation of firearms, or their recovery pursuant to RCW
36 10.99.030(3)(a); and for civil protection order cases, the protection
37 order narrative, any sections of the protection order petition that
38 specifically reference or inquire about firearms and other dangerous
39 weapons, any attachments to the protection order petition, any
40 affidavits from law enforcement or the petitioner in response to a

1 respondent's declaration regarding firearm surrender, or other
2 relevant evidence regarding firearms, dangerous weapons, or a
3 concealed pistol license in the person's custody, control, or
4 possession.

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

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

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

35 (c) The order to show cause served upon the respondent shall
36 state the date, time, and location of the hearing and shall include a
37 warning that the respondent may be held in contempt of court if the
38 respondent fails to promptly comply with the terms of the order to
39 surrender and prohibit weapons and a warning that an arrest warrant

1 could be issued if the respondent fails to appear on the date and
2 time provided in the order.

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

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

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

16 (B) Provide the court with verification that any concealed pistol
17 license issued to the respondent has been surrendered and ((the)) an
18 agency with authority to revoke the license has been notified.

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

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

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

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

39 (b) Either the prosecuting attorney's office or city attorney's
40 office, or both, from the relevant jurisdiction may designate an

1 advocate or a staff person from their office who is not an attorney
2 to appear on behalf of their office. Such appearance does not
3 constitute the unauthorized practice of law.

4 (9) (a) (~~(An order to surrender and prohibit weapons issued~~
5 ~~pursuant to RCW 9.41.800 must state that the~~) The act of voluntarily
6 surrendering firearms or weapons, ((~~or~~)) providing testimony relating
7 to the surrender of firearms or weapons, ((~~pursuant to such an~~
8 ~~order,)) or complying with an order to surrender and prohibit weapons~~
9 issued pursuant to RCW 9.41.800 or 10.99.100, and any information
10 directly or indirectly derived from such act or testimony, may not be
11 used against the ((~~respondent~~)) person subject to the order in any
12 criminal prosecution under this chapter, chapter 7.105 RCW, or RCW
13 9A.56.310, or in any criminal prosecution pursuant to which such
14 order to surrender and prohibit weapons was issued, except a
15 prosecution for perjury, giving a false statement, or otherwise
16 failing to comply with the order. Every such order issued subsequent
17 to the effective date of this section shall contain language
18 consistent with the statutory immunity set forth in this subsection.

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

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

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

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

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

20 ~~((10))~~ (11) All law enforcement agencies must have policies and
21 procedures to provide for the acceptance, storage, and return of
22 firearms, dangerous weapons, and concealed pistol licenses that a
23 court requires must be surrendered under RCW 9.41.800. A law
24 enforcement agency holding any firearm or concealed pistol license
25 that has been surrendered under RCW 9.41.800 shall comply with the
26 provisions of RCW 9.41.340 and 9.41.345 before the return of the
27 firearm or concealed pistol license to the owner or individual from
28 whom it was obtained.

29 ~~((11))~~ (12) The administrative office of the courts shall
30 create a statewide pattern form to assist the courts in ensuring
31 timely and complete compliance in a consistent manner with orders
32 issued under this chapter. The administrative office of the courts
33 shall report annually on the number of ex parte and full orders
34 issued under this chapter by each court, ~~((the degree of compliance,~~
35 ~~and the number of firearms obtained, and may make recommendations~~
36 ~~regarding additional procedures))~~ and, if available, the type of
37 protection order, no-contact order, restraining order, or criminal
38 charge with which the order was issued, the duration of the order,
39 the period of time from issuance of the order until the court's
40 finding of compliance, any violations, the nature of the violations,

1 any sanctions imposed, the number of firearms obtained pursuant to
2 each order, whether subsequent orders were issued involving the same
3 respondent, and may make recommendations regarding additional
4 procedures, training, or data collection and reporting to enhance
5 compliance and victim safety.

6 **Sec. 404.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to
7 read as follows:

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

17 (2) The verification of compliance required in subsection (1) of
18 this section must be provided to the court within 24 hours of service
19 of the order, unless the order is pursuant to a criminal proceeding.
20 In a criminal proceeding, if the person subject to the order is in
21 custody, proof of compliance must be provided to the court before the
22 person subject to the order is released from custody; otherwise,
23 proof of compliance must be provided before the conclusion of the
24 sentencing hearing. If the court finds that surrender of all
25 firearms, dangerous weapons, and any concealed pistol license is not
26 possible prior to release or prior to the conclusion of the hearing,
27 then arrangements for surrender shall be made and approved by the
28 court before the person's release from custody or before the
29 conclusion of the sentencing hearing, and the court shall order a law
30 enforcement officer to accompany the person to the location where the
31 firearms, dangerous weapons, and concealed pistol license are located
32 so that they are surrendered directly to the law enforcement officer.
33 Surrender to local law enforcement shall occur in a safe manner and
34 proof of compliance provided by law enforcement to the court within
35 24 hours of either the person's release from custody or the
36 conclusion of the sentencing hearing.

37 (3) By December 30, 2023, the administrative office of the courts
38 shall develop and distribute any new or updated forms necessary to

1 implement subsections (1) and (2) of this section, and other sections
2 of this act where a form needs to be created or updated.

3 **Sec. 405.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to
4 read as follows:

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

8 (a) Order the respondent to surrender to the local law
9 enforcement agency all firearms in the respondent's custody, control,
10 or possession, or subject to the respondent's immediate possession or
11 control, and any concealed pistol license issued under RCW 9.41.070;
12 and

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

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

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

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

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

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

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

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

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

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

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

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

39 (c) The order to show cause served upon the respondent shall
40 state the date, time, and location of the hearing, and shall include

1 a warning that the respondent may be held in contempt of court if the
2 respondent fails to promptly comply with the terms of the extreme
3 risk protection order and a warning that an arrest warrant could be
4 issued if the respondent fails to appear on the date and time
5 provided in the order to show cause.

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

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

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

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

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

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

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

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

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

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

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

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

25 **Sec. 406.** RCW 10.21.050 and 2018 c 276 s 5 are each amended to
26 read as follows:

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

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

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

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

36 (a) The ~~((person's))~~ defendant's character, physical and mental
37 condition, family ties, employment, financial resources, length of
38 residence in the community, community ties, past conduct, history

1 relating to drug or alcohol abuse, criminal history, and record
2 concerning appearance at court proceedings;

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

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

9 (d) The defendant's firearms history, including purchase history,
10 any concealed pistol license history, and the requirements of RCW
11 9.41.800 regarding issuance of an order to surrender and prohibit
12 weapons.

13 **Part V. Residential Protections**

14 **Sec. 501.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to
15 read as follows:

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

33 (i) A sworn statement, under penalty of perjury, by the applicant
34 that the applicant has good reason to believe (A) that the applicant,
35 or the minor or incapacitated person on whose behalf the application
36 is made, is a victim of domestic violence, sexual assault,
37 trafficking, or stalking and that the applicant fears for ~~((his or~~
38 ~~her))~~ the applicant's safety or ~~((his or her))~~ the applicant's

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

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

17 (iii) A designation of the secretary of state as agent for
18 purposes of service of process and for the purpose of receipt of
19 mail;

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

26 (v) The signature of the applicant and of any individual or
27 representative of any office designated in writing under RCW
28 40.24.080 who assisted in the preparation of the application, and the
29 date on which the applicant signed the application.

30 (2) Applications shall be filed with the office of the secretary
31 of state.

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

38 (4)(a) During the application process, the secretary of state
39 shall provide each applicant a form to direct the department of
40 licensing to change the address of registration for vehicles or

1 vessels solely or jointly registered to the applicant and the address
2 associated with the applicant's driver's license or identicard to the
3 applicant's address as designated by the secretary of state upon
4 certification in the program. The directive to the department of
5 licensing is only valid if signed by the applicant. The directive may
6 only include information required by the department of licensing to
7 verify the applicant's identity and ownership information for
8 vehicles and vessels. This information is limited to the:

9 (i) Applicant's full legal name;

10 (ii) Applicant's Washington driver's license or identicard
11 number;

12 (iii) Applicant's date of birth;

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

15 (v) Hull identification number or vessel document number and
16 vessel decal number for each vessel solely or jointly registered to
17 the applicant.

18 (b) Upon certification of the applicants, the secretary of state
19 shall transmit completed and signed directives to the department of
20 licensing.

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

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

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

29 (a) the applicant's safety or the safety of the applicant's children
30 or the minor or incapacitated person on whose behalf the application

31 is made, (b) the safety of any election official as described in RCW
32 9A.90.120 who is a target for threats or harassment prohibited under

33 RCW 9A.90.120(2)(b) (iii) or (iv), or (c) the safety of any criminal
34 justice participant as defined in RCW 9A.46.020 who is a target for

35 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
36 (iv) or of any criminal justice participant as defined in RCW

37 9A.90.120 who is a target for threats or harassment prohibited under
38 RCW 9A.90.120(2)(b) (iii) or (iv), or any family members residing

39 with him or her, shall be punished under RCW 40.16.030 or other
40 applicable statutes.

1 **Sec. 502.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to
2 read as follows:

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

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

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

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

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

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

37 (f) The name and address of each governmental entity,
38 corporation, partnership, joint venture, sole proprietorship,
39 association, union, or other business or commercial entity from whom
40 compensation has been received in any form of a total value of two

1 thousand dollars or more; the value of the compensation; and the
2 consideration given or performed in exchange for the compensation;

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

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

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

35 (h) A list, including legal or other sufficient descriptions as
36 prescribed by the commission, of all real property in the state of
37 Washington, the assessed valuation of which exceeds ten thousand
38 dollars in which any direct financial interest was acquired during
39 the preceding calendar year, and a statement of the amount and nature

1 of the financial interest and of the consideration given in exchange
2 for that interest;

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

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

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

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

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

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

33 (2)(a) When judges, prosecutors, sheriffs, participants in the
34 address confidentiality program under RCW 40.24.030, or their
35 immediate family members are required to disclose real property that
36 is the personal residence of the judge, prosecutor, ((~~or~~)) sheriff,
37 or address confidentiality program participant, the requirements of
38 subsection (1)(h) through (k) of this section may be satisfied for
39 that property by substituting:

40 (i) The city or town;

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

3 (iii) Such other identifying information the commission
4 prescribes by rule for the mailing address where the property is
5 located.

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

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

12 (b)

13 Code A	Less than thirty thousand dollars;
14 Code B	At least thirty thousand dollars, but less 15 than sixty thousand dollars;
16 Code C	At least sixty thousand dollars, but less 17 than one hundred thousand dollars;
18 Code D	At least one hundred thousand dollars, but 19 less than two hundred thousand dollars;
20 Code E	At least two hundred thousand dollars, but 21 less than five hundred thousand dollars;
22 Code F	At least five hundred thousand dollars, but 23 less than seven hundred and fifty 24 thousand dollars;
25 Code G	At least seven hundred fifty thousand 26 dollars, but less than one million dollars; 27 or
28 Code H	One million dollars or more.

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

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

1 **Sec. 503.** RCW 9.41.800 and 2022 c 268 s 29 are each amended to
2 read as follows:

3 (1) Any court when entering an order authorized under chapter
4 7.105 RCW, RCW 9A.40.102, 9A.44.210, 9A.46.080, 9A.88.160, 10.99.040,
5 10.99.045, 26.09.050, 26.09.060, 26.26B.020, ((~~or~~)) 26.26A.470, or
6 46.61.5055 shall, upon a showing by a preponderance of the evidence,
7 that a party has: Used, displayed, or threatened to use a firearm or
8 other dangerous weapon in a felony, or is ineligible to possess a
9 firearm under the provisions of RCW 9.41.040:

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

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

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

17 (d) Prohibit the party from obtaining or possessing a concealed
18 pistol license;

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

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

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

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

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

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

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

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

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

12 (D) Prohibit the party from obtaining or possessing a concealed
13 pistol license.

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

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

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

28 (6) The court shall require the party to surrender all firearms
29 and other dangerous weapons in (~~his or her immediate~~) the party's
30 custody, control, or possession (~~or control~~), or subject to (~~his~~
31 ~~or her~~) the party's immediate possession or control, and any
32 concealed pistol license issued under RCW 9.41.070, to the local law
33 enforcement agency. (~~Law enforcement officers shall use law~~
34 ~~enforcement databases to assist in locating the party in situations~~
35 ~~where the protected person does not know where the party lives or~~
36 ~~where there is evidence that the party is trying to evade service.))~~

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

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

3 (b) Law enforcement must immediately ensure entry of the order to
4 surrender and prohibit weapons and the revocation of any concealed
5 pistol license is made into the appropriate databases making the
6 party ineligible to possess firearms and a concealed pistol license;
7 and

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

12 **Part VI. Statewide Resources**

13 NEW SECTION. Sec. 601. A new section is added to chapter 43.330
14 RCW to read as follows:

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

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

21 (b) Increased access to supportive services for high-risk
22 victims;

23 (c) Increased perpetrator monitoring and accountability; and

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

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

28 NEW SECTION. Sec. 602. A new section is added to chapter 28B.20
29 RCW to read as follows:

30 (1) Subject to funds appropriated for this specific purpose, the
31 University of Washington shall develop a plan to establish a center
32 of excellence in research, policy, and practice to reduce domestic
33 violence.

34 (2) The plan must be developed with relevant disciplines across
35 the schools of the University of Washington. The school of public
36 health shall lead the development of the plan. The development of the

1 plan must include, but not be limited to, the schools of social work,
2 law, medicine, and nursing, and the Alene Moris women's center.

3 (3) The University of Washington must develop a report
4 summarizing the plan, which must evaluate, but not be limited to, the
5 following topics:

6 (a) Conducting scientifically rigorous intimate partner violence
7 research that informs policy and practice in Washington;

8 (b) Disseminating existing research findings and best practices
9 in order to proliferate evidence-based intimate partner violence
10 policy and practice;

11 (c) Promoting effective strategies to reduce the incidence of
12 domestic violence and domestic violence homicide; and

13 (d) Engaging in strategic planning efforts with relevant
14 stakeholders to develop policy recommendations to improve the state's
15 response to domestic violence.

16 (4) In developing the plan, the University of Washington shall
17 establish an external stakeholder group that shall ensure that all
18 work conducted by the center is informed by survivors of domestic
19 violence, including Black, indigenous, and survivors of color, and
20 LGBTQ survivors, to ensure that research interventions are holistic,
21 trauma-informed, and antiracist and policy recommendations are
22 appropriate and effective for Washington's diverse communities. The
23 University of Washington shall include, but not be limited to,
24 survivors of intimate partner violence, including low-income
25 communities, immigrants, refugee communities, people with religious
26 diversity, people with physical disabilities, children and other
27 family members of survivors, representatives from systems that
28 interact with survivors and perpetrators, and representatives from
29 communities disproportionately impacted by intimate partner violence
30 in order to guide development of the plan's overarching goals and
31 strategic vision. The University of Washington shall provide stipends
32 to stakeholder participants to the extent necessary to maximize
33 participation.

34 (5) The University of Washington shall provide a report to the
35 relevant committees of the legislature with its findings and
36 recommendations as soon as practicable, but no later than January 15,
37 2024.

38 (6) Subject to funds appropriated for this specific purpose, the
39 University of Washington shall begin implementation of the plan by
40 July 1, 2024.

1 **Part VII. Law Enforcement**

2 NEW SECTION. **Sec. 701.** A new section is added to chapter 43.101
3 RCW to read as follows:

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

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

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

37 (4) The commission must develop the training and begin offering
38 it by January 1, 2025. Officers assigned to regularly investigate

1 domestic violence must complete the training within one year of being
2 assigned or by July 1, 2027, whichever is later.

3 **Sec. 702.** RCW 10.31.100 and 2021 c 215 s 118 are each amended to
4 read as follows:

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

12 (1) Any police officer having probable cause to believe that a
13 person has committed or is committing a misdemeanor or gross
14 misdemeanor, involving physical harm or threats of harm to any person
15 or property or the unlawful taking of property or involving the use
16 or possession of cannabis, or involving the acquisition, possession,
17 or consumption of alcohol by a person under the age of twenty-one
18 years under RCW 66.44.270, or involving criminal trespass under RCW
19 9A.52.070 or 9A.52.080, shall have the authority to arrest the
20 person.

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

25 (a) A domestic violence protection order, a sexual assault
26 protection order, a stalking protection order, or a vulnerable adult
27 protection order has been issued, of which the person has knowledge,
28 under chapter 7.105 RCW, or an order has been issued, of which the
29 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,
30 9A.88, 10.99, 26.09, (~~26.10,~~) 26.26A, 26.26B, or 74.34 RCW, or any
31 of the former chapters 7.90, 7.92, and 26.50 RCW, restraining the
32 person and the person has violated the terms of the order restraining
33 the person from acts or threats of violence, or restraining the
34 person from going onto the grounds of, or entering, a residence,
35 workplace, school, or day care, or prohibiting the person from
36 knowingly coming within, or knowingly remaining within, a specified
37 distance of a location, a protected party's person, or a protected
38 party's vehicle, or requiring the person to submit to electronic

1 monitoring, or, in the case of an order issued under RCW 26.44.063,
2 imposing any other restrictions or conditions upon the person;

3 (b) An extreme risk protection order has been issued against the
4 person under chapter 7.105 RCW or former RCW 7.94.040, the person has
5 knowledge of the order, and the person has violated the terms of the
6 order prohibiting the person from having in (~~his or her~~) the
7 person's custody or control, purchasing, possessing, accessing, or
8 receiving a firearm or concealed pistol license;

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

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

1 violence of each person involved, including whether the conduct was
2 part of an ongoing pattern of abuse.

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

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

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

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

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

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

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

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

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

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

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

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

39 (7) An officer may act upon the request of a law enforcement
40 officer, in whose presence a traffic infraction was committed, to

1 stop, detain, arrest, or issue a notice of traffic infraction to the
2 driver who is believed to have committed the infraction. The request
3 by the witnessing officer shall give an officer the authority to take
4 appropriate action under the laws of the state of Washington.

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

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

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

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

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

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

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

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

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

37 (16)(a) Except as provided in (b) of this subsection, a police
38 officer shall arrest and keep in custody, until release by a judicial
39 officer on bail, personal recognizance, or court order, a person
40 without a warrant when the officer has probable cause to believe that

1 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
2 local ordinance and the police officer: (i) Has knowledge that the
3 person has a prior offense as defined in RCW 46.61.5055 within ten
4 years; or (ii) has knowledge, based on a review of the information
5 available to the officer at the time of arrest, that the person is
6 charged with or is awaiting arraignment for an offense that would
7 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
8 conviction.

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

12 **Part VIII. Miscellaneous**

13 NEW SECTION. **Sec. 801.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 802.** If specific funding for the purposes of
18 this act, referencing this act by bill or chapter number, is not
19 provided by June 30, 2023, in the omnibus appropriations act, this
20 act is null and void.

Passed by the House April 22, 2023.
Passed by the Senate April 22, 2023.
Approved by the Governor May 15, 2023.
Filed in Office of Secretary of State May 16, 2023.

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