
SENATE BILL 5202

State of Washington

69th Legislature

2025 Regular Session

By Senators Salomon and Cortes

Prefiled 01/09/25.

1 AN ACT Relating to ensuring the efficacy of judicial orders as
2 harm reduction tools that increase the safety of survivors of abuse
3 and support law enforcement in their efforts to enforce the law;
4 amending RCW 7.105.105, 7.105.405, 7.105.500, and 9.41.040; and
5 reenacting and amending RCW 7.105.310.

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

7 **Sec. 1.** RCW 7.105.105 and 2022 c 268 s 6 are each amended to
8 read as follows:

9 The following apply to all petitions for protection orders under
10 this chapter.

11 (1) (a) (~~By January 1, 2023, county~~) County clerks on behalf of
12 all superior courts and, by January 1, 2026, all courts of limited
13 jurisdiction, must permit petitions for protection orders and all
14 other filings in connection with the petition to be submitted as
15 preferred by the petitioner either: (i) In person; (ii) remotely
16 through an electronic submission process; or (iii) by mail for
17 persons who are incarcerated or who are otherwise unable to file in
18 person or remotely through an electronic system. The court or clerk
19 must make available electronically to judicial officers any
20 protection orders filed within the state. Judicial officers may not
21 be charged for access to such documents. The electronic submission

1 system must allow for petitions for protection orders and supportive
2 documents to be submitted at any time of the day. When a petition and
3 supporting documents for a protection order are submitted to the
4 clerk after business hours, they must be processed as soon as
5 possible on the next judicial day. Petitioners and respondents should
6 not incur additional charges for electronic submission for petitions
7 and documents filed pursuant to this section.

8 (b) (~~By January 1, 2023, all~~) All superior courts' systems and,
9 by January 1, 2026, all limited jurisdiction courts' systems, should
10 allow for the petitioner to electronically track the progress of the
11 petition for a protection order. Notification may be provided by text
12 messaging or email, and should provide reminders of court appearances
13 and alert the petitioner when the following occur: (i) The petition
14 has been processed and is under review by a judicial officer; (ii)
15 the order has been signed; (iii) the order has been transmitted to
16 law enforcement for entry into the Washington crime information
17 center system; (iv) proof of service upon the respondent has been
18 filed with the court or clerk; (v) a receipt for the surrender of
19 firearms has been filed with the court or clerk; and (vi) the
20 respondent has filed a motion for the release of surrendered
21 firearms. Respondents, once served, should be able to sign up for
22 similar electronic notification. Petitioners and respondents should
23 not be charged for electronic notification.

24 (2) The petition must be accompanied by a confidential document
25 to be used by (~~the~~) courts (~~and~~), law enforcement, and
26 prosecutors' offices to fully identify the parties (~~and~~); serve the
27 respondent; enable notification of victims or protected persons; or
28 otherwise fulfill the identification, service, enforcement, and
29 notification requirements of chapter 9.41 or 2.56 RCW or this
30 chapter. This record will be exempt from public disclosure at all
31 times, and restricted access to this form is governed by general rule
32 22 provisions governing access to the confidential information form.
33 If the confidential information form is wrongfully disclosed, the
34 court shall seal and issue a protective order on the court's own
35 initiative, or upon notice of the disclosure. The petitioner is
36 required to fill out the confidential party information form to the
37 petitioner's fullest ability. The respondent should be provided a
38 blank confidential party information form at the time of service, and
39 when the respondent first appears, the respondent must confirm with
40 the court the respondent's identifying and current contact

1 information, including electronic means of contact, and file this
2 with the court.

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

7 (4) The petitioner and the respondent must disclose the existence
8 of any other litigation or of any other restraining, protection, or
9 no-contact orders between the parties, to the extent that such
10 information is known by the petitioner and the respondent. To the
11 extent possible, the court shall take judicial notice of any existing
12 restraining, protection, or no-contact orders between the parties
13 before entering a protection order. The court shall not include
14 provisions in a protection order that would allow the respondent to
15 engage in conduct that is prohibited by another restraining,
16 protection, or no-contact order between the parties that was entered
17 in a different proceeding. The obligation to disclose the existence
18 of any other litigation includes, but is not limited to, the
19 existence of any other litigation concerning the custody or
20 residential placement of a child of the parties as set forth in RCW
21 26.27.281. The court administrator shall verify for the court the
22 terms of any existing protection order governing the parties.

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

27 (6) Relief under this chapter must not be denied or delayed on
28 the grounds that the relief is available in another action. The court
29 shall not defer acting on a petition for a protection order nor grant
30 a petitioner less than the full relief that the petitioner is
31 otherwise entitled to under this chapter because there is, or could
32 be, another proceeding involving the parties including, but not
33 limited to, any potential or pending family law matter or criminal
34 matter.

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

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

39 (9) (a) No fees for service of process may be charged by a court
40 or any public agency to petitioners seeking relief under this

1 chapter. Except as provided in (b) of this subsection, courts may not
2 charge petitioners any fees or surcharges the payment of which is a
3 condition precedent to the petitioner's ability to secure access to
4 relief under this chapter. Petitioners shall be provided the
5 necessary number of certified copies, forms, and instructional
6 brochures free of charge, including a copy of the service packet that
7 consists of all documents that are being served on the respondent. A
8 respondent who is served electronically with a protection order shall
9 be provided a certified copy of the order free of charge upon
10 request.

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

13 (i) No filing fee may be charged to a petitioner seeking an
14 antiharassment protection order against a person who has engaged in
15 acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW
16 9A.36.080(1)(c), or a single act of violence or threat of violence
17 under RCW 7.105.010(~~((36))~~) (37)(b), or from a person who has engaged
18 in nonconsensual sexual conduct or penetration or conduct that would
19 constitute a sex offense as defined in RCW 9A.44.128, or from a
20 person who is a family or household member or intimate partner who
21 has engaged in conduct that would constitute domestic violence; and

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

24 (10) If the petition states that disclosure of the petitioner's
25 address or other identifying location information would risk harm to
26 the petitioner or any member of the petitioner's family or household,
27 that address may be omitted from all documents filed with the court.
28 If the petitioner has not disclosed an address under this subsection,
29 the petitioner shall designate an alternative address or email
30 address at which the respondent may serve the petitioner.

31 (11) Subject to the availability of amounts appropriated for this
32 specific purpose, or as provided through alternative sources
33 including, but not limited to, grants, local funding, or pro bono
34 means, if the court deems it necessary, the court may appoint a
35 guardian ad litem for a petitioner or a respondent who is under 18
36 years of age and who is not represented by counsel. If a guardian ad
37 litem is appointed by the court for either or both parties, neither
38 the petitioner nor the respondent shall be required by the court to
39 pay any costs associated with the appointment.

1 (12) If a petitioner has requested an ex parte temporary
2 protection order, because these are often emergent situations, the
3 court shall prioritize review, either entering an order without a
4 hearing or scheduling and holding an ex parte hearing in person, by
5 telephone, by video, or by other electronic means on the day the
6 petition is filed if possible. Otherwise, it must be heard no later
7 than the following judicial day. The clerk shall ensure that the
8 request for an ex parte temporary protection order is presented
9 timely to a judicial officer, and signed orders will be returned
10 promptly to the clerk for entry and to the petitioner as specified in
11 this section.

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

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

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

24 (b) Every order entered in any proceeding under this chapter
25 where the petitioner is not a parent of the minor or minors protected
26 by the order must contain a finding that the federal Indian child
27 welfare act or chapter 13.38 RCW does or does not apply, or if there
28 is insufficient information to make a determination, the court must
29 make a finding that a determination must be made before a full
30 protection order may be entered. If there is reason to know the child
31 is an Indian child, but the court does not have sufficient evidence
32 to determine that the child is or is not an Indian child, 25 C.F.R.
33 Sec. 23.107(b) applies. Where there is a finding that the federal
34 Indian child welfare act or chapter 13.38 RCW does apply, the order
35 must also contain a finding that all notice, evidentiary
36 requirements, and placement preferences under the federal Indian
37 child welfare act and chapter 13.38 RCW have been satisfied, or a
38 finding that removal or placement of the child is necessary to
39 prevent imminent physical damage or harm to the child pursuant to 25
40 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the

1 federal Indian child welfare act or chapter 13.38 RCW does not apply,
2 the order must also contain a finding as to why there is no reason to
3 know the child may be an Indian child.

4 **Sec. 2.** RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9 are
5 each reenacted and amended to read as follows:

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

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

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

24 (c) Exclude the respondent from the residence that the parties
25 share;

26 (d) Exclude the respondent from the residence, workplace, or
27 school of the petitioner; or from the day care or school of a minor
28 child;

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

36 (f) If the parties have children in common, make residential
37 provisions with regard to their minor children on the same basis as
38 is provided in chapter 26.09 RCW. However, parenting plans as
39 specified in chapter 26.09 RCW must not be required under this

1 chapter. The court may not delay or defer relief under this chapter
2 on the grounds that the parties could seek a parenting plan or
3 modification to a parenting plan in a different action. A protection
4 order must not be denied on the grounds that the parties have an
5 existing parenting plan in effect. A protection order may suspend the
6 respondent's contact with the parties' children under an existing
7 parenting plan, subject to further orders in a family law proceeding;

8 (g) Order the respondent to participate in a state-certified
9 domestic violence perpetrator treatment program approved under RCW
10 43.20A.735 or a state-certified sex offender treatment program
11 approved under RCW 18.155.070;

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

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

1 school the respondent will attend and to the school the petitioner
2 attends;

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

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

22 (l) Other than for respondents who are minors, require the
23 respondent to submit to electronic monitoring. The order must specify
24 who shall provide the electronic monitoring services and the terms
25 under which the monitoring must be performed. The order also may
26 include a requirement that the respondent pay the costs of the
27 monitoring. The court shall consider the ability of the respondent to
28 pay for electronic monitoring;

29 (m) Consider the provisions of RCW 9.41.800, and order the
30 respondent to surrender, and prohibit the respondent from accessing,
31 having in his or her custody or control, possessing, purchasing,
32 attempting to purchase or receive, or receiving, all firearms,
33 dangerous weapons, and any concealed pistol license, as required in
34 RCW 9.41.800;

35 (n) Order possession and use of essential personal effects. The
36 court shall list the essential personal effects with sufficient
37 specificity to make it clear which property is included. Personal
38 effects may include pets. The court may order that a petitioner be
39 granted the exclusive custody or control of any pet owned, possessed,
40 leased, kept, or held by the petitioner, respondent, or minor child

1 residing with either the petitioner or respondent, and may prohibit
2 the respondent from interfering with the petitioner's efforts to
3 obtain the pet. The court may also prohibit the respondent from
4 knowingly coming within, or knowingly remaining within, a specified
5 distance of specified locations where the pet is regularly found;

6 (o) Order use of a vehicle;

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

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

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

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

33 (t) Order financial relief and restrain the transfer of jointly
34 owned assets;

35 (u) Restrain the respondent from possessing or distributing
36 intimate images, as defined in RCW 9A.86.010, depicting the
37 petitioner including, but not limited to, requiring the respondent
38 to: Take down and delete all intimate images and recordings of the
39 petitioner in the respondent's possession or control; and cease any
40 and all disclosure of those intimate images. The court may also

1 inform the respondent that it would be appropriate to ask third
2 parties in possession or control of the intimate images of this
3 protection order to take down and delete the intimate images so that
4 the order may not inadvertently be violated; or

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

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

13 (3) The court in granting a temporary antiharassment protection
14 order or a civil antiharassment protection order shall not prohibit
15 the respondent from exercising constitutionally protected free
16 speech. Nothing in this section prohibits the petitioner from
17 utilizing other civil or criminal remedies to restrain conduct or
18 communications not otherwise constitutionally protected.

19 (4) The court shall not take any of the following actions in
20 issuing a protection order.

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

24 (b) The court shall not issue a full protection order to any
25 party except upon notice to the respondent and the opportunity for a
26 hearing pursuant to a petition or counter-petition filed and served
27 by the party seeking relief in accordance with this chapter. Except
28 as provided in RCW 7.105.210, the court shall not issue a temporary
29 protection order to any party unless the party has filed a petition
30 or counter-petition for a protection order seeking relief in
31 accordance with this chapter.

32 (c) Under no circumstances shall the court deny the petitioner
33 the type of protection order sought in the petition on the grounds
34 that the court finds that a different type of protection order would
35 have a less severe impact on the respondent.

36 (5) The order shall specify the date the order expires, if any.
37 For permanent orders, the court shall set the date to expire 99 years
38 from the issuance date. The order shall also state whether the court
39 issued the protection order following personal service, service by
40 electronic means, service by mail, or service by publication, and

1 whether the court has approved service by mail or publication of an
2 order issued under this section.

3 (6) Issuing mutual full protection orders of any type is
4 disfavored.

5 **Sec. 3.** RCW 7.105.405 and 2024 c 298 s 13 are each amended to
6 read as follows:

7 The following provisions apply to the renewal of all full
8 protection orders issued under this chapter, with the exception of
9 the renewal of extreme risk protection orders.

10 (1) If the court grants a protection order for a fixed time
11 period, the petitioner or protected party may file a motion to renew
12 the order at any time within the 90 days before the order expires. A
13 previously protected minor who has reached the age of 18 may petition
14 for renewal of the order as an adult pursuant to subsection (10) of
15 this section. The motion for renewal must state the reasons the
16 petitioner seeks to renew the protection order. Upon receipt of a
17 motion for renewal, the court shall order a hearing, which must be
18 not later than 14 days from the date of the order. Service must be
19 made on the respondent not less than five judicial days before the
20 hearing, as provided in RCW 7.105.150.

21 (2) If the motion for renewal is uncontested and the petitioner
22 seeks no modification of the order, the order may be renewed on the
23 basis of the petitioner's motion and statement of the reason for the
24 requested renewal.

25 (3) The petitioner bears no burden of proving that he or she has
26 a current reasonable fear of harm by the respondent.

27 (4) The court shall grant the motion for renewal unless the
28 respondent proves by a preponderance of the evidence that there has
29 been a substantial change in circumstances and the following:

30 (a) For a domestic violence protection order, that the respondent
31 proves that the respondent will not resume acts of domestic violence
32 against the petitioner or the petitioner's family or household
33 members who are minors or vulnerable adults when the order expires;

34 (b) For a sexual assault protection order, that the respondent
35 proves that the respondent will not engage in, or attempt to engage
36 in, physical or nonphysical contact, or acts of commercial sexual
37 exploitation, with the petitioner when the order expires;

38 (c) For a stalking protection order, that the respondent proves
39 that the respondent will not resume acts of stalking against the

1 petitioner or the petitioner's family or household members when the
2 order expires;

3 (d) For a vulnerable adult protection order, that the respondent
4 proves that the respondent will not resume acts of abandonment,
5 abuse, financial exploitation, or neglect against the vulnerable
6 adult when the order expires; or

7 (e) For an antiharassment protection order, that the respondent
8 proves that the respondent will not resume harassment of the
9 petitioner when the order expires.

10 (5) In determining whether there has been a substantial change in
11 circumstances, the court may consider the following unweighted
12 factors, and no inference is to be drawn from the order in which the
13 factors are listed:

14 (a) Whether the respondent has committed or threatened sexual
15 assault; commercial sexual exploitation; domestic violence; stalking;
16 abandonment, abuse, financial exploitation, or neglect of a
17 vulnerable adult; or other harmful acts against the petitioner or any
18 other person since the protection order was entered;

19 (b) Whether the respondent has violated the terms of the
20 protection order and the time that has passed since the entry of the
21 order;

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

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

26 (e) Whether the respondent has either: Acknowledged
27 responsibility for acts of sexual assault, commercial sexual
28 exploitation, domestic violence, or stalking, or acts of abandonment,
29 abuse, financial exploitation, or neglect of a vulnerable adult, or
30 behavior that resulted in the entry of the protection order; or
31 successfully completed state-certified perpetrator treatment or
32 counseling since the protection order was entered;

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

36 (g) Other factors relating to a substantial change in
37 circumstances.

38 (6) The court shall not deny a motion to renew a protection order
39 for any of the following reasons:

1 (a) The respondent has not violated the protection order
2 previously issued by the court;

3 (b) The petitioner or the respondent is a minor;

4 (c) The petitioner did not report the conduct giving rise to the
5 protection order, or subsequent violations of the protection order,
6 to law enforcement;

7 (d) A no-contact order or a restraining order that restrains the
8 respondent's contact with the petitioner has been issued in a
9 criminal proceeding or in a domestic relations proceeding;

10 (e) The relief sought by the petitioner may be available in a
11 different action or proceeding;

12 (f) The passage of time since the last incident of conduct giving
13 rise to the issuance of the protection order; or

14 (g) The respondent no longer lives near the petitioner.

15 (7) The terms of the original protection order must not be
16 changed on a motion for renewal unless the petitioner has requested
17 the change.

18 (8) The court may renew the protection order for another fixed
19 time period of no less than one year, or may enter a permanent order
20 as provided in this section.

21 (9) If the protection order includes the parties' children, a
22 renewed protection order may be issued for more than one year,
23 subject to subsequent orders entered in a proceeding under chapter
24 26.09, 26.26A, or 26.26B RCW.

25 (10)(a) If a minor who is protected by a protection order reaches
26 the age of 18 while the order is still in effect, the minor may file
27 a motion for a renewal of the order as the petitioner.

28 (b) A previously protected minor who has reached the age of 18
29 has up to one year from the date of expiration of the order to
30 petition for renewal of the order as an adult. The petitioner may,
31 but is not required to, allege new facts and circumstances for which
32 relief is sought that occurred after the order that protected the
33 petitioner as a minor has expired.

34 (c) The clerk shall issue a new cause number for renewals granted
35 under this subsection.

36 (11) The court may award court costs, service fees, and
37 reasonable attorneys' fees to the petitioner as provided in RCW
38 7.105.310.

39 ~~((11))~~ (12) If the court declines to renew the protection
40 order, the court shall state, in writing in the order, the particular

1 reasons for the court's denial. If the court declines to renew a
2 protection order that had restrained the respondent from having
3 contact with children protected by the order, the court shall
4 determine on the record whether the respondent and the children
5 should undergo reunification therapy. Any reunification therapy
6 provider should be made aware of the respondent's history of domestic
7 violence and should have training and experience in the dynamics of
8 intimate partner violence.

9 ~~((12))~~ (13) In determining whether there has been a substantial
10 change in circumstances for respondents under the age of 18, or in
11 determining the appropriate duration for an order, the court shall
12 consider the circumstances surrounding the respondent's youth at the
13 time of the initial behavior alleged in the petition for a protection
14 order. The court shall consider developmental factors, including the
15 impact of time of a youth's development, and any information the
16 minor respondent presents about his or her personal progress or
17 change in circumstances.

18 **Sec. 4.** RCW 7.105.500 and 2024 c 298 s 14 are each amended to
19 read as follows:

20 This section applies to modification or termination of domestic
21 violence protection orders, sexual assault protection orders,
22 stalking protection orders, and antiharassment protection orders.

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

26 (2) A respondent's motion to modify or terminate an existing
27 protection order must include a declaration setting forth facts
28 supporting the requested order for modification or termination. The
29 nonmoving parties to the proceeding may file opposing declarations.
30 All motions to modify or terminate shall be based on the written
31 materials and evidence submitted to the court. The court shall set a
32 hearing only if the court finds that adequate cause is established.
33 If the court finds that the respondent established adequate cause,
34 the court shall set a date for hearing the respondent's motion, which
35 must be at least 14 days from the date the court finds adequate
36 cause.

37 (3) Upon the motion of a respondent, the court may not modify or
38 terminate an existing protection order unless the respondent proves
39 by a preponderance of the evidence that there has been a substantial

1 change in circumstances such that the respondent will not resume,
2 engage in, or attempt to engage in, the following acts against the
3 petitioner or those persons protected by the protection order if the
4 order is terminated or modified:

5 (a) Acts of domestic violence, in cases involving domestic
6 violence protection orders;

7 (b) Physical or nonphysical contact, or acts of commercial sexual
8 exploitation, in cases involving sexual assault protection orders;

9 (c) Acts of stalking, in cases involving stalking protection
10 orders; or

11 (d) Acts of unlawful harassment, in cases involving
12 antiharassment protection orders.

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

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

19 (a) Whether the respondent has committed or threatened sexual
20 assault, commercial sexual exploitation, domestic violence, stalking,
21 or other harmful acts against the petitioner or any other person
22 since the protection order was entered;

23 (b) Whether the respondent has violated the terms of the
24 protection order and the time that has passed since the entry of the
25 order;

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

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

30 (e) Whether the respondent has either acknowledged responsibility
31 for acts of sexual assault, commercial sexual exploitation, domestic
32 violence, stalking, or behavior that resulted in the entry of the
33 protection order, or successfully completed state-certified
34 perpetrator treatment or counseling since the protection order was
35 entered;

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

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

1 (h) Other factors relating to a substantial change in
2 circumstances.

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

6 (6) Regardless of whether there is a substantial change in
7 circumstances, the court may decline to terminate a protection order
8 if it finds that the acts of domestic violence, sexual assault,
9 commercial sexual exploitation, stalking, unlawful harassment, and
10 other harmful acts that resulted in the issuance of the protection
11 order were of such severity that the order should not be terminated.

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

16 (8) If a person who is protected by a protection order has a
17 child or adopts a child after a protection order has been issued, but
18 before the protection order has expired, the petitioner may seek to
19 include the new child in the order of protection on an ex parte basis
20 if the child is already in the physical custody of the petitioner. If
21 the restrained person is the legal or biological parent of the child,
22 a hearing must be set and notice given to the restrained person prior
23 to final modification of the full protection order.

24 (9) A court may require the respondent to pay the petitioner for
25 costs incurred in responding to a motion to modify or terminate a
26 protection order, including reasonable attorneys' fees.

27 (10) A protected party may file a motion to terminate or modify
28 an ex parte order without notice to the respondent if the respondent
29 has not yet been served. For all other modifications or terminations
30 of ex parte protection orders, a motion must be filed with notice
31 given to all parties. A restrained person cannot modify or terminate
32 an ex parte protection order without notice to the protected party.

33 (11) Judicial officers presiding over full hearings who are
34 reissuing temporary orders per RCW 7.105.200 may modify the terms of
35 the ex parte order to remedy an error or based on the facts of the
36 case.

37 **Sec. 5.** RCW 9.41.040 and 2024 c 290 s 5 are each amended to read
38 as follows:

1 (1) (a) A person, whether an adult or juvenile, is guilty of the
2 crime of unlawful possession of a firearm in the first degree(~~(7~~
3 ~~if~~)).

4 (i) If the person owns, accesses, has in the person's custody,
5 control, or possession, or receives any firearm after having
6 previously been convicted or found not guilty by reason of insanity
7 in this state or elsewhere of any serious offense; or

8 (ii) If the person owns, accesses, has in the person's custody,
9 control, or possession, or receives any untraceable or undetectable
10 firearm during any period of time that the person is subject to an
11 order described in subsection (2) (a) (ii) of this section.

12 (b) Unlawful possession of a firearm in the first degree is a
13 class B felony punishable according to chapter 9A.20 RCW.

14 (2) (a) A person, whether an adult or juvenile, is guilty of the
15 crime of unlawful possession of a firearm in the second degree, if
16 the person does not qualify under subsection (1) of this section for
17 the crime of unlawful possession of a firearm in the first degree and
18 the person owns, accesses, has in the person's custody, control, or
19 possession, or receives any firearm:

20 (i) After having previously been convicted or found not guilty by
21 reason of insanity in this state or elsewhere of:

22 (A) Any felony not specifically listed as prohibiting firearm
23 possession under subsection (1) of this section;

24 (B) Any of the following crimes when committed by one family or
25 household member against another or by one intimate partner against
26 another, as those terms are defined by the statutes in effect at the
27 time of the commission of the crime, committed on or after July 1,
28 1993: Assault in the fourth degree, coercion, stalking, reckless
29 endangerment, criminal trespass in the first degree, or violation of
30 the provisions of a protection order or no-contact order restraining
31 the person or excluding the person from a residence (RCW 10.99.040 or
32 any of the former RCW 26.50.060, 26.50.070, and 26.50.130);

33 (C) Harassment when committed by one family or household member
34 against another or by one intimate partner against another, as those
35 terms are defined by the statutes in effect at the time of the
36 commission of the crime, committed on or after June 7, 2018;

37 (D) Any of the following misdemeanor or gross misdemeanor crimes
38 not included under (a) (i) (B) or (C) of this subsection, committed on
39 or after July 23, 2023: Domestic violence (RCW 10.99.020); stalking;
40 cyberstalking; cyber harassment, excluding cyber harassment committed

1 solely pursuant to the element set forth in RCW 9A.90.120(1)(a)(i);
2 harassment; aiming or discharging a firearm (RCW 9.41.230); unlawful
3 carrying or handling of a firearm (RCW 9.41.270); animal cruelty in
4 the second degree committed under RCW 16.52.207(1); or any prior
5 offense as defined in RCW 46.61.5055(14) if committed within seven
6 years of a conviction for any other prior offense under RCW
7 46.61.5055;

8 (E) A violation of the provisions of a protection order under
9 chapter 7.105 RCW restraining the person or excluding the person from
10 a residence, when committed by one family or household member against
11 another or by one intimate partner against another, committed on or
12 after July 1, 2022; or

13 (F) A violation of the provisions of an order to surrender and
14 prohibit weapons, an extreme risk protection order, or the provisions
15 of any other protection order or no-contact order not included under
16 (a)(i) (B) or (E) of this subsection restraining the person or
17 excluding the person from a residence, committed on or after July 23,
18 2023;

19 (ii) During any period of time that the person is subject to a
20 protection order, no-contact order, or restraining order by a court
21 issued under chapter 7.105, 9A.40, 9A.44, 9A.46, 9A.88, 10.99, 26.09,
22 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92,
23 10.14, and 26.50 RCW that:

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

30 (B) Restrains the person from harassing, stalking, or threatening
31 the person protected under the order or child of the person or
32 protected person, or others identified in the order, or engaging in
33 other conduct that would place the protected person in reasonable
34 fear of bodily injury to the protected person or child or others
35 identified in the order; and

36 (C) (I) Includes a finding that the person represents a credible
37 threat to the physical safety of the protected person or child or
38 others identified in the order, or by its terms explicitly prohibits
39 the use, attempted use, or threatened use of physical force against

1 the protected person or child or other persons that would reasonably
2 be expected to cause bodily injury; or

3 (II) Includes an order under RCW 9.41.800 requiring the person to
4 surrender all firearms and prohibiting the person from accessing,
5 having in his or her custody or control, possessing, purchasing,
6 receiving, or attempting to purchase or receive, firearms;

7 (iii) After having previously been involuntarily committed based
8 on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740,
9 71.34.750, chapter 10.77 RCW, or equivalent statutes of another
10 jurisdiction, unless his or her right to possess a firearm has been
11 restored as provided in RCW 9.41.047;

12 (iv) After dismissal of criminal charges based on incompetency to
13 stand trial under RCW 10.77.086, or after dismissal of criminal
14 charges based on incompetency to stand trial under RCW 10.77.088 when
15 the court has made a finding indicating that the defendant has a
16 history of one or more violent acts, unless his or her right to
17 possess a firearm has been restored as provided in RCW 9.41.047;

18 (v) If the person is under 18 years of age, except as provided in
19 RCW 9.41.042; and/or

20 (vi) If the person is free on bond or personal recognizance
21 pending trial for a serious offense as defined in RCW 9.41.010.

22 (b) Unlawful possession of a firearm in the second degree is a
23 class C felony punishable according to chapter 9A.20 RCW.

24 (3) A person shall not be precluded from possession of a firearm
25 if the conviction has been the subject of a pardon, annulment,
26 certificate of rehabilitation, or other equivalent procedure based on
27 a finding of the rehabilitation of the person convicted or the
28 conviction or disposition has been the subject of a pardon,
29 annulment, or other equivalent procedure based on a finding of
30 innocence. Where no record of the court's disposition of the charges
31 can be found, there shall be a rebuttable presumption that the person
32 was not convicted of the charge.

33 (4) Notwithstanding subsection (1) or (2) of this section, a
34 person convicted or found not guilty by reason of insanity of an
35 offense prohibiting the possession of a firearm under this section
36 other than murder, manslaughter, robbery, rape, indecent liberties,
37 arson, assault, kidnapping, extortion, burglary, or violations with
38 respect to controlled substances under RCW 69.50.401 and 69.50.410,
39 who received a probationary sentence under RCW 9.95.200, and who
40 received a dismissal of the charge under RCW 9.95.240, shall not be

1 precluded from possession of a firearm as a result of the conviction
2 or finding of not guilty by reason of insanity.

3 (5) In addition to any other penalty provided for by law, if a
4 person under the age of 18 years is found by a court to have
5 possessed a firearm in a vehicle in violation of subsection (1) or
6 (2) of this section or to have committed an offense while armed with
7 a firearm during which offense a motor vehicle served an integral
8 function, the court shall notify the department of licensing within
9 24 hours and the person's privilege to drive shall be revoked under
10 RCW 46.20.265, unless the offense is the juvenile's first offense in
11 violation of this section and has not committed an offense while
12 armed with a firearm, an unlawful possession of a firearm offense, or
13 an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

14 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed
15 or interpreted as preventing an offender from being charged and
16 subsequently convicted for the separate felony crimes of theft of a
17 firearm or possession of a stolen firearm, or both, in addition to
18 being charged and subsequently convicted under this section for
19 unlawful possession of a firearm in the first or second degree.
20 Notwithstanding any other law, if the offender is convicted under
21 this section for unlawful possession of a firearm in the first or
22 second degree and for the felony crimes of theft of a firearm or
23 possession of a stolen firearm, or both, then the offender shall
24 serve consecutive sentences for each of the felony crimes of
25 conviction listed in this subsection.

26 (7)(a) A person, whether an adult or a juvenile, commits the
27 civil infraction of unlawful possession of a firearm if the person
28 has in the person's possession or has in the person's control a
29 firearm after the person files a voluntary waiver of firearm rights
30 under RCW 9.41.350 and the form has been accepted by the clerk of the
31 court and the voluntary waiver has not been lawfully revoked.

32 (b) The civil infraction of unlawful possession of a firearm is a
33 class 4 civil infraction punishable according to chapter 7.80 RCW.

34 (c) Each firearm unlawfully possessed under this subsection (7)
35 shall be a separate infraction.

36 (d) The court may, in its discretion, order performance of up to
37 two hours of community restitution in lieu of a monetary penalty
38 prescribed for a civil infraction under this subsection (7).

39 (8) Each firearm unlawfully possessed under this section shall be
40 a separate offense.

1 (9) A person may petition to restore the right to possess a
2 firearm as provided in RCW 9.41.041.

--- **END** ---