
HOUSE BILL 2178

State of Washington

69th Legislature

2026 Regular Session

By Representatives Thai, Abell, Ryu, Simmons, Reed, Zahn, Reeves, and Fosse; by request of Administrative Office of the Courts

Prefiled 12/19/25. Read first time 01/12/26. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to court rules and procedures, including aligning
2 statutes with court rules and other statutes, making technical
3 corrections, and updating an implementation date; amending RCW
4 9A.48.100, 7.80.070, 7.80.050, 7.80.120, and 7.105.105; and repealing
5 RCW 2.56.190.

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

7 **Sec. 1.** RCW 9A.48.100 and 2013 c 322 s 1 are each amended to
8 read as follows:

9 For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive:

10 (1) "Physical damage," in addition to its ordinary meaning, shall
11 include the total or partial alteration, damage, obliteration, or
12 erasure of records, information, data, computer programs, or their
13 computer representations, which are recorded for use in computers or
14 the impairment, interruption, or interference with the use of such
15 records, information, data, or computer programs, or the impairment,
16 interruption, or interference with the use of any computer or
17 services provided by computers. "Physical damage" also includes any
18 diminution in the value of any property as the consequence of an act
19 and the cost to repair any physical damage;

20 (2) If more than one item of property is physically damaged as a
21 result of a common scheme or plan by a person and the physical damage

1 to the property would, when considered separately, constitute
2 mischief in the third degree because of value, then the value of the
3 damages may be aggregated in one count. If the sum of the value of
4 all the physical damages exceeds (~~two hundred fifty dollars~~) \$750,
5 the defendant may be charged with and convicted of malicious mischief
6 in the second degree.

7 **Sec. 2.** RCW 7.80.070 and 2006 c 270 s 5 are each amended to read
8 as follows:

9 (1) A notice of civil infraction represents a determination that
10 a civil infraction has been committed. The determination is final
11 unless contested as provided in this chapter.

12 (2) The form for the notice of civil infraction shall be
13 prescribed by rule of the supreme court and shall include the
14 following:

15 (a) A statement that the notice represents a determination that a
16 civil infraction has been committed by the person named in the notice
17 and that the determination is final unless contested as provided in
18 this chapter;

19 (b) A statement that a civil infraction is a noncriminal offense
20 for which imprisonment may not be imposed as a sanction;

21 (c) A statement of the specific civil infraction for which the
22 notice was issued;

23 (d) A statement of the monetary penalty established for the civil
24 infraction;

25 (e) A statement of the options provided in this chapter for
26 responding to the notice and the procedures necessary to exercise
27 these options;

28 (f) A statement that at any hearing to contest the determination
29 the state has the burden of proving, by a preponderance of the
30 evidence, that the civil infraction was committed and that the person
31 may subpoena witnesses including the enforcement officer who issued
32 the notice of civil infraction;

33 (g) A statement that at any hearing requested for the purpose of
34 explaining mitigating circumstances surrounding the commission of the
35 civil infraction, the person will be deemed to have committed the
36 civil infraction and may not subpoena witnesses;

37 (h) A statement that the person must respond to the notice as
38 provided in this chapter within (~~fifteen~~) 30 days of the date the

1 notice is personally served or, if the notice is served by mail,
2 within 33 days of the date the notice is mailed;

3 (i) A statement that failure to respond to the notice or a
4 failure to appear at a hearing requested for the purpose of
5 contesting the determination or for the purpose of explaining
6 mitigating circumstances will result in a default judgment against
7 the person in the amount of the penalty and that this failure may be
8 referred to the prosecuting attorney for criminal prosecution for
9 failure to respond or appear;

10 (j) A statement that failure to respond to a notice of civil
11 infraction or to appear at a requested hearing is a misdemeanor and
12 may be punished by a fine or imprisonment in jail.

13 **Sec. 3.** RCW 7.80.050 and 1987 c 456 s 13 are each amended to
14 read as follows:

15 (1) A civil infraction proceeding is initiated by the issuance,
16 service, and filing of a notice of civil infraction.

17 (2) A notice of civil infraction may be issued by an enforcement
18 officer when the civil infraction occurs in the officer's presence.

19 (3) A court may issue a notice of civil infraction if an
20 enforcement officer files with the court a written statement that the
21 civil infraction was committed in the officer's presence or that the
22 officer has reasonable cause to believe that a civil infraction was
23 committed.

24 (4) Service of a notice of civil infraction issued under
25 subsection (2) or (3) of this section shall be as provided by court
26 rule. Until such a rule is adopted, service shall be as provided in
27 ((~~JTR~~)) IRLJ 2.2(c)(1) and (3), as applicable.

28 (5) A notice of infraction shall be filed with a court having
29 jurisdiction within ((~~forty-eight hours~~)) five days of issuance,
30 excluding Saturdays, Sundays, and holidays. ((A)) In the absence of
31 good cause shown, a notice of infraction not filed within the time
32 limits prescribed in this section ((~~may~~)) shall, upon motion, be
33 dismissed without prejudice.

34 **Sec. 4.** RCW 7.80.120 and 2024 c 286 s 2 are each amended to read
35 as follows:

36 (1) A person found to have committed a civil infraction shall be
37 assessed a monetary penalty.

1 (a) The maximum penalty and the default amount for a class 1
2 civil infraction shall be \$250, not including statutory assessments,
3 except for an infraction of state law involving (i) potentially
4 dangerous litter as specified in RCW 70A.200.060(~~((+4))~~) (5), in which
5 case the maximum penalty and default amount is \$500; or (ii) a
6 person's refusal to submit to a test or tests pursuant to RCW
7 79A.60.040 and 79A.60.700, in which case the maximum penalty and
8 default amount is \$1,000; or (iii) the misrepresentation of service
9 animals under RCW 49.60.214, in which case the maximum penalty and
10 default amount is \$500; or (iv) untraceable firearms pursuant to RCW
11 9.41.326 or unfinished frames or receivers pursuant to RCW 9.41.327,
12 in which case the maximum penalty and default amount is \$500; or (v)
13 the failure to report the loss or theft of a firearm under RCW
14 9.41.368, in which case the maximum penalty and default amount is
15 \$1,000;

16 (b) The maximum penalty and the default amount for a class 2
17 civil infraction shall be \$125, not including statutory assessments;

18 (c) The maximum penalty and the default amount for a class 3
19 civil infraction shall be \$50, not including statutory assessments;
20 and

21 (d) The maximum penalty and the default amount for a class 4
22 civil infraction shall be \$25, not including statutory assessments.

23 (2) The supreme court shall prescribe by rule the conditions
24 under which local courts may exercise discretion in assessing fines
25 for civil infractions.

26 (3) (a) Whenever a monetary penalty is imposed by a court under
27 this chapter it is immediately payable. If the person is unable to
28 pay at that time the court may grant an extension of the period in
29 which the penalty may be paid. If the penalty is not paid on or
30 before the time established for payment, the court may proceed to
31 collect the penalty in the same manner as other civil judgments and
32 may notify the prosecuting authority of the failure to pay.

33 (b) A person may request a payment plan at any time for the
34 payment of any monetary penalty, fee, cost, assessment, or other
35 monetary obligation associated with an infraction.

36 (i) **Mandatory.** If the court determines that the person does not
37 have the ability to pay the monetary obligation in full, the person
38 has not previously been granted a payment plan for the same monetary
39 obligation, and the court has not authorized its collections agency

1 to take civil legal enforcement action, the court shall enter into a
2 payment plan with the individual.

3 (ii) **Discretionary.** Where the court has authorized its
4 collections agency to take civil legal enforcement action, the court
5 may, at its discretion, enter into a payment plan.

6 (4) The court may also order a person found to have committed a
7 civil infraction to make restitution.

8 NEW SECTION. **Sec. 5.** RCW 2.56.190 (Legal financial obligations—
9 Collection—Distribution of funds) and 2003 c 379 s 21 are each
10 repealed.

11 **Sec. 6.** RCW 7.105.105 and 2025 c 122 s 1 are each amended to
12 read as follows:

13 The following apply to all petitions for protection orders under
14 this chapter.

15 (1)(a) County clerks on behalf of all superior courts and, by
16 January 1, ((2026)) 2028, all courts of limited jurisdiction, must
17 permit petitions for protection orders and all other filings in
18 connection with the petition to be submitted as preferred by the
19 petitioner either: (i) In person; (ii) remotely through an electronic
20 submission process; or (iii) by mail for persons who are incarcerated
21 or who are otherwise unable to file in person or remotely through an
22 electronic system. The court or clerk must make available
23 electronically to judicial officers any protection orders filed
24 within the state. Judicial officers may not be charged for access to
25 such documents. The electronic submission system must allow for
26 petitions for protection orders and supportive documents to be
27 submitted at any time of the day. When a petition and supporting
28 documents for a protection order are submitted to the clerk after
29 business hours, they must be processed as soon as possible on the
30 next judicial day. Petitioners and respondents should not incur
31 additional charges for electronic submission for petitions and
32 documents filed pursuant to this section.

33 (b) All superior courts' systems and, by January 1, ((2026))
34 2028, all limited jurisdiction courts' systems, should allow for the
35 petitioner to electronically track the progress of the petition for a
36 protection order. Notification from the court or clerk may be
37 provided by text messaging or email, and should provide reminders of
38 court appearances and alert the petitioner when the following occur:

1 (i) The petition has been processed and is under review by a judicial
2 officer; (ii) the order has been signed; (iii) the order has been
3 transmitted to law enforcement for entry into the Washington crime
4 information center system; (iv) proof of service upon the respondent
5 has been filed with the court or clerk; (v) a receipt for the
6 surrender of firearms has been filed with the court or clerk; (vi)
7 the respondent has filed a motion for the release of surrendered
8 firearms; and (vii) 90 days before the expiration of the order.
9 Respondents, once served, should be able to sign up for similar
10 electronic notification. Petitioners and respondents should not be
11 charged for electronic notification.

12 (2) The petition must be accompanied by a confidential document
13 to be used by courts, law enforcement, and prosecutors' offices to
14 fully identify the parties; serve the respondent; enable notification
15 of victims or protected persons; or otherwise fulfill the
16 identification, service, enforcement, and notification requirements
17 of chapter 9.41, 36.28A, or 2.56 RCW or this chapter. This record
18 will be exempt from public disclosure at all times, and restricted
19 access to this form is governed by general rule 22 provisions
20 governing access to the confidential information form. If the
21 confidential information form is wrongfully disclosed, the court
22 shall issue a protective order on the court's own initiative, or upon
23 notice of the disclosure, and if necessary, order sealing under
24 applicable law. The petitioner is required to fill out the
25 confidential party information form to the petitioner's fullest
26 ability. The respondent should be provided a blank confidential party
27 information form at the time of service, and when the respondent
28 first appears, the respondent must confirm with the court the
29 respondent's identifying and current contact information, including
30 electronic means of contact, and file this with the court.

31 (3) A petition must be accompanied by a declaration signed under
32 penalty of perjury stating the specific facts and circumstances for
33 which relief is sought. Parties, attorneys, and witnesses may
34 electronically sign sworn statements in all filings.

35 (4) The petitioner and the respondent must disclose the existence
36 of any other litigation or of any other restraining, protection, or
37 no-contact orders between the parties, to the extent that such
38 information is known by the petitioner and the respondent. To the
39 extent possible, the court shall take judicial notice of any existing
40 restraining, protection, or no-contact orders between the parties

1 before entering a protection order. The court shall not include
2 provisions in a protection order that would allow the respondent to
3 engage in conduct that is prohibited by another restraining,
4 protection, or no-contact order between the parties that was entered
5 in a different proceeding. The obligation to disclose the existence
6 of any other litigation includes, but is not limited to, the
7 existence of any other litigation concerning the custody or
8 residential placement of a child of the parties as set forth in RCW
9 26.27.281. The court administrator shall verify for the court the
10 terms of any existing protection order governing the parties.

11 (5) The petition may be made regardless of whether or not there
12 is a pending lawsuit, complaint, petition, or other action between
13 the parties, except in cases where the court has realigned the
14 parties in accordance with RCW 7.105.210.

15 (6) Relief under this chapter must not be denied or delayed on
16 the grounds that the relief is available in another action. The court
17 shall not defer acting on a petition for a protection order nor grant
18 a petitioner less than the full relief that the petitioner is
19 otherwise entitled to under this chapter because there is, or could
20 be, another proceeding involving the parties including, but not
21 limited to, any potential or pending family law matter or criminal
22 matter.

23 (7) A person's right to petition for relief under this chapter is
24 not affected by the person leaving his or her residence or household.

25 (8) A petitioner is not required to post a bond to obtain relief
26 in any proceeding for a protection order.

27 (9)(a) No fees for service of process may be charged by a court
28 or any public agency to petitioners seeking relief under this
29 chapter. Except as provided in (b) of this subsection, courts may not
30 charge petitioners any fees or surcharges the payment of which is a
31 condition precedent to the petitioner's ability to secure access to
32 relief under this chapter. Petitioners shall be provided the
33 necessary number of certified copies, forms, and instructional
34 brochures free of charge, including a copy of the service packet that
35 consists of all documents that are being served on the respondent. A
36 respondent who is served electronically with a protection order shall
37 be provided a certified copy of the order free of charge upon
38 request.

39 (b) A filing fee may be charged for a petition for an
40 antiharassment protection order except as follows:

1 (i) No filing fee may be charged to a petitioner seeking an
2 antiharassment protection order against a person who has engaged in
3 acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW
4 9A.36.080(1)(c), or a single act of violence or threat of violence
5 under RCW 7.105.010(37)(b), or from a person who has engaged in
6 nonconsensual sexual conduct or penetration or conduct that would
7 constitute a sex offense as defined in RCW 9A.44.128, or from a
8 person who is a family or household member or intimate partner who
9 has engaged in conduct that would constitute domestic violence; and

10 (ii) The court shall waive the filing fee if the court determines
11 the petitioner is not able to pay the costs of filing.

12 (10) If the petition states that disclosure of the petitioner's
13 address or other identifying location information would risk harm to
14 the petitioner or any member of the petitioner's family or household,
15 that address may be omitted from all documents filed with the court.
16 If the petitioner has not disclosed an address under this subsection,
17 the petitioner shall designate an alternative address or email
18 address at which the respondent may serve the petitioner.

19 (11) Subject to the availability of amounts appropriated for this
20 specific purpose, or as provided through alternative sources
21 including, but not limited to, grants, local funding, or pro bono
22 means, if the court deems it necessary, the court may appoint a
23 guardian ad litem for a petitioner or a respondent who is under 18
24 years of age and who is not represented by counsel. If a guardian ad
25 litem is appointed by the court for either or both parties, neither
26 the petitioner nor the respondent shall be required by the court to
27 pay any costs associated with the appointment.

28 (12) If a petitioner has requested an ex parte temporary
29 protection order, because these are often emergent situations, the
30 court shall prioritize review, either entering an order without a
31 hearing or scheduling and holding an ex parte hearing in person, by
32 telephone, by video, or by other electronic means on the day the
33 petition is filed if possible. Otherwise, it must be heard no later
34 than the following judicial day. The clerk shall ensure that the
35 request for an ex parte temporary protection order is presented
36 timely to a judicial officer, and signed orders will be returned
37 promptly to the clerk for entry and to the petitioner as specified in
38 this section.

39 (13) Courts shall not require a petitioner to file duplicative
40 forms.

1 (14) The Indian child welfare act applies in the following
2 manner.

3 (a) In a proceeding under this chapter where the petitioner seeks
4 to protect a minor and the petitioner is not the minor's parent as
5 defined by RCW 13.38.040, the petition must contain a statement
6 alleging whether the minor is or may be an Indian child as defined in
7 RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and
8 the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq.,
9 shall apply. A party should allege in the petition if these laws have
10 been satisfied in a prior proceeding and identify the proceeding.

11 (b) Every order entered in any proceeding under this chapter
12 where the petitioner is not a parent of the minor or minors protected
13 by the order must contain a finding that the federal Indian child
14 welfare act or chapter 13.38 RCW does or does not apply, or if there
15 is insufficient information to make a determination, the court must
16 make a finding that a determination must be made before a full
17 protection order may be entered. If there is reason to know the child
18 is an Indian child, but the court does not have sufficient evidence
19 to determine that the child is or is not an Indian child, 25 C.F.R.
20 Sec. 23.107(b) applies. Where there is a finding that the federal
21 Indian child welfare act or chapter 13.38 RCW does apply, the order
22 must also contain a finding that all notice, evidentiary
23 requirements, and placement preferences under the federal Indian
24 child welfare act and chapter 13.38 RCW have been satisfied, or a
25 finding that removal or placement of the child is necessary to
26 prevent imminent physical damage or harm to the child pursuant to
27 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the
28 federal Indian child welfare act or chapter 13.38 RCW does not apply,
29 the order must also contain a finding as to why there is no reason to
30 know the child may be an Indian child.

--- END ---