

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5202

69th Legislature
2025 Regular Session

Passed by the Senate February 12,
2025

Yeas 36 Nays 13

President of the Senate

Passed by the House April 9, 2025

Yeas 59 Nays 39

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5202** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5202

Passed Legislature - 2025 Regular Session

State of Washington

69th Legislature

2025 Regular Session

By Senate Law & Justice (originally sponsored by Senators Salomon, Cortes, Dhingra, and Hasegawa)

READ FIRST TIME 01/24/25.

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;
5 reenacting and amending RCW 7.105.310; adding a new section to
6 chapter 7.105 RCW; and providing an effective date.

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

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

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

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

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

9 (b) (~~By January 1, 2023, all~~) All superior courts' systems and,
10 by January 1, 2026, all limited jurisdiction courts' systems, should
11 allow for the petitioner to electronically track the progress of the
12 petition for a protection order. Notification from the court or clerk
13 may be provided by text messaging or email, and should provide
14 reminders of court appearances and alert the petitioner when the
15 following occur: (i) The petition has been processed and is under
16 review by a judicial officer; (ii) the order has been signed; (iii)
17 the order has been transmitted to law enforcement for entry into the
18 Washington crime information center system; (iv) proof of service
19 upon the respondent has been filed with the court or clerk; (v) a
20 receipt for the surrender of firearms has been filed with the court
21 or clerk; (~~and~~) (vi) the respondent has filed a motion for the
22 release of surrendered firearms; and (vii) 90 days before the
23 expiration of the order. Respondents, once served, should be able to
24 sign up for similar electronic notification. Petitioners and
25 respondents should not be charged for electronic notification.

26 (2) The petition must be accompanied by a confidential document
27 to be used by (~~the~~) courts (~~and~~), law enforcement, and
28 prosecutors' offices to fully identify the parties (~~and~~); serve the
29 respondent; enable notification of victims or protected persons; or
30 otherwise fulfill the identification, service, enforcement, and
31 notification requirements of chapter 9.41, 36.28A, or 2.56 RCW or
32 this chapter. This record will be exempt from public disclosure at
33 all times, and restricted access to this form is governed by general
34 rule 22 provisions governing access to the confidential information
35 form. If the confidential information form is wrongfully disclosed,
36 the court shall issue a protective order on the court's own
37 initiative, or upon notice of the disclosure, and if necessary, order
38 sealing under applicable law. The petitioner is required to fill out
39 the confidential party information form to the petitioner's fullest
40 ability. The respondent should be provided a blank confidential party

1 information form at the time of service, and when the respondent
2 first appears, the respondent must confirm with the court the
3 respondent's identifying and current contact information, including
4 electronic means of contact, and file this with the court.

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

9 (4) The petitioner and the respondent must disclose the existence
10 of any other litigation or of any other restraining, protection, or
11 no-contact orders between the parties, to the extent that such
12 information is known by the petitioner and the respondent. To the
13 extent possible, the court shall take judicial notice of any existing
14 restraining, protection, or no-contact orders between the parties
15 before entering a protection order. The court shall not include
16 provisions in a protection order that would allow the respondent to
17 engage in conduct that is prohibited by another restraining,
18 protection, or no-contact order between the parties that was entered
19 in a different proceeding. The obligation to disclose the existence
20 of any other litigation includes, but is not limited to, the
21 existence of any other litigation concerning the custody or
22 residential placement of a child of the parties as set forth in RCW
23 26.27.281. The court administrator shall verify for the court the
24 terms of any existing protection order governing the parties.

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

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

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

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

1 (9) (a) No fees for service of process may be charged by a court
2 or any public agency to petitioners seeking relief under this
3 chapter. Except as provided in (b) of this subsection, courts may not
4 charge petitioners any fees or surcharges the payment of which is a
5 condition precedent to the petitioner's ability to secure access to
6 relief under this chapter. Petitioners shall be provided the
7 necessary number of certified copies, forms, and instructional
8 brochures free of charge, including a copy of the service packet that
9 consists of all documents that are being served on the respondent. A
10 respondent who is served electronically with a protection order shall
11 be provided a certified copy of the order free of charge upon
12 request.

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

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

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

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

33 (11) Subject to the availability of amounts appropriated for this
34 specific purpose, or as provided through alternative sources
35 including, but not limited to, grants, local funding, or pro bono
36 means, if the court deems it necessary, the court may appoint a
37 guardian ad litem for a petitioner or a respondent who is under 18
38 years of age and who is not represented by counsel. If a guardian ad
39 litem is appointed by the court for either or both parties, neither

1 the petitioner nor the respondent shall be required by the court to
2 pay any costs associated with the appointment.

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

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

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

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

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

1 prevent imminent physical damage or harm to the child pursuant to 25
2 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the
3 federal Indian child welfare act or chapter 13.38 RCW does not apply,
4 the order must also contain a finding as to why there is no reason to
5 know the child may be an Indian child.

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

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

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

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

26 (c) Exclude the respondent from the residence that the parties
27 share;

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

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

38 (f) If the parties have children in common, make residential
39 provisions with regard to their minor children on the same basis as

1 is provided in chapter 26.09 RCW. However, parenting plans as
2 specified in chapter 26.09 RCW must not be required under this
3 chapter. The court may not delay or defer relief under this chapter
4 on the grounds that the parties could seek a parenting plan or
5 modification to a parenting plan in a different action. A protection
6 order must not be denied on the grounds that the parties have an
7 existing parenting plan in effect. A protection order may suspend the
8 respondent's contact with the parties' children under an existing
9 parenting plan, subject to further orders in a family law proceeding;

10 (g) Order the respondent to participate in a state-certified
11 domestic violence perpetrator treatment program approved under RCW
12 43.20A.735 or a state-certified sex offender treatment program
13 approved under RCW 18.155.070;

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

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

1 attending the same school as the petitioner to the public or private
2 school the respondent will attend and to the school the petitioner
3 attends;

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

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

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

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

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

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

7 (o) Order use of a vehicle;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) For a stalking protection order, that the respondent proves
2 that the respondent will not resume acts of stalking against the
3 petitioner or the petitioner's family or household members when the
4 order expires;

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

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

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

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

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

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

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

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

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

38 (g) Other factors relating to a substantial change in
39 circumstances.

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

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

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

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

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

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

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

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

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

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

23 (9) If the protection order includes the parties' children, a
24 renewed protection order may be issued for more than one year,
25 subject to subsequent orders entered in a proceeding under chapter
26 26.09, 26.26A, or 26.26B RCW.

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

30 (b) If a minor who was previously protected by a protection order
31 reaches the age of 18 after the order has expired, the minor has up
32 to one year from the date of expiration of the order to petition for
33 renewal of the order as the petitioner. The petitioner may, but is
34 not required to, allege new facts and circumstances for which relief
35 is sought that occurred after the order that protected the petitioner
36 as a minor has expired.

37 (c) The clerk shall issue a new cause number for renewals granted
38 under this subsection and shall include the previously ordered
39 protection order and petition for renewal in the new case file.

1 (11) The court may award court costs, service fees, and
2 reasonable attorneys' fees to the petitioner as provided in RCW
3 7.105.310.

4 (~~(11)~~) (12) If the court declines to renew the protection
5 order, the court shall state, in writing in the order, the particular
6 reasons for the court's denial. If the court declines to renew a
7 protection order that had restrained the respondent from having
8 contact with children protected by the order, the court shall
9 determine on the record whether the respondent and the children
10 should undergo reunification therapy. Any reunification therapy
11 provider should be made aware of the respondent's history of domestic
12 violence and should have training and experience in the dynamics of
13 intimate partner violence.

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

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

25 This section applies to modification or termination of domestic
26 violence protection orders, sexual assault protection orders,
27 stalking protection orders, and antiharassment protection orders.

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

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

1 must be at least 14 days from the date the court finds adequate
2 cause.

3 (3) Upon the motion of a respondent, the court may not modify or
4 terminate an existing protection order unless the respondent proves
5 by a preponderance of the evidence that there has been a substantial
6 change in circumstances such that the respondent will not resume,
7 engage in, or attempt to engage in, the following acts against the
8 petitioner or those persons protected by the protection order if the
9 order is terminated or modified:

10 (a) Acts of domestic violence, in cases involving domestic
11 violence protection orders;

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

14 (c) Acts of stalking, in cases involving stalking protection
15 orders; or

16 (d) Acts of unlawful harassment, in cases involving
17 antiharassment protection orders.

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

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

24 (a) Whether the respondent has committed or threatened sexual
25 assault, commercial sexual exploitation, domestic violence, stalking,
26 or other harmful acts against the petitioner or any other person
27 since the protection order was entered;

28 (b) Whether the respondent has violated the terms of the
29 protection order and the time that has passed since the entry of the
30 order;

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

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

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

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

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

5 (h) Other factors relating to a substantial change in
6 circumstances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (D) Any of the following misdemeanor or gross misdemeanor crimes
40 not included under (a)(i) (B) or (C) of this subsection, committed on

1 or after July 23, 2023: Domestic violence (RCW 10.99.020); stalking;
2 cyberstalking; cyber harassment, excluding cyber harassment committed
3 solely pursuant to the element set forth in RCW 9A.90.120(1)(a)(i);
4 harassment; aiming or discharging a firearm (RCW 9.41.230); unlawful
5 carrying or handling of a firearm (RCW 9.41.270); animal cruelty in
6 the second degree committed under RCW 16.52.207(1); or any prior
7 offense as defined in RCW 46.61.5055(14) if committed within seven
8 years of a conviction for any other prior offense under RCW
9 46.61.5055;

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

15 (F) A violation of the provisions of an order to surrender and
16 prohibit weapons, an extreme risk protection order, or the provisions
17 of any other protection order or no-contact order not included under
18 (a)(i) (B) or (E) of this subsection restraining the person or
19 excluding the person from a residence, committed on or after July 23,
20 2023;

21 (ii) During any period of time that the person is subject to a
22 protection order, no-contact order, or restraining order by a court
23 issued under chapter 7.105, 9A.40, 9A.44, 9A.46, 9A.88, 10.99, 26.09,
24 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92,
25 10.14, and 26.50 RCW that:

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

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

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

1 the use, attempted use, or threatened use of physical force against
2 the protected person or child or other persons that would reasonably
3 be expected to cause bodily injury; or

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

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

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

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

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

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

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

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

1 received a dismissal of the charge under RCW 9.95.240, shall not be
2 precluded from possession of a firearm as a result of the conviction
3 or finding of not guilty by reason of insanity.

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

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

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

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

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

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

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

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

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 7.105
6 RCW to read as follows:

7 Any full protection order or temporary protection order issued
8 under this chapter after December 31, 2025, including any
9 modifications thereof, must be typewritten in its entirety, as
10 available in the local jurisdiction. This section does not apply to
11 the signature of the issuing judge or court commissioner.

12 NEW SECTION. **Sec. 7.** Section 1 of this act takes effect March
13 31, 2026.

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