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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1320

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State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Goodman, Thai, Fitzgibbon, Hackney, Wylie, Gregerson, Senn, Ortiz-Self, Davis, Valdez, Lekanoff, Macri, Slatter, and Peterson)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to modernizing, harmonizing, and improving the  
2 efficacy and accessibility of laws concerning civil protection  
3 orders; amending RCW 9.41.040, 9.41.075, 9.41.801, 10.99.045,  
4 26.55.010, 26.55.020, 26.55.030, 26.55.040, 26.55.050, 2.28.210,  
5 4.08.050, 4.24.130, 7.77.060, 7.77.080, 9.41.010, 9.41.070, 9.41.173,  
6 9.94A.411, 9.94A.515, 9.94A.525, 9.94A.637, 9.94A.660, 9.94A.662,  
7 9.94A.703, 9.96.060, 9A.36.041, 9A.40.104, 9A.46.040, 9A.46.060,  
8 9A.46.085, 9A.46.110, 9A.88.170, 9A.88.180, 10.01.240, 10.05.020,  
9 10.05.030, 10.22.010, 10.31.100, 10.66.010, 10.95.020, 10.99.040,  
10 10.99.050, 10.99.090, 11.130.257, 11.130.335, 12.04.140, 12.04.150,  
11 19.220.010, 26.09.003, 26.09.015, 26.09.050, 26.09.060, 26.09.191,  
12 26.09.300, 26.12.260, 26.12.802, 26.26A.470, 26.26B.020, 26.26B.050,  
13 26.28.015, 26.44.020, 26.51.020, 26.52.010, 26.52.070, 36.18.020,  
14 43.43.754, 48.18.550, 49.76.020, 59.18.575, 71.09.305, 71.32.090,  
15 71.32.200, 72.09.712, 72.09.714, 74.34.020, 74.34.110, 7.90.150, and  
16 7.92.160; reenacting and amending RCW 9.41.800, 9.41.300, 9.94A.030,  
17 10.99.020, 36.28A.410, 41.04.655, 43.43.842, 50.20.050, 59.18.570,  
18 and 71.32.260; adding a new section to chapter 9.41 RCW; adding new  
19 sections to chapter 26.55 RCW; adding a new section to chapter  
20 28A.225 RCW; adding a new section to chapter 43.20A RCW; adding a new  
21 section to chapter 70.123 RCW; adding a new section to chapter 9A.44  
22 RCW; adding a new section to chapter 9A.46 RCW; adding a new chapter  
23 to Title 7 RCW; creating new sections; recodifying RCW 26.50.150,

1 26.50.250, 7.90.150, and 7.92.160; repealing RCW 7.90.005, 7.90.010,  
2 7.90.020, 7.90.030, 7.90.040, 7.90.050, 7.90.052, 7.90.053, 7.90.054,  
3 7.90.055, 7.90.060, 7.90.070, 7.90.080, 7.90.090, 7.90.100, 7.90.110,  
4 7.90.120, 7.90.121, 7.90.130, 7.90.140, 7.90.155, 7.90.160, 7.90.170,  
5 7.90.180, 7.90.190, 7.90.900, 7.92.010, 7.92.020, 7.92.030, 7.92.040,  
6 7.92.050, 7.92.060, 7.92.070, 7.92.080, 7.92.090, 7.92.100, 7.92.110,  
7 7.92.120, 7.92.125, 7.92.130, 7.92.140, 7.92.150, 7.92.170, 7.92.180,  
8 7.92.190, 7.92.900, 7.92.901, 7.94.010, 7.94.020, 7.94.030, 7.94.040,  
9 7.94.050, 7.94.060, 7.94.070, 7.94.080, 7.94.090, 7.94.100, 7.94.110,  
10 7.94.120, 7.94.130, 7.94.140, 7.94.150, 7.94.900, 10.14.010,  
11 10.14.020, 10.14.030, 10.14.040, 10.14.045, 10.14.050, 10.14.055,  
12 10.14.060, 10.14.065, 10.14.070, 10.14.080, 10.14.085, 10.14.090,  
13 10.14.100, 10.14.105, 10.14.110, 10.14.115, 10.14.120, 10.14.125,  
14 10.14.130, 10.14.140, 10.14.150, 10.14.155, 10.14.160, 10.14.170,  
15 10.14.180, 10.14.190, 10.14.200, 10.14.210, 10.14.800, 26.50.010,  
16 26.50.020, 26.50.021, 26.50.025, 26.50.030, 26.50.035, 26.50.040,  
17 26.50.050, 26.50.055, 26.50.060, 26.50.070, 26.50.080, 26.50.085,  
18 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.120,  
19 26.50.123, 26.50.125, 26.50.130, 26.50.135, 26.50.140, 26.50.160,  
20 26.50.165, 26.50.200, 26.50.210, 26.50.220, 26.50.230, 26.50.240,  
21 26.50.900, 26.50.901, 74.34.115, 74.34.120, 74.34.130, 74.34.135,  
22 74.34.140, 74.34.145, 74.34.150, 74.34.160, 74.34.163, 74.34.210, and  
23 26.10.115; prescribing penalties; providing an effective date; and  
24 providing an expiration date.

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

26 **PART I**  
27 **FINDINGS, INTENT, AND DEFINITIONS**

28 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) Washington state  
29 has been a national leader in adopting legal protections to prevent  
30 and respond to abuse, violence, harassment, stalking, neglect, or  
31 other threatening behavior, through the enactment of different types  
32 of civil protection orders, which are intended to provide a fast,  
33 efficient means to obtain protection against perpetrators of these  
34 harms.

35 (2) Washington state has enacted six different types of civil  
36 protection orders: (a) Domestic violence protection orders, adopted  
37 by the legislature in 1984; (b) vulnerable adult protection orders,

1 adopted by the legislature in 1986; (c) antiharassment protection  
2 orders, adopted by the legislature in 1987; (d) sexual assault  
3 protection orders, adopted by the legislature in 2006; (e) stalking  
4 protection orders, adopted by the legislature in 2013; and (f)  
5 extreme risk protection orders, enacted by a vote of the people  
6 through Initiative Measure No. 1491 in 2016.

7 (3) These civil protection orders are essential tools designed to  
8 address significant harms impacting individuals as well as  
9 communities. The legislature finds that:

10 (a) Domestic violence is a problem of immense proportions. About  
11 15 percent of Washington adults report experiencing domestic violence  
12 in their lifetime, and women, low-income people, and Black and  
13 indigenous communities experience higher rates of domestic violence.  
14 When domestic violence victims seek to separate from their abuser,  
15 they face increased risks. 45 percent of domestic violence homicides  
16 occur within 90 days of a recent separation, while 75 percent occur  
17 within the first six months of separation. Domestic violence victims  
18 also face increased risks when their abuser has access to firearms.  
19 Firearms are used to commit more than half of all intimate partner  
20 homicides in the United States. When an abusive partner has access to  
21 a gun, a domestic violence victim is 11 times more likely to be  
22 killed. Domestic violence has long been recognized as being at the  
23 core of other major social problems: Child abuse, other crimes of  
24 violence against persons or property, homelessness, and alcohol and  
25 drug abuse. Research has identified that adverse childhood  
26 experiences such as exposure to domestic violence have long-term  
27 negative impacts on health, well-being, and life outcomes, including  
28 criminal legal system involvement. Washington state studies have  
29 found that domestic violence is the most predictive of future violent  
30 crime by the perpetrator. Nationwide, domestic violence costs over  
31 \$460,000,000,000 each year for health care, absence from work,  
32 services to children, and more. Adolescent dating violence is  
33 occurring at increasingly high rates, and preventing and confronting  
34 adolescent violence is important in preventing future violence in  
35 adult relationships. Domestic violence should not be minimized or  
36 dismissed based on any mental health diagnoses of the perpetrator or  
37 the victim. To the contrary, the presence of mental health concerns  
38 or substance use of either party increases the likelihood of serious  
39 injury and lethality. The legislature finds that it is in the public  
40 interest to improve the lives of persons being victimized by the acts

1 and dynamics of domestic violence, to require reasonable, coordinated  
2 measures to prevent domestic violence from occurring, and to respond  
3 effectively to secure the safety of survivors of domestic violence;

4 (b) Sexual assault is the most heinous crime against another  
5 person short of murder. Sexual assault inflicts humiliation,  
6 degradation, and terror on victims. The perpetrator's age, gender, or  
7 relationship does not define the seriousness. According to the  
8 centers for disease control and prevention, one in six men, one in  
9 three women, and one in two nonbinary persons will experience sexual  
10 violence in their lifetime. Because of the stigma of a sexual assault  
11 and trauma, many victims are afraid or are not ready to report to law  
12 enforcement and go through the rigors of the criminal justice  
13 process. Individuals with disabilities; Black and indigenous  
14 communities; and lesbian, gay, bisexual, transgender, queer, and  
15 other individuals experience a higher rate of sexual violence.  
16 Experiencing a sexual assault is itself a reasonable basis for  
17 ongoing fear. Rape is recognized as the most underreported crime;  
18 estimates suggest that only one in seven rapes is reported to  
19 authorities. Victims who do not report the crime still may need to  
20 seek safety and protection from future interactions with the  
21 perpetrator and have a right to such safety and protection. Some  
22 cases where rape is reported are not prosecuted or do not lead to a  
23 conviction. A victim should be able to expediently seek a civil  
24 remedy requiring that the perpetrator stay away from the victim,  
25 independent of the criminal process and regardless of whether related  
26 criminal charges are pending;

27 (c) Stalking is a crime that affects 3,400,000 people over the  
28 age of 18 each year in the United States. Almost half of victims  
29 experience at least one unwanted contact per week. 29 percent of  
30 stalking victims fear that the stalking will never stop. The  
31 prevalence of anxiety, insomnia, social dysfunction, and severe  
32 depression is much higher among stalking victims than among the  
33 general population. Research shows that stalking is a significant  
34 indication of future lethality. Increased access to technology has  
35 also increased methods of stalking. Stalking is distinct from common  
36 acts of harassment or nuisance covered by antiharassment orders, and  
37 law enforcement agencies need to be able to rely on orders that  
38 distinguish stalking from acts of harassment or nuisance. Victims who  
39 do not report the stalking behavior they are experiencing still may  
40 need safety and protection from future interactions with the

1 perpetrator through expedient access to the civil court system, and  
2 this protection can be accomplished without infringing on  
3 constitutionally protected speech or activity;

4 (d) Serious, personal harassment through invasions of a person's  
5 privacy by an act, acts, or words showing an intent to coerce,  
6 intimidate, or humiliate the victim is increasing. The legislature  
7 finds the prevention of such harassment is an important governmental  
8 objective, and that victims should have access to a method to prevent  
9 further contact between the victim and perpetrator. A person may be  
10 targeted for harassing behavior due to his or her identity, such as  
11 age, gender, sexual orientation, race, religion, disability, or  
12 immigration status. The legislature finds that unlawful harassment  
13 directed at a child by a child is not acceptable and can have serious  
14 consequences, but that some negative interactions between young  
15 people, especially in schools, do not rise to the level of unlawful  
16 harassment. It is the intent of the legislature that a protection  
17 order sought by the parent or guardian of a child as provided for in  
18 this chapter be available only when the alleged behavior of the  
19 person under the age of 18 to be restrained rises to the level set  
20 forth in this chapter;

21 (e) Some adults are vulnerable and may be subject to abuse,  
22 neglect, financial exploitation, or abandonment by a family member,  
23 care provider, or other person who has a relationship with the  
24 vulnerable adult. A vulnerable adult may have physical disabilities,  
25 mobility issues, or be otherwise unable to represent himself or  
26 herself in court or to retain legal counsel in order to obtain the  
27 relief available under this chapter or other protections offered  
28 through the courts. A vulnerable adult may lack the ability to  
29 perform or obtain those services necessary to maintain his or her  
30 well-being because he or she lacks the capacity for consent, and may  
31 have health problems that place him or her in a dependent position.  
32 The legislature finds the legal tool of protection orders will help  
33 prevent abuse, neglect, exploitation, or abandonment of vulnerable  
34 adults; and

35 (f) Every year, over 100,000 persons in our country are victims  
36 of gunshot wounds and 38,000 individuals lose their lives from gun  
37 violence. On average, there are over 100 gun deaths each day, 61  
38 percent of which are suicides. In Washington state, the suicide rate  
39 is on average 10 percent higher. Extreme risk protection orders allow  
40 for the temporary removal of the most lethal means of suicide from

1 the situation, saving lives of those at risk. Studies show that  
2 individuals who engage in certain dangerous behaviors are  
3 significantly more likely to commit violence toward themselves or  
4 others in the near future. These behaviors, which can include other  
5 acts or threats of violence, self-harm, or the abuse of drugs or  
6 alcohol, are warning signs that the person may soon commit an act of  
7 violence. Individuals who pose a danger to themselves or others often  
8 exhibit signs that alert family, household members, or law  
9 enforcement to the threat. Restricting firearms access in these  
10 moments of crisis is an important way to prevent gun violence and  
11 save lives. Many mass shooters displayed warning signs prior to their  
12 killings, but federal and state laws provided no clear legal process  
13 to suspend the shooters' access to guns, even temporarily. In  
14 enacting the extreme risk protection order, the people intended to  
15 reduce gun deaths and injuries, while respecting constitutional  
16 rights, by providing a procedure for family, household members, and  
17 law enforcement to obtain a court order temporarily preventing  
18 individuals who are at high risk of harming themselves or others from  
19 accessing firearms when there is demonstrated evidence that the  
20 individuals pose a significant danger, including danger as a result  
21 of threatening or violent behavior. Additionally, extreme risk  
22 protection orders may provide protections from firearm risks for  
23 individuals who are not eligible to petition for other types of  
24 protection orders. Extreme risk protection orders are intended to be  
25 limited to situations in which individuals pose a significant danger  
26 of harming themselves or others by possessing a firearm, having  
27 immediate access to a firearm, or having expressed intent to obtain a  
28 firearm, and include standards and safeguards to protect the rights  
29 of respondents and due process of law. Temporarily removing firearms  
30 under these circumstances is an important tool to prevent suicide,  
31 homicide, and community violence.

32 (4) The legislature finds that all of these civil protection  
33 orders are essential tools that can increase safety for victims of  
34 domestic violence, sexual assault, stalking, abuse of vulnerable  
35 adults, unlawful harassment, and threats of gun violence to obtain  
36 immediate protection for themselves apart from the criminal legal  
37 system. Victims are in the best position to know what their safety  
38 needs are and should be able to seek these crucial protections  
39 without having to rely on the criminal legal system process. The  
40 legislature further finds the surrender of firearms in civil

1 protection orders is critical to public health. In keeping with the  
2 harm reduction approach of this lifesaving tool, the legislature  
3 finds that it is appropriate to allow for immunity from prosecution  
4 for certain offenses when appropriate to create a safe harbor from  
5 prosecution for certain offenses to increase compliance with orders  
6 to surrender and prohibit firearms.

7 (5) To better achieve these important public purposes, the  
8 legislature further finds the need to clarify and simplify these  
9 civil protection order statutes to make them more understandable and  
10 accessible to victims seeking relief and to respondents who are  
11 subject to the court process. An efficient and effective civil  
12 process can provide necessary relief many victims require in order to  
13 escape and prevent harm. Clarification and simplification of the  
14 statutes will aid petitioners, respondents, law enforcement, and  
15 judicial officers in their application, help to eliminate procedural  
16 inconsistencies, modernize practices, provide better access to  
17 justice for those most marginalized, increase compliance, and improve  
18 identified problem areas within the statutes. Those who participate  
19 in the protection order process often find it difficult to navigate  
20 the statutes, which were adopted at different times and contain  
21 differing jurisdictional approaches, procedures, definitions, and  
22 types of relief offered, among other differences, all of which can  
23 create barriers and cause confusion. Harmonizing and standardizing  
24 provisions where there is not a need for a specific, different  
25 approach can provide more uniformity among the laws and significantly  
26 reduce these obstacles.

27 The legislature finds that these improvements are needed to help  
28 ensure that protection orders and corresponding court processes are  
29 more easily accessible to all litigants, particularly parties who may  
30 experience higher barriers to accessing justice.

31 (6) The legislature finds that advances in technology have made  
32 it increasingly possible to file petitions, effect service of  
33 process, and conduct hearings in protection order proceedings through  
34 more efficient and accessible means, while upholding constitutional  
35 due process requirements. These include using approaches such as  
36 online filing of petitions, electronic service of protection orders,  
37 and video and telephonic hearings to maintain and improve access to  
38 the courts. These alternatives can help make protection order  
39 processes more accessible, effective, timely, and procedurally just,  
40 particularly in situations where there are emergent risks. The

1 legislature finds that it would be helpful for petitioners,  
2 respondents, judicial officers, court personnel, law enforcement,  
3 advocates, counsel, and others to have these new tools enacted into  
4 statute and made readily available in every court, with statewide  
5 best practices created for their use, specific to the context of  
6 civil protection orders. The legislature further finds that it is  
7 important to modernize other aspects of the civil protection order  
8 statutes to reflect current trends, and to provide for data  
9 collection and research in these areas of the law.

10 (7) The legislature further finds that in order to improve the  
11 efficacy of, accessibility to, and understanding of, civil protection  
12 orders, the six different civil protection orders in Washington state  
13 should be included in a single chapter of the Revised Code of  
14 Washington.

15 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
16 section apply throughout this chapter unless the context clearly  
17 requires otherwise.

18 (1) "Abandonment" means action or inaction by a person or entity  
19 with a duty of care for a vulnerable adult that leaves the vulnerable  
20 adult without the means or ability to obtain necessary food,  
21 clothing, shelter, or health care.

22 (2) "Abuse," for the purposes of a vulnerable adult protection  
23 order, means intentional, willful, or reckless action or inaction  
24 that inflicts injury, unreasonable confinement, intimidation, or  
25 punishment on a vulnerable adult. In instances of abuse of a  
26 vulnerable adult who is unable to express or demonstrate physical  
27 harm, pain, or mental anguish, the abuse is presumed to cause  
28 physical harm, pain, or mental anguish. "Abuse" includes sexual  
29 abuse, mental abuse, physical abuse, personal exploitation, and  
30 improper use of restraint against a vulnerable adult, which have the  
31 following meanings:

32 (a) "Improper use of restraint" means the inappropriate use of  
33 chemical, physical, or mechanical restraints for convenience or  
34 discipline, or in a manner that: (i) Is inconsistent with federal or  
35 state licensing or certification requirements for facilities,  
36 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is  
37 not medically authorized; or (iii) otherwise constitutes abuse under  
38 this section.



1 (b) "Mental abuse" means an intentional, willful, or reckless  
2 verbal or nonverbal action that threatens, humiliates, harasses,  
3 coerces, intimidates, isolates, unreasonably confines, or punishes a  
4 vulnerable adult. "Mental abuse" may include ridiculing, yelling,  
5 swearing, or withholding or tampering with prescribed medications or  
6 their dosage.

7 (c) "Personal exploitation" means an act of forcing, compelling,  
8 or exerting undue influence over a vulnerable adult causing the  
9 vulnerable adult to act in a way that is inconsistent with relevant  
10 past behavior, or causing the vulnerable adult to perform services  
11 for the benefit of another.

12 (d) "Physical abuse" means the intentional, willful, or reckless  
13 action of inflicting bodily injury or physical mistreatment.  
14 "Physical abuse" includes, but is not limited to, striking with or  
15 without an object, slapping, pinching, strangulation, suffocation,  
16 kicking, shoving, or prodding.

17 (e) "Sexual abuse" means any form of nonconsensual sexual conduct  
18 including, but not limited to, unwanted or inappropriate touching,  
19 rape, molestation, indecent liberties, sexual coercion, sexually  
20 explicit photographing or recording, voyeurism, indecent exposure,  
21 and sexual harassment. "Sexual abuse" also includes any sexual  
22 conduct between a staff person, who is not also a resident or client,  
23 of a facility or a staff person of a program authorized under chapter  
24 71A.12 RCW, and a vulnerable adult living in that facility or  
25 receiving service from a program authorized under chapter 71A.12 RCW,  
26 whether or not the sexual conduct is consensual.

27 (3) "Chemical restraint" means the administration of any drug to  
28 manage a vulnerable adult's behavior in a way that reduces the safety  
29 risk to the vulnerable adult or others, has the temporary effect of  
30 restricting the vulnerable adult's freedom of movement, and is not  
31 standard treatment for the vulnerable adult's medical or psychiatric  
32 condition.

33 (4) "Coercive control" means a pattern of behavior that in  
34 purpose or effect unreasonably interferes with a person's free will  
35 and personal liberty and is used to cause another to suffer physical  
36 or psychological harm. Examples of coercive control include, but are  
37 not limited to, unreasonably engaging in any of the following:

38 (a) Making threats of harm, dependence, isolation, intimidation,  
39 and/or physical forms of violence;

1 (b) Isolating the other party from friends, relatives, or other  
2 sources of support;

3 (c) Depriving the other party of basic necessities or committing  
4 other forms of economic abuse;

5 (d) Controlling, regulating, or monitoring the other party's  
6 movements, communications, daily behavior, finances, economic  
7 resources, or access to services;

8 (e) Compelling the other party by force, threat of force, or  
9 intimidation, including threats based on actual or suspected  
10 immigration status such as threats to contact federal agencies, to  
11 engage in conduct from which the other party has a right to abstain  
12 or to abstain from conduct in which the other party has a right to  
13 engage;

14 (f) Using technology, including, but not limited to,  
15 cyberstalking, monitoring, surveillance, impersonation, or  
16 distribution of intimate images, to harass, stalk, or abuse;

17 (g) Engaging in vexatious or abusive litigation against a  
18 petitioner to harass, coerce, or control the petitioner; to diminish  
19 or exhaust the petitioner's financial resources; or to compromise the  
20 petitioner's employment or housing;

21 (h) Engaging in psychological aggression; and

22 (i) Frightening, humiliating, degrading, or punishing the other  
23 party.

24 (5) "Consent" in the context of sexual acts means that at the  
25 time of sexual contact, there are actual words or conduct indicating  
26 freely given agreement to that sexual contact. Consent must be  
27 ongoing and may be revoked at any time. Conduct short of voluntary  
28 agreement does not constitute consent as a matter of law. Consent  
29 cannot be freely given when a person does not have capacity due to  
30 disability, intoxication, or age. Consent cannot be freely given when  
31 the other party has authority or control over the care or custody of  
32 a person incarcerated or detained.

33 (6) (a) "Course of conduct" means a pattern of conduct composed of  
34 a series of acts over a period of time, however short, evidencing a  
35 continuity of purpose. "Course of conduct" includes any form of  
36 communication, contact, or conduct, including the sending of an  
37 electronic communication, but does not include constitutionally  
38 protected free speech. Constitutionally protected activity is not  
39 included within the meaning of "course of conduct."

1 (b) In determining whether the course of conduct serves any  
2 legitimate or lawful purpose, a court should consider whether:

3 (i) Any current contact between the parties was initiated by the  
4 respondent only or was initiated by both parties;

5 (ii) The respondent has been given clear notice that all further  
6 contact with the petitioner is unwanted;

7 (iii) The respondent's course of conduct appears designed to  
8 alarm, annoy, or harass the petitioner;

9 (iv) The respondent is acting pursuant to any statutory authority  
10 including, but not limited to, acts which are reasonably necessary  
11 to:

12 (A) Protect property or liberty interests;

13 (B) Enforce the law; or

14 (C) Meet specific statutory duties or requirements;

15 (v) The respondent's course of conduct has the purpose or effect  
16 of unreasonably interfering with the petitioner's privacy or the  
17 purpose or effect of creating an intimidating, hostile, or offensive  
18 living environment for the petitioner; or

19 (vi) Contact by the respondent with the petitioner or the  
20 petitioner's family has been limited in any manner by any previous  
21 court order.

22 (7) "Court clerk" means court administrators in courts of limited  
23 jurisdiction and elected court clerks.

24 (8) "Dating relationship" means a social relationship of a  
25 romantic nature. Factors that the court may consider in making this  
26 determination include: (a) The length of time the relationship has  
27 existed; (b) the nature of the relationship; and (c) the frequency of  
28 interaction between the parties.

29 (9) "Domestic violence" means:

30 (a) Physical harm, bodily injury, assault, or the infliction of  
31 fear of physical harm, bodily injury, or assault; nonconsensual  
32 sexual conduct or nonconsensual sexual penetration; coercive control;  
33 unlawful harassment; or stalking of one intimate partner by another  
34 intimate partner; or

35 (b) Physical harm, bodily injury, assault, or the infliction of  
36 fear of physical harm, bodily injury, or assault; nonconsensual  
37 sexual conduct or nonconsensual sexual penetration; coercive control;  
38 unlawful harassment; or stalking of one family or household member by  
39 another family or household member.

1 (10) "Electronic monitoring" has the same meaning as in RCW  
2 9.94A.030.

3 (11) "Essential personal effects" means those items necessary for  
4 a person's immediate health, welfare, and livelihood. "Essential  
5 personal effects" includes, but is not limited to, clothing, cribs,  
6 bedding, medications, personal hygiene items, cellular phones and  
7 other electronic devices, and documents, including immigration,  
8 health care, financial, travel, and identity documents.

9 (12) "Facility" means a residence licensed or required to be  
10 licensed under chapter 18.20 RCW, assisted living facilities; chapter  
11 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;  
12 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential  
13 habilitation centers; or any other facility licensed or certified by  
14 the department of social and health services.

15 (13) "Family or household members" means: (a) Persons related by  
16 blood, marriage, domestic partnership, or adoption; (b) persons who  
17 currently or formerly resided together; (c) persons who have a  
18 biological or legal parent-child relationship, including stepparents  
19 and stepchildren and grandparents and grandchildren, or a parent's  
20 intimate partner and children; and (d) a person who is acting or has  
21 acted as a legal guardian.

22 (14) "Financial exploitation" means the illegal or improper use  
23 of, control over, or withholding of, the property, income, resources,  
24 or trust funds of the vulnerable adult by any person or entity for  
25 any person's or entity's profit or advantage other than for the  
26 vulnerable adult's profit or advantage. "Financial exploitation"  
27 includes, but is not limited to:

28 (a) The use of deception, intimidation, or undue influence by a  
29 person or entity in a position of trust and confidence with a  
30 vulnerable adult to obtain or use the property, income, resources,  
31 government benefits, health insurance benefits, or trust funds of the  
32 vulnerable adult for the benefit of a person or entity other than the  
33 vulnerable adult;

34 (b) The breach of a fiduciary duty, including, but not limited  
35 to, the misuse of a power of attorney, trust, or a guardianship or  
36 conservatorship appointment, that results in the unauthorized  
37 appropriation, sale, or transfer of the property, income, resources,  
38 or trust funds of the vulnerable adult for the benefit of a person or  
39 entity other than the vulnerable adult; or

1 (c) Obtaining or using a vulnerable adult's property, income,  
2 resources, or trust funds without lawful authority, by a person or  
3 entity who knows or clearly should know that the vulnerable adult  
4 lacks the capacity to consent to the release or use of the vulnerable  
5 adult's property, income, resources, or trust funds.

6 (15) "Firearm" means a weapon or device from which a projectile  
7 or projectiles may be fired by an explosive such as gunpowder.  
8 "Firearm" does not include a flare gun or other pyrotechnic visual  
9 distress signaling device, or a powder-actuated tool or other device  
10 designed solely to be used for construction purposes. "Firearm" also  
11 includes parts that can be assembled to make a firearm.

12 (16) "Full hearing" means a hearing where the court determines  
13 whether to issue a full protection order.

14 (17) "Full protection order" means a protection order that is  
15 issued by the court after notice to the respondent and where the  
16 parties had the opportunity for a full hearing by the court. "Full  
17 protection order" includes a protection order entered by the court by  
18 agreement of the parties to resolve the petition for a protection  
19 order without a full hearing.

20 (18) "Hospital" means a facility licensed under chapter 70.41 or  
21 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any  
22 employee, agent, officer, director, or independent contractor  
23 thereof.

24 (19) "Interested person" means a person who demonstrates to the  
25 court's satisfaction that the person is interested in the welfare of  
26 a vulnerable adult, that the person has a good faith belief that the  
27 court's intervention is necessary, and that the vulnerable adult is  
28 unable, due to incapacity, undue influence, or duress at the time the  
29 petition is filed, to protect his or her own interests.

30 (20) "Intimate partner" means: (a) Spouses or domestic partners;  
31 (b) former spouses or former domestic partners; (c) persons who have  
32 a child in common regardless of whether they have been married or  
33 have lived together at any time; or (d) persons who have or have had  
34 a dating relationship where both persons are at least 13 years of age  
35 or older.

36 (21)(a) "Isolate" or "isolation" means to restrict a person's  
37 ability to communicate, visit, interact, or otherwise associate with  
38 persons of his or her choosing. Isolation may be evidenced by acts  
39 including, but not limited to:

1 (i) Acts that prevent a person from sending, making, or receiving  
2 his or her personal mail, electronic communications, or telephone  
3 calls; or

4 (ii) Acts that prevent or obstruct a person from meeting with  
5 others, such as telling a prospective visitor or caller that the  
6 person is not present or does not wish contact, where the statement  
7 is contrary to the express wishes of the person.

8 (b) The term "isolate" or "isolation" may not be construed in a  
9 manner that prevents a guardian or limited guardian from performing  
10 his or her fiduciary obligations under chapter 11.92 RCW or prevents  
11 a hospital or facility from providing treatment consistent with the  
12 standard of care for delivery of health services.

13 (22) "Judicial day" means days of the week other than Saturdays,  
14 Sundays, or legal holidays.

15 (23) "Mechanical restraint" means any device attached or adjacent  
16 to a vulnerable adult's body that the vulnerable adult cannot easily  
17 remove that restricts freedom of movement or normal access to the  
18 vulnerable adult's body. "Mechanical restraint" does not include the  
19 use of devices, materials, or equipment that are (a) medically  
20 authorized, as required, and (b) used in a manner that is consistent  
21 with federal or state licensing or certification requirements for  
22 facilities, hospitals, or programs authorized under chapter 71A.12  
23 RCW.

24 (24) "Minor" means a person who is under 18 years of age.

25 (25) "Neglect" means: (a) A pattern of conduct or inaction by a  
26 person or entity with a duty of care that fails to provide the goods  
27 and services that maintain the physical or mental health of a  
28 vulnerable adult, or that fails to avoid or prevent physical or  
29 mental harm or pain to a vulnerable adult; or (b) an act or omission  
30 by a person or entity with a duty of care that demonstrates a serious  
31 disregard of consequences of such a magnitude as to constitute a  
32 clear and present danger to the vulnerable adult's health, welfare,  
33 or safety including, but not limited to, conduct prohibited under RCW  
34 9A.42.100.

35 (26) "Nonconsensual" means a lack of freely given consent.

36 (27) "Nonphysical contact" includes, but is not limited to,  
37 written notes, mail, telephone calls, email, text messages, contact  
38 through social media applications, contact through other  
39 technologies, and contact through third parties.

1 (28) "Petitioner" means any named petitioner or any other person  
2 identified in the petition on whose behalf the petition is brought.

3 (29) "Physical restraint" means the application of physical force  
4 without the use of any device, for the purpose of restraining the  
5 free movement of a vulnerable adult's body. "Physical restraint" does  
6 not include (a) briefly holding, without undue force, a vulnerable  
7 adult in order to calm or comfort him or her, or (b) holding a  
8 vulnerable adult's hand to safely escort him or her from one area to  
9 another.

10 (30) "Possession" means having an item in one's custody or  
11 control. Possession may be either actual or constructive. Actual  
12 possession occurs when the item is in the actual physical custody of  
13 the person charged with possession. Constructive possession occurs  
14 when there is no actual physical possession, but there is dominion  
15 and control over the item.

16 (31) "Respondent" means the person who is identified as the  
17 respondent in a petition filed under this chapter.

18 (32) "Sexual conduct" means any of the following:

19 (a) Any intentional or knowing touching or fondling of the  
20 genitals, anus, or breasts, directly or indirectly, including through  
21 clothing;

22 (b) Any intentional or knowing display of the genitals, anus, or  
23 breasts for the purposes of arousal or sexual gratification of the  
24 respondent;

25 (c) Any intentional or knowing touching or fondling of the  
26 genitals, anus, or breasts, directly or indirectly, including through  
27 clothing, that the petitioner is forced to perform by another person  
28 or the respondent;

29 (d) Any forced display of the petitioner's genitals, anus, or  
30 breasts for the purposes of arousal or sexual gratification of the  
31 respondent or others;

32 (e) Any intentional or knowing touching of the clothed or  
33 unclothed body of a child under the age of 16, if done for the  
34 purpose of sexual gratification or arousal of the respondent or  
35 others; or

36 (f) Any coerced or forced touching or fondling by a child under  
37 the age of 16, directly or indirectly, including through clothing, of  
38 the genitals, anus, or breasts of the respondent or others.

39 (33) "Sexual penetration" means any contact, however slight,  
40 between the sex organ or anus of one person by an object, the sex

1 organ, mouth, or anus of another person, or any intrusion, however  
2 slight, of any part of the body of one person or of any animal or  
3 object into the sex organ or anus of another person including, but  
4 not limited to, cunnilingus, fellatio, or anal penetration. Evidence  
5 of emission of semen is not required to prove sexual penetration.

6 (34) "Stalking" means any of the following:

7 (a) Any act of stalking as defined under RCW 9A.46.110;

8 (b) Any act of cyberstalking as defined under RCW 9.61.260; or

9 (c) Any course of conduct involving repeated or continuing  
10 contacts, attempts to contact, monitoring, tracking, surveillance,  
11 keeping under observation, disrupting activities in a harassing  
12 manner, or following of another person that:

13 (i) Would cause a reasonable person to feel intimidated,  
14 frightened, under duress, significantly disrupted, or threatened and  
15 that actually causes such a feeling;

16 (ii) Serves no lawful purpose; and

17 (iii) The respondent knows, or reasonably should know, threatens,  
18 frightens, or intimidates the person, even if the respondent did not  
19 intend to intimidate, frighten, or threaten the person.

20 (35) "Temporary protection order" means a protection order that  
21 is issued before the court has decided whether to issue a full  
22 protection order. "Temporary protection order" includes ex parte  
23 temporary protection orders, as well as temporary protection orders  
24 that are reissued by the court pending the completion of a full  
25 hearing to decide whether to issue a full protection order. An "ex  
26 parte temporary protection order" means a temporary protection order  
27 that is issued without prior notice to the respondent.

28 (36) "Unlawful harassment" means:

29 (a) A knowing and willful course of conduct directed at a  
30 specific person that seriously alarms, annoys, harasses, or is  
31 detrimental to such person, and that serves no legitimate or lawful  
32 purpose. The course of conduct must be such as would cause a  
33 reasonable person to suffer substantial emotional distress, and must  
34 actually cause substantial emotional distress to the petitioner; or

35 (b) A single act of violence or threat of violence directed at a  
36 specific person that seriously alarms, annoys, harasses, or is  
37 detrimental to such person, and that serves no legitimate or lawful  
38 purpose, which would cause a reasonable person to suffer substantial  
39 emotional distress, and must actually cause substantial emotional  
40 distress to the petitioner. A single threat of violence must include:



1 (i) A malicious and intentional threat as described in RCW  
2 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

3 (37) "Vulnerable adult" includes a person:

4 (a) Sixty years of age or older who has the functional, mental,  
5 or physical inability to care for himself or herself; or

6 (b) Subject to a guardianship under RCW 11.130.265 or adult  
7 subject to conservatorship under RCW 11.130.360; or

8 (c) Who has a developmental disability as defined under RCW  
9 71A.10.020; or

10 (d) Admitted to any facility; or

11 (e) Receiving services from home health, hospice, or home care  
12 agencies licensed or required to be licensed under chapter 70.127  
13 RCW; or

14 (f) Receiving services from a person under contract with the  
15 department of social and health services to provide services in the  
16 home under chapter 74.09 or 74.39A RCW; or

17 (g) Who self-directs his or her own care and receives services  
18 from a personal aide under chapter 74.39 RCW.

## 19 PART II

### 20 JURISDICTION AND VENUE

21 NEW SECTION. **Sec. 3.** REVIEW OF EXISTING COURT JURISDICTION. The  
22 legislature finds that there are inconsistencies and differing  
23 approaches within existing provisions governing the jurisdictional  
24 division of authority and responsibility among superior courts and  
25 courts of limited jurisdiction for protection order proceedings  
26 addressed by this act. This act retains those jurisdictional  
27 differences only as an interim measure, and creates an approach in  
28 section 12 of this act to review the existing jurisdictional  
29 division, assess the benefits and ramifications of modifying or  
30 consolidating jurisdiction for protection orders consistent with the  
31 goals of this act of improving efficacy and accessibility, and  
32 propose to the legislature provisions to address jurisdiction.

33 NEW SECTION. **Sec. 4.** DOMESTIC VIOLENCE PROTECTION ORDERS AND  
34 SEXUAL ASSAULT PROTECTION ORDERS. (1) The superior, district, and  
35 municipal courts have jurisdiction over domestic violence protection  
36 order proceedings and sexual assault protection order proceedings  
37 under this chapter. The jurisdiction of district and municipal courts

1 is limited to enforcement of section 56(1) of this act, or the  
2 equivalent municipal ordinance, and the issuance and enforcement of  
3 temporary orders for protection provided for in section 38 of this  
4 act if:

5 (a) A superior court has exercised or is exercising jurisdiction  
6 over a proceeding involving the parties;

7 (b) The petition for relief under this chapter presents issues of  
8 the residential schedule of, and contact with, children of the  
9 parties; or

10 (c) The petition for relief under this chapter requests the court  
11 to exclude a party from the dwelling which the parties share.

12 (2) When the jurisdiction of a district or municipal court is  
13 limited to the issuance and enforcement of a temporary protection  
14 order, the district or municipal court shall set the full hearing in  
15 superior court and transfer the case. If the notice and order are not  
16 served on the respondent in time for the full hearing, the issuing  
17 court shall have concurrent jurisdiction with the superior court to  
18 extend the temporary protection order.

19 NEW SECTION. **Sec. 5.** STALKING PROTECTION ORDERS. (1) The  
20 district courts shall have original jurisdiction and cognizance of  
21 stalking protection order proceedings brought under this chapter,  
22 except a district court shall transfer such actions and proceedings  
23 to the superior court when it is shown that:

24 (a) The petitioner, victim, or respondent to the petition is  
25 under 18 years of age;

26 (b) A superior court has exercised or is exercising jurisdiction  
27 over a proceeding involving the parties; or

28 (c) The action would have the effect of interfering with a  
29 respondent's care, control, or custody of the respondent's minor  
30 child.

31 (2) Municipal courts may exercise jurisdiction and cognizance of  
32 any stalking protection order proceedings brought under this chapter  
33 by adoption of local court rule, except a municipal court shall  
34 transfer such actions and proceedings to the superior court when it  
35 is shown that:

36 (a) The petitioner, victim, or respondent to the petition is  
37 under 18 years of age;

38 (b) A superior court has exercised or is exercising jurisdiction  
39 over a proceeding involving the parties; or

1 (c) The action would have the effect of interfering with a  
2 respondent's care, control, or custody of the respondent's minor  
3 child.

4 (3) Superior courts shall have concurrent jurisdiction to receive  
5 the transfer of stalking protection order petitions in cases where a  
6 district or municipal court judge makes findings of fact and  
7 conclusions of law showing that meritorious reasons exist for the  
8 transfer. The jurisdiction of district and municipal courts is  
9 limited to enforcement of section 56(1) of this act, or the  
10 equivalent municipal ordinance, and the issuance and enforcement of  
11 temporary protection orders provided for in section 38 of this act if  
12 the superior court is exercising jurisdiction over a proceeding under  
13 this chapter involving the parties.

14 NEW SECTION. **Sec. 6.** ANTIHARASSMENT PROTECTION ORDERS. (1) The  
15 district courts shall have original jurisdiction and cognizance of  
16 antiharassment protection order proceedings brought under this  
17 chapter, except the district court shall transfer such actions and  
18 proceedings to the superior court when it is shown that:

19 (a) The respondent to the petition is under 18 years of age;

20 (b) A superior court has exercised or is exercising jurisdiction  
21 over a proceeding involving the parties; or

22 (c) The action would have the effect of interfering with a  
23 respondent's care, control, or custody of the respondent's minor  
24 child.

25 (2) Municipal courts may exercise jurisdiction and cognizance of  
26 antiharassment protection order proceedings brought under this  
27 chapter by adoption of local court rule, except the municipal court  
28 shall transfer such actions and proceedings to the superior court  
29 when it is shown that:

30 (a) The respondent to the petition is under 18 years of age;

31 (b) A superior court has exercised or is exercising jurisdiction  
32 over a proceeding involving the parties; or

33 (c) The action would have the effect of interfering with a  
34 respondent's care, control, or custody of the respondent's minor  
35 child.

36 (3) The civil jurisdiction of district and municipal courts under  
37 this section is limited to the issuance and enforcement of temporary  
38 protection orders in cases that require transfer to superior court  
39 under subsections (1) and (2) of this section. The district or

1 municipal court shall transfer the case to superior court after the  
2 temporary protection order is entered.

3 (4) Superior courts shall have concurrent jurisdiction to receive  
4 transfer of antiharassment petitions in cases where a district or  
5 municipal court judge makes findings of fact and conclusions of law  
6 showing that meritorious reasons exist for the transfer.

7 (5) The municipal and district courts shall have jurisdiction and  
8 cognizance of any criminal actions brought under section 57 of this  
9 act.

10 NEW SECTION. **Sec. 7.** VULNERABLE ADULT PROTECTION ORDERS. The  
11 superior courts have jurisdiction over vulnerable adult protection  
12 order proceedings under this chapter.

13 NEW SECTION. **Sec. 8.** EXTREME RISK PROTECTION ORDERS. The  
14 superior courts have jurisdiction over extreme risk protection order  
15 proceedings under this chapter. The juvenile court may hear an  
16 extreme risk protection order proceeding under this chapter if the  
17 respondent is under the age of 18 years. Additionally, district and  
18 municipal courts have limited jurisdiction over the issuance and  
19 enforcement of temporary extreme risk protection orders issued under  
20 section 43 of this act. The district or municipal court shall set the  
21 full hearing in superior court and transfer the case. If the notice  
22 and order are not served on the respondent in time for the full  
23 hearing, the issuing court has concurrent jurisdiction with the  
24 superior court to extend the temporary extreme risk protection order.

25 NEW SECTION. **Sec. 9.** VENUE. An action for a protection order  
26 should be filed in the county or municipality where the petitioner  
27 resides. The petitioner may also file in:

28 (1) The county or municipality where an act giving rise to the  
29 petition for a protection order occurred;

30 (2) The county or municipality where a child to be protected by  
31 the order primarily resides;

32 (3) The county or municipality where the petitioner resided prior  
33 to relocating if relocation was due to the respondent's conduct; or

34 (4) The court nearest to the petitioner's residence or former  
35 residence under subsection (3) of this section.

1        NEW SECTION.    **Sec. 10.**    PERSONAL JURISDICTION OVER NONRESIDENTS.

2        (1) In a proceeding in which a petition for a protection order under  
3 this chapter is sought, a court of this state may exercise personal  
4 jurisdiction over a nonresident individual if:

5            (a) The individual is personally served with a petition within  
6 this state;

7            (b) The individual submits to the jurisdiction of this state by  
8 consent, entering a general appearance, or filing a responsive  
9 document having the effect of waiving any objection to consent to  
10 personal jurisdiction;

11           (c) The act or acts of the individual or the individual's agent  
12 giving rise to the petition or enforcement of a protection order  
13 occurred within this state;

14           (d)(i) The act or acts of the individual or the individual's  
15 agent giving rise to the petition or enforcement of a protection  
16 order occurred outside this state and are part of an ongoing pattern  
17 that has an adverse effect on the petitioner or a member of the  
18 petitioner's family or household and the petitioner resides in this  
19 state; or

20           (ii) As a result of the acts giving rise to the petition or  
21 enforcement of a protection order, the petitioner or a member of the  
22 petitioner's family or household has sought safety or protection in  
23 this state and currently resides in this state; or

24           (e) There is any other basis consistent with RCW 4.28.185 or with  
25 the Constitutions of this state and the United States.

26        (2) For jurisdiction to be exercised under subsection (1)(d) of  
27 this section, the individual must have communicated with the  
28 petitioner or a member of the petitioner's family, directly or  
29 indirectly, or made known a threat to the safety of the petitioner or  
30 member of the petitioner's family, while the petitioner or member of  
31 the petitioner's family resides in this state.

32        (3) For the purposes of this section:

33           (a) "Communicated" or "made known" includes the following means:  
34 In person, through publication, by mail, telephonically, through an  
35 electronic communication site or medium, by text, or through other  
36 social media. Communication on any electronic medium that is  
37 generally available to any individual residing in the state is  
38 sufficient to exercise jurisdiction under subsection (1)(d) of this  
39 section.

1 (b) An act or acts that "occurred within this state" include an  
2 oral or written statement made or published by a person outside of  
3 this state to any person in this state by means included in (a) of  
4 this subsection, or by means of interstate commerce or foreign  
5 commerce.

6 NEW SECTION. **Sec. 11.** OUT-OF-STATE CHILD CUSTODY JURISDICTIONAL  
7 ISSUES. Jurisdictional issues regarding out-of-state proceedings  
8 involving the custody or residential placement of any child of the  
9 parties are governed by the uniform child custody jurisdiction and  
10 enforcement act, chapter 26.27 RCW.

11 NEW SECTION. **Sec. 12.** RECOMMENDATIONS ON JURISDICTION OVER  
12 PROTECTION ORDER PROCEEDINGS. (1) The administrative office of the  
13 courts, through the gender and justice commission of the Washington  
14 state supreme court, and with the support of the Washington state  
15 women's commission, shall consider and develop recommendations  
16 regarding the jurisdictional division of authority and responsibility  
17 among superior courts and courts of limited jurisdiction for  
18 protection order proceedings, and the differing approaches to  
19 jurisdiction among the types of protection orders. The work shall  
20 assess whether jurisdiction should be harmonized, modified, or  
21 consolidated to further the stated intent of this act. The work shall  
22 consider the underlying rationale for the existing jurisdictional  
23 division, assess whether the jurisdictional division creates barriers  
24 to access, gather data on usage and financial costs or savings, and  
25 weigh other relevant benefits and ramifications of modifying or  
26 consolidating jurisdiction.

27 (2) In developing the recommendations, the gender and justice  
28 commission must work with representatives of superior, district, and  
29 municipal court judicial officers, court clerks, and administrators,  
30 including those with experience in protection order proceedings, as  
31 well as advocates and practitioners with expertise in each type of  
32 protection order. Participants should include those from both rural  
33 and urban jurisdictions.

34 (3) The gender and justice commission shall provide a report of  
35 its findings and recommendations to the legislature by June 30, 2022.

36 (4) This section expires January 1, 2023.

**PART III**  
**FILING**

1  
2  
3       NEW SECTION.       **Sec. 13.**       FILING—TYPES OF PETITIONS. (1) There  
4 exists an action known as a petition for a protection order. The  
5 following types of petitions for a protection order may be filed:

6       (a) A petition for a domestic violence protection order, which  
7 must allege the existence of domestic violence committed against the  
8 petitioner or petitioners by an intimate partner or a family or  
9 household member. The petitioner may petition for relief on behalf of  
10 himself or herself and on behalf of family or household members who  
11 are minors or vulnerable adults. A petition for a domestic violence  
12 protection order must specify whether the petitioner and the  
13 respondent are intimate partners or family or household members. A  
14 petitioner who has been sexually assaulted or stalked by an intimate  
15 partner or a family or household member should, but is not required  
16 to, seek a domestic violence protection order, rather than a sexual  
17 assault protection order or a stalking protection order.

18       (b) A petition for a sexual assault protection order, which must  
19 allege the existence of nonconsensual sexual conduct or nonconsensual  
20 sexual penetration that was committed against the petitioner by the  
21 respondent. A petitioner who has been sexually assaulted by an  
22 intimate partner or a family or household member should, but is not  
23 required to, seek a domestic violence protection order, rather than a  
24 sexual assault protection order. A single incident of nonconsensual  
25 sexual conduct or nonconsensual sexual penetration is sufficient  
26 grounds for a petition for a sexual assault protection order. The  
27 petitioner may petition for a sexual assault protection order on  
28 behalf of:

29       (i) Himself or herself;

30       (ii) A minor child, where the petitioner is the parent, legal  
31 guardian, or custodian;

32       (iii) A vulnerable adult, where the petitioner is an interested  
33 person; or

34       (iv) Any other adult for whom the petitioner demonstrates to the  
35 court's satisfaction that the petitioner is interested in the adult's  
36 well-being, the court's intervention is necessary, and the adult  
37 cannot file the petition because of age, disability, health, or  
38 inaccessibility.

1 (c) A petition for a stalking protection order, which must allege  
2 the existence of stalking committed against the petitioner or  
3 petitioners by the respondent. A petitioner who has been stalked by  
4 an intimate partner or a family or household member should, but is  
5 not required to, seek a domestic violence protection order, rather  
6 than a stalking protection order. The petitioner may petition for a  
7 stalking protection order on behalf of:

8 (i) Himself or herself;

9 (ii) A minor child, where the petitioner is the parent, legal  
10 guardian, or custodian;

11 (iii) A vulnerable adult, where the petitioner is an interested  
12 person; or

13 (iv) Any other adult for whom the petitioner demonstrates to the  
14 court's satisfaction that the petitioner is interested in the adult's  
15 well-being, the court's intervention is necessary, and the adult  
16 cannot file the petition because of age, disability, health, or  
17 inaccessibility.

18 (d) A petition for a vulnerable adult protection order, which  
19 must allege that the petitioner, or person on whose behalf the  
20 petition is brought, is a vulnerable adult and that the petitioner,  
21 or person on whose behalf the petition is brought, has been  
22 abandoned, abused, financially exploited, or neglected, or is  
23 threatened with abandonment, abuse, financial exploitation, or  
24 neglect by the respondent. If the petition is filed by an interested  
25 person, the affidavit or declaration must also include a statement of  
26 why the petitioner qualifies as an interested person.

27 (e) A petition for an extreme risk protection order, which must  
28 allege that the respondent poses a significant danger of causing  
29 personal injury to self or others by having in the respondent's  
30 custody or control, purchasing, possessing, accessing, receiving, or  
31 attempting to purchase or receive, a firearm. The petition must also  
32 identify the number, types, and locations of any firearms the  
33 petitioner believes to be in the respondent's current ownership,  
34 possession, custody, access, or control. A petition for an extreme  
35 risk protection order may be filed by (i) an intimate partner or a  
36 family or household member of the respondent; or (ii) a law  
37 enforcement agency.

38 (f) A petition for an antiharassment protection order, which must  
39 allege the existence of unlawful harassment committed against the  
40 petitioner or petitioners by the respondent. If a petitioner is



1 seeking relief based on domestic violence, nonconsensual sexual  
2 conduct, nonconsensual sexual penetration, or stalking, the  
3 petitioner may, but is not required to, seek a domestic violence,  
4 sexual assault, or stalking protection order, rather than an  
5 antiharassment order. The petitioner may petition for an  
6 antiharassment protection order on behalf of:

7 (i) Himself or herself;

8 (ii) A minor child, where the petitioner is the parent, legal  
9 guardian, or custodian;

10 (iii) A vulnerable adult, where the petitioner is an interested  
11 person; or

12 (iv) Any other adult for whom the petitioner demonstrates to the  
13 court's satisfaction that the petitioner is interested in the adult's  
14 well-being, the court's intervention is necessary, and the adult  
15 cannot file the petition because of age, disability, health, or  
16 inaccessibility.

17 (2) With the exception of vulnerable adult protection orders, a  
18 person under 18 years of age who is 15 years of age or older may seek  
19 relief under this chapter as a petitioner and is not required to seek  
20 relief through a petition filed on his or her behalf. He or she may  
21 also petition on behalf of a family or household member who is a  
22 minor if chosen by the minor and capable of pursuing the minor's  
23 stated interest in the action.

24 (3) A person under 15 years of age who is seeking relief under  
25 this chapter is required to seek relief by a person authorized as a  
26 petitioner under this section.

27 (4) A petition for any type of protection order must not be  
28 dismissed or denied on the basis that the conduct alleged by the  
29 petitioner would meet the criteria for the issuance of another type  
30 of protection order.

31 (5) The protection order petition must contain a section where  
32 the petitioner, regardless of petition type, may request specific  
33 relief provided for in section 39 of this act that the petitioner  
34 seeks for himself or herself or for family or household members who  
35 are minors. The totality of selected relief, and any other relief the  
36 court deems appropriate for the petitioner, or family or household  
37 members who are minors, must be considered at the time of entry of  
38 temporary protection orders and at the time of entry of full  
39 protection orders.

1 (6) If a court reviewing the petition for a protection order or a  
2 request for a temporary protection order determines that the petition  
3 was not filed in the correct court, the court shall enter findings  
4 establishing the correct court, and direct the clerk to transfer the  
5 petition to the correct court and to provide notice of the transfer  
6 to all parties who have appeared.

7 (7) Upon filing a petition for a protection order, the petitioner  
8 may request that the court enter an ex parte temporary protection  
9 order until a hearing on a full protection order may be held. An ex  
10 parte temporary protection order shall be effective for a fixed  
11 period of time and shall be issued initially for a period not to  
12 exceed 14 days.

13 (8) The court may, at its discretion, issue a temporary order on  
14 the petition with or without a hearing. If an order is not signed  
15 upon presentation, the court shall set a hearing for a full  
16 protection order not later than 14 days from the date of the filing  
17 of the petition for a protection order, if the petition for a  
18 protection order is filed before close of business on a judicial day.  
19 If a petition for a protection order is filed after close of business  
20 on a judicial day or is filed on a nonjudicial day, the court shall  
21 set a hearing for a full protection order not later than 14 days from  
22 the first judicial day after the petition is filed.

23 NEW SECTION. **Sec. 14.** FILING—PROVISIONS GOVERNING ALL  
24 PETITIONS. The following apply to all petitions for protection orders  
25 under this chapter.

26 (1) (a) By January 1, 2023, all superior courts and, by January 1,  
27 2026, all courts of limited jurisdiction, must permit petitions for  
28 protection orders and all other filings in connection with the  
29 petition to be filed either: (i) In person; (ii) remotely through an  
30 electronic filing system; or (iii) by mail for persons who are  
31 incarcerated or who are otherwise unable to file in person or  
32 remotely through an electronic filing system. The court or clerk must  
33 make all electronically filed court documents available for  
34 electronic access by judicial officers statewide. Judicial officers  
35 may not be charged for access to such documents. Cities and counties  
36 using their own independent systems that are not provided by the  
37 state shall ensure this access at their own expense. The electronic  
38 filing system must allow for protection orders to be filed at any  
39 time of the day. Petitioners and respondents should not be charged

1 for electronic filing for petitions and documents filed pursuant to  
2 this section.

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

18 (2) The petition must be accompanied by a confidential document  
19 to be used by the courts and law enforcement to fully identify the  
20 parties and serve the respondent. This record will be exempt from  
21 public disclosure at all times, and restricted access to this form is  
22 governed by general rule 22 provisions governing access to the  
23 confidential information form. The petitioner is required to fill out  
24 the confidential party information form to the petitioner's fullest  
25 ability. The respondent must be served with a blank confidential  
26 party information form, and when the respondent first appears, the  
27 respondent must confirm with the court the respondent's identifying  
28 and current contact information, including electronic means of  
29 contact, and file this with the court.

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

34 (4) The petitioner and the respondent must disclose the existence  
35 of any other litigation or of any other restraining, protection, or  
36 no-contact orders between the parties, to the extent that such  
37 information is known by the petitioner and the respondent. To the  
38 extent possible, the court shall take judicial notice of any existing  
39 restraining, protection, or no-contact orders between the parties  
40 before entering a protection order. The court shall not include

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

10 (5) The petition may be made regardless of whether or not there  
11 is a pending lawsuit, complaint, petition, or other action between  
12 the parties, except in cases where the court has realigned the  
13 parties in accordance with section 26 of this act.

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

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

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

26 (9) No fees for service of process may be charged by a court or  
27 any public agency to petitioners seeking relief under this chapter.  
28 Other than the filing fee for antiharassment protection orders,  
29 courts may not charge petitioners any fees or surcharges the payment  
30 of which is a condition precedent to the petitioner's ability to  
31 secure access to relief under this chapter. Upon application of the  
32 petitioner, the court shall waive the filing fee for an  
33 antiharassment protection order if the court determines the  
34 petitioner is not able to pay the costs of filing. Petitioners shall  
35 be provided the necessary number of certified copies, forms, and  
36 instructional brochures free of charge. A respondent who is served  
37 electronically with a protection order shall be provided a certified  
38 copy of the order free of charge upon request.

39 (10) If the petition states that disclosure of the petitioner's  
40 address or other identifying location information would risk harm to

1 the petitioner or any member of the petitioner's family or household,  
2 that address may be omitted from all documents filed with the court.  
3 If the petitioner has not disclosed an address under this subsection,  
4 the petitioner shall designate an alternative address or email  
5 address at which the respondent may serve the petitioner.

6 (11) If the court deems it necessary, the court may appoint a  
7 guardian ad litem for a petitioner or for a respondent who is under  
8 18 years of age and who is not represented by counsel. If a guardian  
9 ad litem is appointed by the court for either or both parties,  
10 neither the petitioner nor the respondent shall be required by the  
11 court to pay any costs associated with the appointment.

12 (12) Minor children must only be referred to in the petition and  
13 in all other publicly available filed documents by their initials and  
14 date of birth. Any orders issued by the court for entry into a law  
15 enforcement database must show the minor's full name for purposes of  
16 identification, but be redacted to only display initials and date of  
17 birth for purposes of public access.

18 (13) If a petitioner has requested an ex parte temporary  
19 protection order, because these are often emergent situations, the  
20 court shall prioritize review, either entering an order without a  
21 hearing or scheduling and holding an ex parte hearing in person, by  
22 telephone, by video, or by other electronic means on the day the  
23 petition is filed if possible. Otherwise, it must be heard no later  
24 than the following judicial day. The clerk shall ensure that the  
25 request for an ex parte temporary protection order is presented  
26 timely to a judicial officer, and signed orders will be returned  
27 promptly to the clerk for entry and to the petitioner as specified in  
28 this section.

29 (14) Courts shall not require a petitioner to file duplicative  
30 forms.

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

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

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

21 NEW SECTION. **Sec. 15.** FILING—PROVISIONS APPLICABLE TO SPECIFIED  
22 ORDERS. The following apply only to the specific type of protection  
23 orders referenced in each subsection.

24 (1) The department of social and health services, in its  
25 discretion, may file a petition for a vulnerable adult protection  
26 order or a domestic violence protection order on behalf of, and with  
27 the consent of, any vulnerable adult. When the department has reason  
28 to believe a vulnerable adult lacks the ability or capacity to  
29 consent, the department, in its discretion, may seek relief on behalf  
30 of the vulnerable adult. Neither the department nor the state of  
31 Washington is liable for seeking or failing to seek relief on behalf  
32 of any persons under this section. The vulnerable adult shall not be  
33 held responsible for any violations of the order by the respondent.

34 (2) (a) If the petitioner for an extreme risk protection order is  
35 a law enforcement agency, the petitioner shall make a good faith  
36 effort to provide notice to an intimate partner or family or  
37 household member of the respondent and to any known third party who  
38 may be at risk of violence. The notice must state that the petitioner  
39 intends to petition the court for an extreme risk protection order or

1 has already done so, and include referrals to appropriate resources,  
2 including behavioral health, domestic violence, and counseling  
3 resources. The petitioner must attest in the petition to having  
4 provided such notice, or attest to the steps that will be taken to  
5 provide such notice.

6 (b) Recognizing that an extreme risk protection order may need to  
7 be issued outside of normal business hours, courts shall allow law  
8 enforcement petitioners to petition after hours for a temporary  
9 extreme risk protection order using an on-call, after-hours judge, as  
10 is done for approval of after-hours search warrants.

11 NEW SECTION. **Sec. 16.** DUTIES OF THE ADMINISTRATIVE OFFICE OF  
12 THE COURTS—RECOMMENDATIONS FOR FILING AND DATA COLLECTION. (1) By  
13 June 30, 2022, the administrative office of the courts shall:

14 (a) Develop and distribute standard forms for petitions and  
15 orders issued under this chapter, and facilitate the use of online  
16 forms for electronic filings.

17 (i) For all protection orders except extreme risk protection  
18 orders, the protection order must include, in a conspicuous location,  
19 a notice of criminal penalties resulting from a violation of the  
20 order, and the following statement: "You can be arrested even if the  
21 protected person or persons invite or allow you to violate the order.  
22 You alone are responsible for following the order. Only the court may  
23 change the order. Requests for changes must be made in writing."

24 (ii) For extreme risk protection orders, the protection order  
25 must include, in a conspicuous location, a notice of criminal  
26 penalties resulting from a violation of the order, and the following  
27 statement: "You have the sole responsibility to avoid or refrain from  
28 violating this order's provisions. Only the court may change the  
29 order. Requests for changes must be made in writing.";

30 (b) Develop and distribute instructions and informational  
31 brochures regarding protection orders and a court staff handbook on  
32 the protection order process, which shall be made available online to  
33 view and download at no cost. Developing additional methods to inform  
34 the public about protection orders in understandable terms and in  
35 languages other than English through videos and social media should  
36 also be considered. The instructions, brochures, forms, and handbook  
37 must be prepared in consultation with civil legal aid, culturally  
38 specific advocacy programs, and domestic violence and sexual assault  
39 advocacy programs. The instructions must be designed to assist

1 petitioners in completing the petition, and must include a sample of  
2 standard petition and protection order forms. The instructions and  
3 standard petition must include a means for the petitioner to  
4 identify, with only lay knowledge, the firearms the respondent may  
5 own, possess, receive, have access to, or have in the respondent's  
6 custody or control. The instructions must provide pictures of types  
7 of firearms that the petitioner may choose from to identify the  
8 relevant firearms, or an equivalent means to allow petitioners to  
9 identify firearms without requiring specific or technical knowledge  
10 regarding the firearms. The court staff handbook must allow for the  
11 addition of a community resource list by the court clerk. The  
12 informational brochure must describe the use of, and the process for,  
13 obtaining, renewing, modifying, terminating, and enforcing protection  
14 orders as provided under this chapter, as well as the process for  
15 obtaining, modifying, terminating, and enforcing an antiharassment  
16 no-contact order as provided under chapter 9A.46 RCW, a domestic  
17 violence no-contact order as provided under chapter 10.99 RCW, a  
18 restraining order as provided under chapters 26.09, 26.26A, 26.26B,  
19 and 26.44 RCW, a foreign protection order as defined in chapter 26.52  
20 RCW, and a Canadian domestic violence protection order as defined in  
21 RCW 26.55.010;

22 (c) Determine the significant non-English-speaking or limited  
23 English-speaking populations in the state. The administrative office  
24 of the courts shall then arrange for translation of the instructions  
25 and informational brochures required by this section, which must  
26 contain a sample of the standard petition and protection order forms,  
27 into the languages spoken by at least the top five significant non-  
28 English-speaking populations, and shall distribute a master copy of  
29 the translated instructions and informational brochures to all court  
30 clerks and to the Washington supreme court's interpreter commission,  
31 minority and justice commission, and gender and justice commission by  
32 the effective date of this section. Such materials must be updated  
33 and distributed if needed due to relevant changes in the law;

34 (d) (i) Distribute a master copy of the petition and order forms,  
35 instructions, and informational brochures to all court clerks, and  
36 distribute a master copy of the petition and order forms to all  
37 superior, district, and municipal courts;

38 (ii) In collaboration with civil legal aid attorneys, domestic  
39 violence advocates, sexual assault advocates, elder abuse advocates,  
40 clerks, and judicial officers, develop and distribute a single



1 petition form that a petitioner may use to file for any type of  
2 protection order authorized by this chapter, with the exception of  
3 extreme risk protection orders;

4 (iii) For extreme risk protection orders, develop and prepare:

5 (A) A standard petition and order form for an extreme risk  
6 protection order, as well as a standard petition and order form for  
7 an extreme risk protection order sought against a respondent under 18  
8 years of age, titled "Extreme Risk Protection Order - Respondent  
9 Under 18 Years";

10 (B) Pattern forms to assist in streamlining the process for those  
11 persons who are eligible to seal records relating to an order under  
12 (d)(i) of this subsection, including:

13 (I) A petition and declaration the respondent can complete to  
14 ensure that requirements for public sealing have been met; and

15 (II) An order sealing the court records relating to that order;  
16 and

17 (C) An informational brochure to be served on any respondent who  
18 is subject to a temporary or full protection order under (d)(iii)(A)  
19 of this subsection;

20 (e) Create a new confidential party information form to satisfy  
21 the purposes of the confidential information form and the law  
22 enforcement information sheet that will serve both the court's and  
23 law enforcement's data entry needs without requiring a redundant  
24 effort for the petitioner, and ensure the petitioner's confidential  
25 information is protected for the purpose of safety. The form should  
26 be created with the presumption that it will also be used by the  
27 respondent to provide all current contact information needed by the  
28 court and law enforcement, and full identifying information for  
29 improved data entry. The form should also prompt the petitioner to  
30 disclose on the form whether the person who the petitioner is seeking  
31 to restrain has a disability, brain injury, or impairment requiring  
32 special assistance; and

33 (f) Update the instructions, brochures, standard petition and  
34 order for protection forms, and court staff handbook when changes in  
35 the law make an update necessary.

36 (2) The administrative office of the courts, through the gender  
37 and justice commission of the Washington state supreme court, and  
38 with the support of the Washington state women's commission, shall  
39 work with representatives of superior, district, and municipal court  
40 judicial officers, court clerks, and administrators, including those

1 with experience in protection order proceedings, as well as advocates  
2 and practitioners with expertise in each type of protection order,  
3 and others with relevant expertise, to develop for the courts:

4 (a) Standards for filing evidence in protection order proceedings  
5 in a manner that protects victim safety and privacy, including  
6 evidence in the form of text messages, social media messages, voice  
7 mails, and other recordings, and the development of a sealed cover  
8 sheet for explicit or intimate images and recordings; and

9 (b) Requirements for private vendors who provide services related  
10 to filing systems for protection orders, as well as what data should  
11 be collected.

12 NEW SECTION. **Sec. 17.** FILING—COURT CLERK DUTIES. (1) All court  
13 clerks' offices shall make available the standardized forms,  
14 instructions, and informational brochures required by this chapter,  
15 and shall fill in and keep current specific program names and  
16 telephone numbers for community resources, including civil legal aid  
17 and volunteer lawyer programs. Any assistance or information provided  
18 by clerks under this chapter, or any assistance or information  
19 provided by any person, including court clerks, employees of the  
20 department of social and health services, and other court  
21 facilitators, to complete the forms provided by the court, does not  
22 constitute the practice of law, and clerks are not responsible for  
23 incorrect information contained in a petition.

24 (2) All court clerks shall obtain community resource lists as  
25 described in (a) and (b) of this subsection, which the court shall  
26 make available as part of, or in addition to, the informational  
27 brochures described in section 16 of this act.

28 (a) The court clerk shall obtain a community resource list from a  
29 domestic violence program and from a sexual assault program serving  
30 the county in which the court is located. The community resource list  
31 must include the names, telephone numbers, and, as available, website  
32 links of domestic violence programs, sexual assault programs, and  
33 elder abuse programs serving the community in which the court is  
34 located, including law enforcement agencies, domestic violence  
35 agencies, sexual assault agencies, civil legal aid programs, elder  
36 abuse programs, interpreters, multicultural programs, and batterers'  
37 treatment programs. The list must be made available in print and  
38 online.

1 (b) The court clerk may create a community resource list of  
2 crisis intervention, behavioral health, interpreter, counseling, and  
3 other relevant resources serving the county in which the court is  
4 located. The clerk may also create a community resource list for  
5 respondents to include suicide prevention, treatment options, and  
6 resources for when children are involved in protection order cases.  
7 Any list shall be made available in print and online.

8 (c) Courts may make the community resource lists specified in (a)  
9 and (b) of this subsection available as part of, or in addition to,  
10 the informational brochures described in subsection (1) of this  
11 section, and should translate them into the languages spoken by the  
12 county's top five significant non-English-speaking populations.

13 (3) Court clerks should not make an assessment of the merits of a  
14 petitioner's petition for a protection order or refuse to accept for  
15 filing any petition that meets the basic procedural requirements.

16 **PART IV**  
17 **SERVICE**

18 NEW SECTION. **Sec. 18.** SERVICE—METHODS OF SERVICE. (1) To  
19 minimize delays and the need for more hearings, which can hinder  
20 access to justice and undermine judicial economy, to lessen costs, to  
21 guarantee actual notice to the respondent, and to simplify and  
22 modernize processes for petitioners, respondents, law enforcement,  
23 and the courts, the following methods of service are authorized for  
24 protection order proceedings, including petitions, temporary  
25 protection orders, reissuances of temporary protection orders, full  
26 protection orders, motions to renew protection orders, and motions to  
27 modify or terminate protection orders.

28 (a) Personal service, consistent with court rules for civil  
29 proceedings, must be made by law enforcement to mitigate risks,  
30 increase safety, and ensure swift recovery of firearms in cases  
31 requiring the surrender of firearms, such as extreme risk protection  
32 orders and protection orders with orders to surrender and prohibit  
33 weapons; cases that involve transferring the custody of a child or  
34 children from the respondent to the petitioner; or cases involving  
35 vacating the respondent from the parties' shared residence. Personal  
36 service should also be used in cases involving a respondent who is  
37 incarcerated. Personal service must otherwise be made by law  
38 enforcement unless the petitioner elects to have the respondent

1 served by a third party who is not a party to the action and is over  
2 18 years of age and competent to be a witness.

3 (b) (i) Service by electronic means, including service by email,  
4 text message, social media applications, or other technologies, must  
5 be prioritized for all orders at the time of the issuance of  
6 temporary protection orders, with the exception of the following  
7 cases, for which personal service must be prioritized: (A) Cases  
8 requiring the surrender of firearms, such as extreme risk protection  
9 orders and protection orders with orders to surrender weapons; (B)  
10 cases that involve transferring the custody of a child or children  
11 from the respondent to the petitioner; (C) cases involving vacating  
12 the respondent from the parties' shared residence; or (D) cases  
13 involving a respondent who is incarcerated. Once firearms and  
14 concealed pistol licenses have been surrendered and verified by the  
15 court, or there is evidence the respondent does not possess firearms,  
16 the restrained party has been vacated from the shared residence, or  
17 the custody of the child or children has been transferred, per court  
18 order, then subsequent motions and orders may be served  
19 electronically.

20 (ii) Service by electronic means must be effected by a law  
21 enforcement agency, unless the petitioner elects to have the  
22 respondent served by any person who is not a party to the action, is  
23 over 18 years of age and competent to be a witness, and can provide  
24 sworn proof of service to the court as required.

25 (iii) Electronic service must be effected by transmitting copies  
26 of the petition and any supporting materials filed with the petition,  
27 notice of hearing, and any orders, or relevant materials for motions,  
28 to the respondent at the respondent's electronic address or the  
29 respondent's electronic account associated with email, text  
30 messaging, social media applications, or other technologies.  
31 Verification of receipt may be accomplished through read-receipt  
32 mechanisms, a response, a sworn statement from the person who  
33 effected service verifying transmission and any follow-up  
34 communications such as email or telephone contact used to further  
35 verify, or an appearance by the respondent at a hearing. Sworn proof  
36 of service must be filed with the court by the person who effected  
37 service. Service by electronic means is complete upon transmission  
38 when made prior to 5:00 p.m. on a judicial day. Service made on a  
39 Saturday, Sunday, legal holiday, or after 5:00 p.m. on any other day

1 shall be deemed complete at 9:00 a.m. on the first judicial day  
2 thereafter.

3 (c) Service by mail is permitted when electronic service is not  
4 possible, and there have been two unsuccessful attempts at personal  
5 service or when the petitioner requests it in lieu of electronic  
6 service or personal service where personal service is not otherwise  
7 required. If electronic service and personal service are not  
8 successful, the court shall affirmatively order service by mail  
9 without requiring additional motions to be filed by the petitioner.  
10 Service by mail must be made by any person who is not a party to the  
11 action and is over 18 years of age and competent to be a witness, by  
12 mailing copies of the materials to be served to the party to be  
13 served at the party's last known address or any other address  
14 determined by the court to be appropriate. Two copies must be mailed,  
15 postage prepaid, one by ordinary first-class mail and the other by a  
16 form of mail requiring a tracking or certified information showing  
17 when and where it was delivered. The envelopes must bear the return  
18 address of the sender. Service is complete upon the mailing of two  
19 copies as prescribed in this section.

20 (d) Service by publication is permitted only in those cases where  
21 all other means of service have been unsuccessful or are not possible  
22 due to lack of any known physical or electronic address of the  
23 respondent. Publication must be made in a newspaper of general  
24 circulation in the county where the petition was brought and in the  
25 county of the last known address of the respondent once a week for  
26 three consecutive weeks. The newspaper selected must be one of the  
27 three most widely circulated papers in the county. The publication of  
28 summons must not be made until the court orders service by  
29 publication under this section. Service of the summons is considered  
30 complete when the publication has been made for three consecutive  
31 weeks. The summons must be signed by the petitioner. The summons must  
32 contain the date of the first publication, and shall require the  
33 respondent upon whom service by publication is desired to appear and  
34 answer the petition on the date set for the hearing. The summons must  
35 also contain a brief statement of the reason for the petition and a  
36 summary of the provisions under the temporary protection order. The  
37 summons must be essentially in the following form:

38 In the ..... court of the state of Washington  
39 for the county of .....

1 ..... , Petitioner  
2 vs. No. ....  
3 ..... , Respondent

4 The state of Washington to .....  
5 (respondent):

6 You are hereby summoned to appear on the ....  
7 day of ....., (year) ....., at .... a.m./p.m., and  
8 respond to the petition. If you fail to respond, a  
9 protection order will be issued against you pursuant to  
10 the provisions of chapter 7--- RCW (the new chapter  
11 created in section 78 of this act), for a minimum of one  
12 year from the date you are required to appear. A  
13 temporary protection order has been issued against you,  
14 restraining you from the following: (Insert a brief  
15 statement of the provisions of the temporary protection  
16 order). A copy of the petition, notice of hearing, and  
17 temporary protection order has been filed with the clerk  
18 of this court.

19 .....  
20 Petitioner.....

21 (2) The court may authorize multiple methods of service permitted  
22 by this section and may consider use of any address determined by the  
23 court to be appropriate in order to authorize service that is  
24 reasonably probable to provide actual notice. The court shall favor  
25 speedy and cost-effective methods of service to promote prompt and  
26 accessible resolution of the merits of the petition.

27 (3) To promote judicial economy and reduce delays, for  
28 respondents who are able to be served electronically, the respondent,  
29 or the parent or guardian of the respondent for respondents under the  
30 age of 18 or the guardian or conservator of an adult respondent,  
31 shall be required to provide his or her electronic address or  
32 electronic account associated with an email, text messaging, social  
33 media application, or other technology by filing the confidential  
34 party information form referred to in section 16(1) of this act. This  
35 must occur at the earliest point at which the respondent, parent,  
36 guardian, or conservator is in contact with the court so that  
37 electronic service can be effected for all subsequent motions,  
38 orders, and hearings.

1 (4) If an order entered by the court recites that the respondent  
2 appeared before the court, either in person or remotely, the  
3 necessity for further service is waived and proof of service of that  
4 order is not necessary, including in cases where the respondent  
5 leaves the hearing before a final ruling is issued or signed. The  
6 court's order, entered after a hearing, need not be served on a  
7 respondent who fails to appear before the court for the hearing, if  
8 material terms of the order have not changed from those contained in  
9 the temporary order, and it is shown to the court's satisfaction that  
10 the respondent has previously been served with the temporary order.

11 (5) When the respondent for a protection order is under the age  
12 of 18 or is an individual subject to a guardianship or  
13 conservatorship under Title 11 RCW:

14 (a) When the respondent is a minor, service of a petition for a  
15 protection order, modification, or renewal, shall be completed, as  
16 defined in this chapter, upon both the respondent and the  
17 respondent's parent or legal guardian.

18 (b) A copy of the protection order must be served on a parent,  
19 guardian, or conservator of the respondent at any address where the  
20 respondent resides, or the department of children, youth, and  
21 families in the case where the respondent is the subject of a  
22 dependency or court approved out-of-home placement. A minor  
23 respondent shall not be served at the minor respondent's school  
24 unless no other address for service is known.

25 (c) For extreme risk protection orders, the court shall also  
26 provide a parent, guardian, or conservator of the respondent with  
27 written notice of the legal obligation to safely secure any firearm  
28 on the premises and the potential for criminal prosecution if a  
29 prohibited person were to obtain access to any firearm. This notice  
30 may be provided at the time the parent, guardian, or conservator of  
31 the respondent appears in court or may be served along with a copy of  
32 the order, whichever occurs first.

33 (6) The court shall not dismiss, over the objection of a  
34 petitioner, a petition for a protection order or a motion to renew a  
35 protection order based on the inability of law enforcement or the  
36 petitioner to serve the respondent, unless the court determines that  
37 all available methods of service have been attempted unsuccessfully.

1           NEW SECTION.     **Sec. 19.**     SERVICE BY A LAW ENFORCEMENT OFFICER.

2     When service is to be completed under this chapter by a law  
3     enforcement officer:

4           (1) The clerk of the court shall have a copy of any order issued  
5     under this chapter, as well as the petition for a protection order  
6     and any supporting materials, electronically forwarded on or before  
7     the next judicial day to the law enforcement agency specified in the  
8     order for service upon the respondent;

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

12          (3) Where personal service is required, the first attempt at  
13    service must occur within 24 hours of receiving the order from the  
14    court whenever practicable, but not more than five days after  
15    receiving the order. If the first attempt is not successful, no fewer  
16    than two additional attempts should be made to serve the order,  
17    particularly for respondents who present heightened risk of lethality  
18    or other risk of physical harm to the petitioner or petitioner's  
19    family or household members. Law enforcement shall document all  
20    attempts at service on a return of service form and submit it to the  
21    court in a timely manner;

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

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



1 the exception of the law enforcement information sheet and the return  
2 of service form;

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

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

18 (8) If attempts at service were not successful, the return of  
19 service form or the form letter showing that the order was not  
20 served, and stating the reason it was not served, must be returned to  
21 the court by the next judicial day following the last unsuccessful  
22 attempt at service. Each attempt at service must be noted and  
23 reflected in computer aided dispatch records, with the date, time,  
24 address, and reason service was not completed.

25 NEW SECTION. **Sec. 20.** MATERIALS TO BE SERVED. The following  
26 materials must be served, depending on the type of relief sought.

27 (1) If the petitioner is seeking a hearing on a petition for a  
28 protection order, the respondent must be served with the petition for  
29 a protection order, any supporting declarations or other materials,  
30 the notice of hearing, any temporary protection order issued by the  
31 court, any temporary order to surrender and prohibit weapons issued  
32 by the court, and a blank confidential party information form as  
33 referred to in section 16(1) of this act. The respondent shall  
34 confirm with the court during his or her first appearance all  
35 necessary contact and identifying information, and file the form with  
36 the court.

37 (2) If the petitioner is seeking the renewal or reissuance of a  
38 protection order, the respondent must be served with the motion to

1 renew or reissue the protection order, any supporting declarations or  
2 other materials, and the notice of hearing.

3 (3) If either party is seeking to modify or terminate a  
4 protection order, the other party must be served with the motion to  
5 modify or terminate the protection order, any supporting declarations  
6 or other materials, and the notice of hearing.

7 (4) For any other motion filed by a party with the court, the  
8 other party must be served with all materials the moving party  
9 submitted to the court and with any notice of hearing issued by the  
10 court related to the motion.

11 NEW SECTION. **Sec. 21.** TIME REQUIREMENTS. Service must be  
12 completed on the nonmoving party not less than five judicial days  
13 before the hearing date, unless waived by the nonmoving party. If  
14 service cannot be made, the court shall set a new hearing date and  
15 shall either require an additional attempt at obtaining service or  
16 permit service by other means authorized in this chapter. If the  
17 nonmoving party was served before the hearing, but less than five  
18 judicial days before the hearing, it is not necessary to re-serve  
19 materials that the nonmoving party already received, but any new  
20 notice of hearing and reissued order must be served on the nonmoving  
21 party. The court shall not require more than two attempts at  
22 obtaining service before permitting service by other means authorized  
23 in this chapter unless the moving party requests additional time to  
24 attempt service. If the court permits service by mail or by  
25 publication, the court shall set the hearing date not later than 24  
26 days from the date of the order authorizing such service.

27 NEW SECTION. **Sec. 22.** VULNERABLE ADULT PROTECTION ORDERS—  
28 SERVICE WHEN VULNERABLE ADULT IS NOT THE PETITIONER. (1) When a  
29 petition for a vulnerable adult protection order is filed by someone  
30 other than the vulnerable adult, notice of the petition and hearing  
31 must be personally served upon the vulnerable adult not less than  
32 five judicial days before the hearing.

33 (2) In addition to copies of all pleadings filed by the  
34 petitioner, the petitioner shall provide a written notice to the  
35 vulnerable adult using a standard notice form developed by the  
36 administrative office of the courts. The standard notice form shall  
37 be designed to explain to the vulnerable adult in clear, plain  
38 language the purpose and nature of the petition and that the

1 vulnerable adult has the right to participate in the hearing and to  
2 either support or object to the petition.

3 (3) When good faith attempts to personally serve the vulnerable  
4 adult have been unsuccessful, the court shall permit service by  
5 electronic means or by mail. The court may authorize service by  
6 publication if the court determines that personal service, service by  
7 electronic means, and service by mail cannot be obtained. If timely  
8 service under this section cannot be made, the court shall continue  
9 the hearing date until the substitute service approved by the court  
10 has been satisfied.

11 NEW SECTION. **Sec. 23.** DEVELOPMENT OF BEST PRACTICES. Courts and  
12 law enforcement agencies shall adopt rules, protocols, and pattern  
13 forms to standardize and implement best practices for service,  
14 including mechanisms and verification options for electronic service  
15 and electronic returns of service, as well as best practices for  
16 efficient transmission of court documents to law enforcement for  
17 entry into criminal justice databases and returns of service or  
18 property.

19 **PART V**  
20 **HEARINGS**

21 NEW SECTION. **Sec. 24.** HEARING PROCEDURES. In hearings under  
22 this chapter, the following apply:

23 (1) Hearings under this chapter are special proceedings. The  
24 procedures established under this chapter for protection order  
25 hearings supersede inconsistent civil court rules. Courts should  
26 evaluate the needs and procedures best suited to individual hearings  
27 based on consideration of the totality of the circumstances,  
28 including disparities that may be apparent in the parties' resources  
29 and representation by counsel.

30 (2) (a) Courts shall prioritize hearings on petitions for ex parte  
31 temporary protection orders over less emergent proceedings.

32 (b) For extreme risk protection order hearings where a law  
33 enforcement agency is the petitioner, the court shall prioritize  
34 scheduling because of the importance of immediate temporary removal  
35 of firearms in situations of extreme risk and the goal of minimizing  
36 the time law enforcement must otherwise wait for a particular case to  
37 be called, which can hinder their other patrol and supervisory

1 duties. Courts also may allow a law enforcement petitioner to  
2 participate telephonically, or allow another representative from that  
3 law enforcement agency or the prosecutor's office to present the  
4 information to the court if personal presence of the petitioning  
5 officer is not required for testimonial purposes.

6 (3) A hearing on a petition for a protection order must be set by  
7 the court even if the court has denied a request for a temporary  
8 protection order in the proceeding where the petition is not  
9 dismissed or continued pursuant to subsection (11) of this section.

10 (4) If the respondent does not appear, or the petitioner informs  
11 the court that the respondent has not been served at least five  
12 judicial days before the hearing date and the petitioner desires to  
13 pursue service, or the parties have informed the court of an agreed  
14 date of continuance for the hearing, the court shall reissue any  
15 temporary protection order previously issued, cancel the scheduled  
16 hearing, and reset the hearing date.

17 (5) When considering any request to stay, continue, or delay a  
18 hearing under this chapter because of the pendency of a parallel  
19 criminal investigation or prosecution of the respondent, courts shall  
20 apply a rebuttable presumption against such delay and give due  
21 recognition to the purpose of this chapter to provide victims quick  
22 and effective relief. Courts must consider on the record the  
23 following factors:

24 (a) The extent to which a defendant's Fifth Amendment rights are  
25 or are not implicated, given the special nature of protection order  
26 proceedings, which burden a defendant's Fifth Amendment privilege  
27 substantially less than do other civil proceedings;

28 (b) Similarities between the civil and criminal cases;

29 (c) Status of the criminal case;

30 (d) The interests of the petitioners in proceeding expeditiously  
31 with litigation and the potential prejudice and risk to petitioners  
32 of a delay;

33 (e) The burden that any particular aspect of the proceeding may  
34 impose on respondents;

35 (f) The convenience of the court in the management of its cases  
36 and the efficient use of judicial resources;

37 (g) The interests of persons not parties to the civil litigation;  
38 and

39 (h) The interest of the public in the pending civil and criminal  
40 litigation.

1 (6) Hearings must be conducted upon live testimony of the parties  
2 and sworn declarations. Live testimony of witnesses other than the  
3 parties may be requested, but shall not be permitted unless the court  
4 finds that live testimony of witnesses other than the parties is  
5 necessary and material. If either party requests a continuance to  
6 allow for proper notice of witnesses or to afford a party time to  
7 seek counsel, the court should continue the hearing. If the court  
8 continues the hearing, the court shall reissue any temporary orders.

9 (7) Prehearing discovery under the civil court rules, including,  
10 but not limited to, depositions, requests for production, or requests  
11 for admission, is disfavored and only permitted if specifically  
12 authorized by the court for good cause shown upon written motion of a  
13 party filed six judicial days prior to the hearing and served prior  
14 to the hearing.

15 (8) The rules of evidence need not be applied, other than with  
16 respect to privileges, the requirements of the rape shield statute  
17 under RCW 9A.44.020, and evidence rules 412 and 413.

18 (9)(a) The prior sexual activity or the reputation of the  
19 petitioner is inadmissible except:

20 (i) As evidence concerning the past sexual conduct of the  
21 petitioner with the respondent when this evidence is offered by the  
22 respondent upon the issue of whether the petitioner consented to the  
23 sexual conduct alleged for the purpose of a protection order; or

24 (ii) When constitutionally required to be admitted.

25 (b) To determine admissibility, a written motion must be made six  
26 judicial days prior to the protection order hearing. The motion must  
27 include an offer of proof of the relevancy of the proposed evidence  
28 and reasonably specific information as to the date, time, and place  
29 of the past sexual conduct between the petitioner and the respondent.  
30 If the court finds that the offer of proof is relevant to the issue  
31 of the victim's consent, the court shall conduct a hearing in camera.  
32 The court may not admit evidence under this subsection unless it  
33 determines at the hearing that the evidence is relevant and the  
34 probative value of the evidence outweighs the danger of unfair  
35 prejudice. The evidence shall be admissible at the hearing to the  
36 extent an order made by the court specifies the evidence that may be  
37 admitted. The motion, related papers, and the record of the hearing  
38 must be sealed and remain under seal unless the court orders  
39 otherwise.

1 (10) When a petitioner has alleged incapacity to consent to  
2 sexual conduct or sexual penetration due to intoxicants, alcohol, or  
3 other condition, the court must determine on the record whether the  
4 petitioner had the capacity to consent.

5 (11) If, prior to a full hearing, the court finds that the  
6 petition for a protection order does not contain sufficient  
7 allegations as a matter of law to support the issuance of a  
8 protection order, the court shall permit the petitioner 14 days to  
9 prepare and file an amended petition, provided the petitioner states  
10 an intent to do so and the court does not find that amendment would  
11 be futile. If the amended petition is not filed within 14 days, the  
12 case must be administratively dismissed by the clerk's office.

13 (12) Courts shall not require parties to submit duplicate or  
14 working copies of pleadings or other materials filed with the court,  
15 unless the document or documents cannot be scanned or are illegible.

16 (13) Courts shall, if possible, have petitioners and respondents  
17 in protection order proceedings gather in separate locations and  
18 enter and depart the court room at staggered times. Where the option  
19 is available, for safety purposes, the court should arrange for  
20 petitioners to leave the court premises first and to have court  
21 security escort petitioners to their vehicles or transportation.

22 NEW SECTION. **Sec. 25.** HEARINGS—REMOTE HEARINGS. (1) Hearings on  
23 protection orders, including hearings concerning temporary protection  
24 orders, full protection orders, compliance, reissuance, renewal,  
25 modification, or termination, may be conducted in person or remotely  
26 in order to enhance access for all parties.

27 (2) In the court's discretion, parties and witnesses may attend a  
28 hearing on a petition for a protection order, or any hearings  
29 conducted pursuant to this chapter, in person or remotely, including  
30 by telephone, video, or other electronic means where possible. No  
31 later than three judicial days before the hearing, the parties may  
32 request to appear at the hearing, with witnesses, remotely by  
33 telephone, video, or other electronic means. The court shall grant  
34 any request for a remote appearance unless the court finds good cause  
35 to require in-person attendance or attendance through a specific  
36 means.

37 (3) Courts shall require assurances of the identity of persons  
38 who appear by telephone, video, or other electronic means. Courts may  
39 not charge fees for remote appearances.

1 (4) Courts shall not post or stream proceedings or recordings of  
2 protection order hearings online without a waiver from all parties.  
3 Unless the court orders a hearing to be closed to the public  
4 consistent with the requirements of Washington law, courts should  
5 provide in-person access to members of the public who wish to observe  
6 or listen to a hearing conducted by telephone, video, or other  
7 electronic means.

8 (5) If a hearing is held with any parties or witnesses appearing  
9 remotely, the following apply:

10 (a) Courts should include directions to access a hearing remotely  
11 in the order setting the hearing and in any order granting a party's  
12 request for a remote appearance. Such orders shall also include  
13 directions to request an interpreter and accommodations for  
14 disabilities;

15 (b) Courts should endeavor to give a party or witness appearing  
16 by telephone no more than a one-hour waiting time by the court for  
17 the hearing to begin. For remote hearings, if the court anticipates  
18 the parties or witnesses will need to wait longer than one hour to be  
19 called or connected, the court should endeavor to inform them of the  
20 estimated start time of the hearing;

21 (c) Courts should inform the parties before the hearing begins  
22 that the hearing is being recorded by the court, in what manner the  
23 public is able to view the hearing, how a party may obtain a copy of  
24 the recording of the hearing, and that recording or broadcasting any  
25 portion of the hearing by any means other than the court record is  
26 strictly prohibited without prior court approval;

27 (d) To minimize trauma, while allowing remote hearings to be  
28 observed by the public, courts should take appropriate measures to  
29 prevent members of the public or the parties from harassing or  
30 intimidating any party or witness to a case. Such practices may  
31 include, but are not limited to, disallowing members of the public  
32 from communicating with the parties or with the court, ensuring court  
33 controls over microphone and viewing settings, and announcing  
34 limitations on allowing others to record the hearing;

35 (e) Courts shall use technology that accommodates American sign  
36 language and other languages;

37 (f) To help ensure that remote access does not undermine personal  
38 safety or privacy, or introduce other risks, courts should protect  
39 the privacy of telephone numbers, emails, and other contact  
40 information for parties and witnesses and inform parties and

1 witnesses of these safety considerations. Materials available to  
2 parties and witnesses appearing remotely should include warnings not  
3 to state their addresses or telephone numbers at the hearing, and  
4 that they may use virtual backgrounds to help ensure that their  
5 backgrounds do not reveal their location;

6 (g) Courts should provide the parties, in orders setting the  
7 hearing, with a telephone number and an email address for the court,  
8 which the parties may use to inform the court if they have been  
9 unable to appear remotely for a hearing. Before dismissing or  
10 granting a petition due to the petitioner or respondent not appearing  
11 for a remote hearing, or the court not being able to reach the party  
12 via telephone or video, the court shall check for any notifications  
13 to the court regarding issues with remote access or other  
14 technological difficulties. If any party has provided such  
15 notification to the court, the court shall not dismiss or grant the  
16 petition, but shall reset the hearing by continuing it and reissuing  
17 any temporary order in place. If a party was unable to provide the  
18 notification regarding issues with remote access or other  
19 technological difficulties on the day of the hearing prior to the  
20 court's ruling, that party may seek relief via a motion for  
21 reconsideration; and

22 (h) A party attending a hearing remotely who is unable to  
23 participate in the hearing outside the presence of others who reside  
24 with the party, but who are not part of the proceeding including, but  
25 not limited to, children, and who asserts that the presence of those  
26 individuals may hinder the party's testimony or the party's ability  
27 to fully and meaningfully participate in the hearing, may request,  
28 and shall be granted, one continuance on that basis. Subsequent  
29 requests may be granted in the court's discretion.

30 NEW SECTION. **Sec. 26.** REALIGNMENT OF PARTIES IN DOMESTIC  
31 VIOLENCE AND ANTIHARASSMENT PROTECTION ORDER PROCEEDINGS. In  
32 proceedings where the petitioner is seeking a domestic violence  
33 protection order or an antiharassment protection order, the court may  
34 realign the designation of the parties as "petitioner" and  
35 "respondent" where the court finds that the original petitioner is  
36 the abuser or harasser and the original respondent is the victim of  
37 domestic violence or unlawful harassment. The court may issue a  
38 temporary protection order in accordance with this chapter until the



1 victim is able to prepare a petition for a protection order in  
2 accordance with this chapter.

3 NEW SECTION. **Sec. 27.** EXTREME RISK PROTECTION ORDER HEARINGS.  
4 For extreme risk protection order hearings, the following also apply.

5 (1) The court may:

6 (a) Examine under oath the petitioner, the respondent, and any  
7 witnesses they may produce, or, in lieu of examination, consider  
8 sworn declarations of the petitioner, the respondent, and any  
9 witnesses they may produce; and

10 (b) Ensure that a reasonable search has been conducted for  
11 criminal history records and civil protection order history related  
12 to the respondent.

13 (2) During the hearing, the court shall consider whether a  
14 behavioral health evaluation is appropriate, and may order such  
15 evaluation if appropriate.

16 (3) In determining whether grounds for an extreme risk protection  
17 order exist, the court may consider any relevant evidence including,  
18 but not limited to, any of the following:

19 (a) A recent act or threat of violence by the respondent against  
20 self or others, whether or not such violence or threat of violence  
21 involves a firearm;

22 (b) A pattern of acts or threats of violence by the respondent  
23 within the past 12 months including, but not limited to, acts or  
24 threats of violence by the respondent against self or others;

25 (c) Any behaviors that present an imminent threat of harm to self  
26 or others;

27 (d) A violation by the respondent of a protection order or a no-  
28 contact order issued;

29 (e) A previous or existing extreme risk protection order issued  
30 against the respondent;

31 (f) A violation of a previous or existing extreme risk protection  
32 order issued against the respondent;

33 (g) A conviction of the respondent for a crime that constitutes  
34 domestic violence as defined in RCW 10.99.020;

35 (h) A conviction of the respondent under RCW 9A.36.080;

36 (i) The respondent's ownership of, access to, or intent to  
37 possess, firearms;

38 (j) The unlawful or reckless use, display, or brandishing of a  
39 firearm by the respondent;

1 (k) The history of use, attempted use, or threatened use of  
2 physical force by the respondent against another person, or the  
3 respondent's history of stalking another person;

4 (l) Any prior arrest of the respondent for a felony offense or  
5 violent crime;

6 (m) Corroborated evidence of the abuse of controlled substances  
7 or alcohol by the respondent; and

8 (n) Evidence of recent acquisition of firearms by the respondent.

9 NEW SECTION. **Sec. 28.** VULNERABLE ADULT PROTECTION ORDER  
10 HEARINGS. For vulnerable adult protection order hearings, the  
11 following also apply.

12 (1) When a petition for a vulnerable adult protection order is  
13 filed by someone other than the vulnerable adult or the vulnerable  
14 adult's guardian, conservator, or person acting under a protective  
15 arrangement, or both, and the vulnerable adult for whom protection is  
16 sought advises the court at the hearing that the vulnerable adult  
17 does not want all or part of the protection sought in the petition,  
18 then the court may dismiss the petition or the provisions that the  
19 vulnerable adult objects to and any existing vulnerable adult  
20 protection order, or the court may take additional testimony or  
21 evidence, or order additional evidentiary hearings to determine  
22 whether the vulnerable adult is unable, due to incapacity, undue  
23 influence, or duress, to protect his or her person or estate in  
24 connection with the issues raised in the petition or order. If an  
25 additional evidentiary hearing is ordered and the court determines  
26 that there is reason to believe that there is a genuine issue about  
27 whether the vulnerable adult is unable to protect his or her person  
28 or estate in connection with the issues raised in the petition or  
29 order, the court may issue a temporary protection order of the  
30 vulnerable adult pending a decision after the evidentiary hearing.

31 (2) Pursuant to subsection (1) of this section, an evidentiary  
32 hearing on the issue of whether the vulnerable adult is unable, due  
33 to incapacity, undue influence, or duress, to protect his or her  
34 person or estate in connection with the issues raised in the petition  
35 or order, must be held within 14 days of entry of the temporary  
36 protection order. If the court did not enter a temporary protection  
37 order, the evidentiary hearing must be held within 14 days of the  
38 prior hearing on the petition. Notice of the time and place of the  
39 evidentiary hearing must be served upon the vulnerable adult and the

1 respondent not less than five judicial days before the hearing. If  
2 timely service cannot be made, the court may set a new hearing date.  
3 A hearing under this subsection is not necessary if the vulnerable  
4 adult has been determined to be subject to a guardianship,  
5 conservatorship, or other protective arrangement under chapter 11.130  
6 RCW. If a hearing is scheduled under this subsection, the protection  
7 order must remain in effect pending the court's decision at the  
8 subsequent hearing.

9 (3) At the hearing held pursuant to subsection (1) of this  
10 section, the court shall give the vulnerable adult, the respondent,  
11 the petitioner, and, in the court's discretion, other interested  
12 persons, the opportunity to testify and submit relevant evidence.

13 (4) If the court determines that the vulnerable adult is capable  
14 of protecting his or her person or estate in connection with the  
15 issues raised in the petition, and the vulnerable adult continues to  
16 object to the protection order, the court shall dismiss the order or  
17 may modify the order if agreed to by the vulnerable adult. If the  
18 court determines that the vulnerable adult is not capable of  
19 protecting his or her person or estate in connection with the issues  
20 raised in the petition or order, and that the vulnerable adult  
21 continues to need protection, the court shall order relief consistent  
22 with this chapter as it deems necessary for the protection of the  
23 vulnerable adult. In the entry of any order that is inconsistent with  
24 the expressed wishes of the vulnerable adult, the court's order is  
25 governed by the legislative findings contained in section 1 of this  
26 act.

27 NEW SECTION. **Sec. 29.** GRANT OF ORDER, DENIAL OF ORDER, AND  
28 IMPROPER GROUNDS. (1) The court shall issue a protection order if it  
29 finds by a preponderance of the evidence that the petitioner has  
30 proved the required criteria specified in (a) through (f) of this  
31 subsection for obtaining a protection order under this chapter.

32 (a) For a domestic violence protection order, that the petitioner  
33 has been subjected to domestic violence by the respondent.

34 (b) For a sexual assault protection order, that the petitioner  
35 has been subjected to nonconsensual sexual conduct or nonconsensual  
36 sexual penetration by the respondent.

37 (c) For a stalking protection order, that the petitioner has been  
38 subjected to stalking by the respondent.

1 (d) For a vulnerable adult protection order, that the petitioner  
2 has been abandoned, abused, financially exploited, or neglected, or  
3 is threatened with abandonment, abuse, financial exploitation, or  
4 neglect by the respondent.

5 (e) For an extreme risk protection order, that the respondent  
6 poses a significant danger of causing personal injury to self or  
7 others by having in the respondent's custody or control, purchasing,  
8 possessing, accessing, receiving, or attempting to purchase or  
9 receive, a firearm.

10 (f) For an antiharassment protection order, that the petitioner  
11 has been subjected to unlawful harassment by the respondent.

12 (2) The court may not deny or dismiss a petition for a protection  
13 order on the grounds that:

14 (a) The petitioner or the respondent is a minor, unless  
15 provisions in this chapter specifically limit relief or remedies  
16 based upon a party's age;

17 (b) The petitioner did not report the conduct giving rise to the  
18 petition to law enforcement;

19 (c) A no-contact order or a restraining order that restrains the  
20 respondent's contact with the petitioner has been issued in a  
21 criminal proceeding or in a domestic relations proceeding;

22 (d) The relief sought by the petitioner may be available in a  
23 different action or proceeding, or criminal charges are pending  
24 against the respondent;

25 (e) The conduct at issue did not occur recently or because of the  
26 passage of time since the last incident of conduct giving rise to the  
27 petition; or

28 (f) The respondent no longer lives near the petitioner.

29 (3) In proceedings where the petitioner alleges that the  
30 respondent engaged in nonconsensual sexual conduct or nonconsensual  
31 sexual penetration, the court shall not require proof of physical  
32 injury on the person of the petitioner or any other forensic  
33 evidence. Denial of a remedy to the petitioner may not be based, in  
34 whole or in part, on evidence that:

35 (a) The respondent was voluntarily intoxicated;

36 (b) The petitioner was voluntarily intoxicated; or

37 (c) The petitioner engaged in limited consensual sexual touching.

38 (4) In proceedings where the petitioner alleges that the  
39 respondent engaged in stalking, the court may not require proof of

1 the respondent's intentions regarding the acts alleged by the  
2 petitioner.

3 (5) If the court declines to issue a protection order, the court  
4 shall state in writing the particular reasons for the court's denial.  
5 If the court declines a request to include one or more of the  
6 petitioner's family or household member who is a minor or a  
7 vulnerable adult in the order, the court shall state the reasons for  
8 that denial in writing. The court shall also explain from the bench:

9 (a) That the petitioner may refile a petition for a protection  
10 order at any time if the petitioner has new evidence to present that  
11 would support the issuance of a protection order;

12 (b) The parties' rights to seek revision, reconsideration, or  
13 appeal of the order; and

14 (c) The parties' rights to have access to the court transcript or  
15 recording of the hearing.

16 (6) A court's ruling on a protection order must be filed by the  
17 court in writing and must be made by the court on the mandatory form  
18 developed by the administrative office of the courts.

19 NEW SECTION. **Sec. 30.** JUDICIAL INFORMATION SYSTEM CONSULTATION.

20 (1) Before ruling on an order under this chapter, the court shall  
21 consult the judicial information system to determine the criminal  
22 history, history of criminal victimization, history of being a  
23 respondent or petitioner in a protection order proceeding, or  
24 pendency of other proceedings involving the parties. The court may  
25 take judicial notice of a parallel criminal proceeding for the  
26 related conduct involving the same parties, including whether the  
27 defendant in that action waived speedy trial.

28 (2) Before granting an order under this chapter directing  
29 residential placement of a child or restraining or limiting a party's  
30 contact with his or her child, the court shall consult the judicial  
31 information system, if available, to determine the pendency of other  
32 proceedings involving the residential placement of any child of the  
33 parties for whom residential placement has been requested.

34 (3) When the court proposes to consider information from the  
35 judicial information system or another criminal or civil database,  
36 the court shall: Disclose the information to each party present at  
37 the hearing; on timely request, provide each party with an  
38 opportunity to be heard; and take appropriate measures to alleviate

1 safety concerns of the parties. The court has discretion not to  
2 disclose information that the court does not propose to consider.

3 NEW SECTION. **Sec. 31.** COMPLIANCE HEARINGS. For compliance  
4 hearings:

5 (1) Only the respondent is required to appear if the court is  
6 reviewing compliance with any conditions of the order. The petitioner  
7 may appear at such hearing and provide evidence to the court  
8 regarding the respondent's compliance with the order. The petitioner  
9 may also file a declaration in response to the respondent's  
10 representation of compliance with any conditions of the order. After  
11 reviewing such a declaration by the petitioner, the court may ask the  
12 petitioner to appear at the hearing or provide additional declaration  
13 or documentation to address disputed issues.

14 (2) Any orders entered by the court pursuant to a compliance  
15 hearing must be served on the respondent if the respondent failed to  
16 appear at the hearing at which the court entered the orders.

17 (3) The court shall use its best efforts to notify the petitioner  
18 of the outcome of the compliance hearing including, but not limited  
19 to, informing the petitioner on whether the respondent is found to be  
20 out of compliance with an order to surrender and prohibit weapons.  
21 Such notice should be provided to the petitioner by electronic means  
22 if possible, but may also be made by telephone or another method that  
23 allows notification to be provided without unnecessary delay.

24 NEW SECTION. **Sec. 32.** APPOINTMENT OF COUNSEL. The court may  
25 appoint counsel to represent the petitioner if the respondent is  
26 represented by counsel.

27 NEW SECTION. **Sec. 33.** INTERPRETERS. (1) Pursuant to chapter  
28 2.42 RCW, in order to ensure that parties have meaningful access to  
29 the court, an interpreter shall be appointed for any party who,  
30 because of a hearing or speech impairment, cannot readily understand  
31 or communicate in spoken language. Notwithstanding the provisions of  
32 chapter 2.42 RCW, the court shall not:

33 (a) Appoint an interpreter who is not trained to provide  
34 interpretation services; or

35 (b) Appoint a person to provide interpretation services if that  
36 person is serving as an advocate for the party.

1 (2) Pursuant to chapter 2.43 RCW, in order to ensure that parties  
2 have meaningful access to the court, an interpreter shall be  
3 appointed for any party who cannot readily speak or understand the  
4 English language. Notwithstanding the provisions of chapter 2.43 RCW,  
5 the court shall not:

6 (a) Appoint an interpreter who is not trained to provide  
7 interpretation services; or

8 (b) Appoint a person to provide interpretation services if that  
9 person is serving as an advocate for the party.

10 (3) Once an interpreter has been appointed for a party, the party  
11 shall no longer be required to make further requests for the  
12 appointment of an interpreter for subsequent hearings or proceedings.  
13 The clerk shall identify the party as a person who needs interpreter  
14 services and the clerk or the court administrator shall be  
15 responsible for ensuring that an interpreter is available for every  
16 subsequent hearing.

17 (4) The interpreter shall translate or interpret for the party in  
18 preparing forms, participating in the hearing and court-ordered  
19 assessments, and translating any orders.

20 (5) The same interpreter shall not serve parties on both sides of  
21 the proceeding, unless the court finds good cause on the record to do  
22 so because it is not possible to obtain more than one interpreter for  
23 the proceeding.

24 (6) Courts shall make a private space available for parties and  
25 interpreters to meet and confer.

26 (7) When a hearing is conducted through telephone, video, or  
27 other electronic means, the court must make appropriate  
28 accommodations to permit interpreters to serve the parties as needed.

29 NEW SECTION. **Sec. 34.** PROTECTION ORDER ADVOCATE AND SUPPORT  
30 PERSON. (1) Whether or not the petitioner has retained an attorney, a  
31 sexual assault or domestic violence advocate, as defined in RCW  
32 5.60.060, shall be allowed to accompany the petitioner and confer  
33 with the petitioner during court proceedings. The sexual assault or  
34 domestic violence advocate shall not provide legal representation nor  
35 interpretation services. Court administrators shall allow sexual  
36 assault and domestic violence advocates to assist petitioners with  
37 their protection orders. Sexual assault and domestic violence  
38 advocates are not engaged in the unauthorized practice of law when  
39 providing assistance of the types specified in this section. Unless

1 the sexual assault or domestic violence advocate seeks to speak  
2 directly to the court, advocates shall not be required to be  
3 identified on the record beyond stating their role as a sexual  
4 assault or domestic violence advocate and identifying the program for  
5 which they work or volunteer for. Communications between the  
6 petitioner and a sexual assault and domestic violence advocate are  
7 protected as provided by RCW 5.60.060.

8 (2) Whether or not the petitioner has retained an attorney, a  
9 protection order advocate must be allowed to accompany the petitioner  
10 to any legal proceeding including, but not limited to, sitting or  
11 standing next to the petitioner and conferring with the petitioner  
12 during court proceedings, or addressing the court when invited to do  
13 so.

14 (a) For purposes of this section, "protection order advocate"  
15 means any employee or volunteer from a program that provides, as some  
16 part of its services, information, advocacy, counseling, or support  
17 to persons seeking protection orders.

18 (b) The protection order advocate shall not provide legal  
19 representation nor interpretation services.

20 (c) Unless a protection order advocate seeks to speak directly to  
21 the court, protection order advocates shall not be required to be  
22 identified on the record beyond stating his or her role as a  
23 protection order advocate and identifying the program for which he or  
24 she works or volunteers.

25 (d) A protection order advocate who is not employed by, or under  
26 the direct supervision of, a law enforcement agency, a prosecutor's  
27 office, the child protective services section of the department of  
28 children, youth, and families as defined in RCW 26.44.020, or other  
29 governmental entity, has the same privileges, rights, and  
30 responsibilities as a sexual assault advocate and domestic violence  
31 advocate under RCW 5.60.060.

32 (3) Whether or not the petitioner has retained an attorney, if a  
33 petitioner does not have an advocate, the petitioner shall be allowed  
34 a support person to accompany the petitioner to any legal proceeding  
35 including, but not limited to, sitting or standing next to the  
36 petitioner and conferring with the petitioner during court  
37 proceedings. The support person may be any third party of the  
38 petitioner's choosing, provided that:

39 (a) The support person shall not provide legal representation nor  
40 interpretation services; and



1 (b) A support person who is not employed by, or under the direct  
2 supervision of, a law enforcement agency, a prosecutor's office, the  
3 child protective services section of the department of children,  
4 youth, and families as defined in RCW 26.44.020, or other government  
5 entity, may not, without the consent of the petitioner, be examined  
6 as to any communication between the petitioner and the support person  
7 regarding the petition.

8 NEW SECTION. **Sec. 35.** TRAINING. To help ensure familiarity with  
9 the unique nature of protection order proceedings, and an  
10 understanding of trauma-informed practices, best practices in use of  
11 new technologies for remote hearings, and evolving uses of technology  
12 as part of coercive control techniques, judicial officers, including  
13 persons who serve as judicial officers pro tempore, should receive  
14 training on procedural justice, trauma-informed practices, gender-  
15 based violence dynamics, elder abuse, juvenile sex offending, teen  
16 dating violence, and requirements for the surrender of weapons before  
17 presiding over protection order hearings. Trainings should be  
18 provided on an ongoing basis as best practices, research on trauma,  
19 and legislation continue to evolve. As a method of continuous  
20 training, court commissioners, including pro tempore commissioners,  
21 shall be notified by the presiding judge or court administrator upon  
22 revision of any decision made under this chapter.

23 NEW SECTION. **Sec. 36.** RECOMMENDATIONS ON IMPROVING PROTECTION  
24 ORDER PROCEEDINGS. (1) The administrative office of the courts,  
25 through the gender and justice commission of the Washington state  
26 supreme court, and with the support of the Washington state women's  
27 commission, shall work with representatives of superior, district,  
28 and municipal court judicial officers, court clerks, and  
29 administrators, including those with experience in protection order  
30 proceedings, as well as advocates and practitioners with expertise in  
31 each type of protection order, and others with relevant expertise, to  
32 consider and develop recommendations regarding:

33 (a) Uses of technology to reduce administrative burdens in  
34 protection order proceedings;

35 (b) Improving access to unrepresented parties in protection order  
36 proceedings, including promoting access for pro bono attorneys for  
37 remote protection order proceedings, in consultation with the  
38 Washington state bar association;

1 (c) Developing best practices for courts when there are civil  
2 protection order and criminal proceedings that concern the same  
3 alleged conduct; and

4 (d) Developing best practices in data collection and sharing,  
5 including demographic information, in order to promote research and  
6 study on protection orders and transparency of protection order data  
7 for the public, in partnership with the Washington state center for  
8 court research, the Washington state institute for public policy, the  
9 University of Washington, and the urban Indian health institute.

10 (2) The gender and justice commission shall provide a report of  
11 its recommendations to the legislature by June 30, 2022.

12 **PART VI**  
13 **ORDERS, DURATION, RELIEF, AND REMEDIES**

14 NEW SECTION. **Sec. 37.** Sections 38 through 42 of this act apply  
15 to all orders other than extreme risk protection orders.

16 NEW SECTION. **Sec. 38.** EX PARTE TEMPORARY PROTECTION ORDERS,  
17 OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) Where it appears  
18 from the petition and any additional evidence that the respondent has  
19 engaged in conduct against the petitioner that serves as a basis for  
20 a protection order under this chapter, and the petitioner alleges  
21 that irreparable injury could result if an order is not issued  
22 immediately without prior notice to the respondent, the court may  
23 grant an ex parte temporary protection order, pending a full hearing.  
24 The court has broad discretion to grant such relief as the court  
25 deems proper, including the forms of relief listed in section 39 of  
26 this act, provided that the court shall not order a form of relief  
27 listed in section 39 of this act if it would not be feasible or  
28 appropriate for the respondent to comply with such a requirement  
29 before a full hearing may be held on the petition for a protection  
30 order. If the court does not order all the relief requested by the  
31 petitioner in an ex parte temporary protection order, the court shall  
32 still consider ordering such relief at the full hearing on the  
33 petition for a protection order. In issuing the order, the court  
34 shall consider the provisions of RCW 9.41.800, and order the  
35 respondent to surrender, and prohibit the respondent from accessing,  
36 having in his or her custody or control, possessing, purchasing,  
37 attempting to purchase or receive, or receiving, all firearms,

1 dangerous weapons, and any concealed pistol license, as required in  
2 RCW 9.41.800.

3 (2) Any order issued under this section must contain the date,  
4 time of issuance, and expiration date.

5 (3) If the court declines to issue an ex parte temporary  
6 protection order, the court shall state the particular reasons for  
7 the court's denial in writing. The court's denial of a motion for an  
8 ex parte temporary protection order shall be filed with the court. If  
9 an ex parte temporary protection order is denied, the court shall  
10 still set a full hearing on the petition for a protection order.

11 (4) A petitioner may not obtain an ex parte temporary  
12 antiharassment protection order against a respondent if the  
13 petitioner has previously obtained two such ex parte orders against  
14 the same respondent, but has failed to obtain the issuance of a civil  
15 antiharassment protection order, unless good cause for such failure  
16 can be shown.

17 NEW SECTION. **Sec. 39.** RELIEF FOR TEMPORARY AND FULL PROTECTION  
18 ORDERS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) In issuing  
19 any type of protection order, other than an extreme risk protection  
20 order, the court shall have broad discretion to grant such relief as  
21 the court deems proper, including an order that provides relief as  
22 follows:

23 (a) Restrain the respondent from committing any of the following  
24 acts against the petitioner and other persons protected by the order:  
25 Domestic violence; nonconsensual sexual conduct or nonconsensual  
26 sexual penetration; sexual abuse; stalking; acts of abandonment,  
27 abuse, neglect, or financial exploitation against a vulnerable adult;  
28 and unlawful harassment;

29 (b) Restrain the respondent from making any attempts to have  
30 contact, including nonphysical contact, with the petitioner or the  
31 petitioner's family or household members who are minors or other  
32 members of the petitioner's household, either directly, indirectly,  
33 or through third parties regardless of whether those third parties  
34 know of the order;

35 (c) Exclude the respondent from the dwelling that the parties  
36 share; from the residence, workplace, or school of the petitioner; or  
37 from the day care or school of a minor child;

38 (d) Restrain the respondent from knowingly coming within, or  
39 knowingly remaining within, a specified distance from a specified

1 location including, but not limited to, a residence, school, day  
2 care, workplace, the protected party's person, and the protected  
3 party's vehicle. The specified distance shall presumptively be at  
4 least 1,000 feet, unless the court for good cause finds that a  
5 shorter specified distance is appropriate;

6 (e) If the parties have children in common, make residential  
7 provisions with regard to their minor children on the same basis as  
8 is provided in chapter 26.09 RCW. However, parenting plans as  
9 specified in chapter 26.09 RCW must not be required under this  
10 chapter. The court may not delay or defer relief under this chapter  
11 on the grounds that the parties could seek a parenting plan or  
12 modification to a parenting plan in a different action. A protection  
13 order must not be denied on the grounds that the parties have an  
14 existing parenting plan in effect. A protection order may suspend the  
15 respondent's contact with the parties' children under an existing  
16 parenting plan, subject to further orders in a family law proceeding;

17 (f) Order the respondent to participate in a state-certified  
18 domestic violence perpetrator treatment program approved under RCW  
19 26.50.150 (as recodified by this act) or a state-certified sex  
20 offender treatment program approved under RCW 18.155.070;

21 (g) Order the respondent to obtain a mental health or chemical  
22 dependency evaluation. If the court determines that a mental health  
23 evaluation is necessary, the court shall clearly document the reason  
24 for this determination and provide a specific question or questions  
25 to be answered by the mental health professional. The court shall  
26 consider the ability of the respondent to pay for an evaluation.  
27 Minors are presumed to be unable to pay. The parent or legal guardian  
28 is responsible for costs unless the parent or legal guardian  
29 demonstrates inability to pay;

30 (h) In cases where the petitioner and the respondent are students  
31 who attend the same public or private elementary, middle, or high  
32 school, the court, when issuing a protection order and providing  
33 relief, shall consider, among the other facts of the case, the  
34 severity of the act, any continuing physical danger, emotional  
35 distress, or educational disruption to the petitioner, and the  
36 financial difficulty and educational disruption that would be caused  
37 by a transfer of the respondent to another school. The court may  
38 order that the respondent not attend the public or private  
39 elementary, middle, or high school attended by the petitioner. If a  
40 minor respondent is prohibited attendance at the minor's assigned

1 public school, the school district must provide the student  
2 comparable educational services in another setting. In such a case,  
3 the district shall provide transportation at no cost to the  
4 respondent if the respondent's parent or legal guardian is unable to  
5 pay for transportation. The district shall put in place any needed  
6 supports to ensure successful transition to the new school  
7 environment. The court shall send notice of the restriction on  
8 attending the same school as the petitioner to the public or private  
9 school the respondent will attend and to the school the petitioner  
10 attends;

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

21 (j) Restrain the respondent from harassing, following,  
22 monitoring, keeping under physical or electronic surveillance,  
23 cyberstalking as defined in RCW 9.61.260, and using telephonic,  
24 audiovisual, or other electronic means to monitor the actions,  
25 location, or communication of the petitioner or the petitioner's  
26 family or household members who are minors or other members of the  
27 petitioner's household. For the purposes of this subsection,  
28 "communication" includes both "wire communication" and "electronic  
29 communication" as defined in RCW 9.73.260;

30 (k) Other than for respondents who are minors, require the  
31 respondent to submit to electronic monitoring. The order must specify  
32 who shall provide the electronic monitoring services and the terms  
33 under which the monitoring must be performed. The order also may  
34 include a requirement that the respondent pay the costs of the  
35 monitoring. The court shall consider the ability of the respondent to  
36 pay for electronic monitoring;

37 (l) Consider the provisions of RCW 9.41.800, and order the  
38 respondent to surrender, and prohibit the respondent from accessing,  
39 having in his or her custody or control, possessing, purchasing,  
40 attempting to purchase or receive, or receiving, all firearms,

1 dangerous weapons, and any concealed pistol license, as required in  
2 RCW 9.41.800;

3 (m) Order possession and use of essential personal effects. The  
4 court shall list the essential personal effects with sufficient  
5 specificity to make it clear which property is included. Personal  
6 effects may include pets. The court may order that a petitioner be  
7 granted the exclusive custody or control of any pet owned, possessed,  
8 leased, kept, or held by the petitioner, respondent, or minor child  
9 residing with either the petitioner or respondent, and may prohibit  
10 the respondent from interfering with the petitioner's efforts to  
11 obtain the pet. The court may also prohibit the respondent from  
12 knowingly coming within, or knowingly remaining within, a specified  
13 distance of specified locations where the pet is regularly found;

14 (n) Order use of a vehicle;

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

34 (p) Restrain the respondent from committing acts of abandonment,  
35 abuse, neglect, or financial exploitation against a vulnerable adult;

36 (q) Require an accounting by the respondent of the disposition of  
37 the vulnerable adult's income or other resources;

38 (r) Restrain the transfer of either the respondent's or  
39 vulnerable adult's property, or both, for a specified period not  
40 exceeding 90 days;

1 (s) Order financial relief and restrain the transfer of jointly  
2 owned assets;

3 (t) Restrain the respondent from possessing or distributing  
4 intimate images, as defined in RCW 9A.86.010, depicting the  
5 petitioner including, but not limited to, requiring the respondent  
6 to: Take down and delete all intimate images and recordings of the  
7 petitioner in the respondent's possession or control; and cease any  
8 and all disclosure of those intimate images. The court may also  
9 inform the respondent that it would be appropriate to ask third  
10 parties in possession or control of the intimate images of this  
11 protection order to take down and delete the intimate images so that  
12 the order may not inadvertently be violated; or

13 (u) Order other relief as it deems necessary for the protection  
14 of the petitioner and other family or household members who are  
15 minors or vulnerable adults for whom the petitioner has sought  
16 protection, including orders or directives to a law enforcement  
17 officer, as allowed under this chapter.

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

24 (3) The court shall not take any of the following actions in  
25 issuing a protection order.

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

29 (b) The court may not order the petitioner to pay the  
30 respondent's attorneys' fees or other costs.

31 (c) The court shall not issue a full protection order to any  
32 party except upon notice to the respondent and the opportunity for a  
33 hearing pursuant to a petition or counter-petition filed and served  
34 by the party seeking relief in accordance with this chapter. Except  
35 as provided in section 26 of this act, the court shall not issue a  
36 temporary protection order to any party unless the party has filed a  
37 petition or counter-petition for a protection order seeking relief in  
38 accordance with this chapter.

39 (d) Under no circumstances shall the court deny the petitioner  
40 the type of protection order sought in the petition on the grounds

1 that the court finds that a different type of protection order would  
2 have a less severe impact on the respondent.

3 (4) The order shall specify the date the order expires, if any.  
4 For permanent orders, the court shall set the date to expire 99 years  
5 from the issuance date. The order shall also state whether the court  
6 issued the protection order following personal service, service by  
7 electronic means, service by mail, or service by publication, and  
8 whether the court has approved service by mail or publication of an  
9 order issued under this section.

10 NEW SECTION. **Sec. 40.** DURATION OF FULL PROTECTION ORDERS, OTHER  
11 THAN FOR EXTREME RISK PROTECTION ORDERS. (1) When issuing an order  
12 after notice to the respondent and a hearing, the court may either  
13 grant relief for a fixed period of time or enter a permanent order of  
14 protection. The court shall not grant relief for less than one year  
15 unless the petitioner has specifically requested relief for a shorter  
16 period of time.

17 (2) (a) If a protection order restrains the respondent from  
18 contacting the respondent's minor children, the restraint must be for  
19 a fixed period not to exceed one year. This limitation is not  
20 applicable to protection orders issued under chapter 26.09, 26.26A,  
21 or 26.26B RCW.

22 (b) If the petitioner has petitioned for relief on behalf of the  
23 respondent's minor children, the court shall advise the petitioner  
24 that if the petitioner wants to continue protection for a period  
25 beyond one year, the petitioner may either petition for renewal  
26 pursuant to the provisions of this chapter or may seek relief  
27 pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

28 NEW SECTION. **Sec. 41.** LAW ENFORCEMENT STAND-BY TO RECOVER  
29 POSSESSIONS, OTHER THAN FOR EXTREME RISK PROTECTION ORDERS. (1) When  
30 an order is issued under this chapter upon request of the petitioner,  
31 the court may order a law enforcement officer to accompany the  
32 petitioner and assist in placing the petitioner in possession of  
33 those items indicated in the order or to otherwise assist in the  
34 execution of the order of protection. The order must list all items  
35 that are to be included with sufficient specificity to make it clear  
36 which property is included. Orders issued under this chapter must  
37 include a designation of the appropriate law enforcement agency to  
38 execute, serve, or enforce the order.



1 (2) Upon order of a court, a law enforcement officer shall  
2 accompany the petitioner and assist in placing the petitioner in  
3 possession of all items listed in the order and to otherwise assist  
4 in the execution of the order.

5 (3) Where orders involve surrender of firearms, dangerous  
6 weapons, and concealed pistol licenses, those items must be secured  
7 and accounted for in a manner that prioritizes safety and compliance  
8 with court orders.

9 NEW SECTION. **Sec. 42.** ENTRY OF PROTECTION ORDER DATA, OTHER  
10 THAN FOR EXTREME RISK PROTECTION ORDERS. (1) The clerk of the court  
11 shall enter any protection order, including temporary protection  
12 orders, issued under this chapter into a statewide judicial  
13 information system on the same day such order is issued, if possible,  
14 but no later than the next judicial day.

15 (2) A copy of a protection order granted under this chapter,  
16 including temporary protection orders, must be forwarded immediately  
17 by the clerk of the court, by electronic means if possible, to the  
18 law enforcement agency specified in the order. Upon receipt of the  
19 order, the law enforcement agency shall immediately enter the order  
20 into any computer-based criminal intelligence information system  
21 available in this state used by law enforcement agencies to list  
22 outstanding warrants. The order must remain in the computer until the  
23 expiration date specified on the order. If the court has entered an  
24 order that prohibits the respondent from possessing or purchasing a  
25 firearm, the law enforcement agency shall also enter the order into  
26 the national instant criminal background check system and any other  
27 federal or state computer-based systems used by law enforcement or  
28 others to identify prohibited purchasers of firearms. The order must  
29 remain in each system for the period stated in the order, and the law  
30 enforcement agency shall only expunge orders from the systems that  
31 have expired or terminated. Entry into the computer-based criminal  
32 intelligence information system constitutes notice to all law  
33 enforcement agencies of the existence of the order. The order is  
34 fully enforceable in any county in the state.

35 (3) The information entered into the computer-based criminal  
36 intelligence information system must include notice to law  
37 enforcement on whether the order was personally served, served by  
38 electronic means, served by publication, or served by mail.

1 (4) If a law enforcement agency receives a protection order for  
2 entry or service, but the order falls outside the agency's  
3 jurisdiction, the agency may enter and serve the order or may  
4 immediately forward it to the appropriate law enforcement agency for  
5 entry and service, and shall provide documentation back to the court  
6 verifying which law enforcement agency has entered and will serve the  
7 order.

8 NEW SECTION. **Sec. 43.** TEMPORARY PROTECTION ORDERS—EXTREME RISK  
9 PROTECTION ORDERS. (1) In considering whether to issue a temporary  
10 extreme risk protection order, the court shall consider all relevant  
11 evidence, including the evidence described in section 27 of this act.

12 (2) If a court finds there is reasonable cause to believe that  
13 the respondent poses a significant danger of causing personal injury  
14 to self or others in the near future by having in the respondent's  
15 custody or control, purchasing, possessing, accessing, receiving, or  
16 attempting to purchase or receive, a firearm, the court shall issue a  
17 temporary extreme risk protection order.

18 (3) A temporary extreme risk protection order must include:

19 (a) A statement of the grounds asserted for the order;

20 (b) The date and time the order was issued;

21 (c) The date and time the order expires;

22 (d) The address of the court in which any responsive pleading  
23 should be filed;

24 (e) The date and time of the scheduled hearing;

25 (f) A description of the requirements for the surrender of  
26 firearms under section 45 of this act; and

27 (g) The following statement: "To the subject of this protection  
28 order: This order is valid until the date and time noted above. You  
29 are required to surrender all firearms in your custody, control, or  
30 possession. You may not have in your custody or control, access,  
31 possess, purchase, receive, or attempt to purchase or receive, a  
32 firearm, or a concealed pistol license, while this order is in  
33 effect. You must surrender to the (insert name of local law  
34 enforcement agency) all firearms in your custody, control, or  
35 possession, and any concealed pistol license issued to you under RCW  
36 9.41.070 immediately. A hearing will be held on the date and at the  
37 time noted above to determine if an extreme risk protection order  
38 should be issued. Failure to appear at that hearing may result in a  
39 court making an order against you that is valid for one year. You may

1 seek the advice of an attorney as to any matter connected with this  
2 order."

3 (4) A temporary extreme risk protection order issued expires upon  
4 the full hearing on the petition for an extreme risk protection  
5 order, unless reissued by the court.

6 (5) A temporary extreme risk protection order must be served by a  
7 law enforcement officer in the same manner as provided for in section  
8 19 of this act for service of the notice of hearing and petition, and  
9 must be served concurrently with the notice of hearing and petition.

10 (6) If the court declines to issue a temporary extreme risk  
11 protection order, the court shall state the particular reasons for  
12 the court's denial.

13 NEW SECTION. **Sec. 44.** FULL ORDERS—EXTREME RISK PROTECTION  
14 ORDERS. (1) An extreme risk protection order issued after notice and  
15 a hearing must include:

16 (a) A statement of the grounds supporting the issuance of the  
17 order;

18 (b) The date and time the order was issued;

19 (c) The date and time the order expires;

20 (d) Whether a behavioral health evaluation of the respondent is  
21 required;

22 (e) The address of the court in which any responsive pleading  
23 should be filed;

24 (f) A description of the requirements for the surrender of  
25 firearms under section 45 of this act; and

26 (g) The following statement: "To the subject of this protection  
27 order: This order will last until the date and time noted above. If  
28 you have not done so already, you must surrender to the (insert name  
29 of local law enforcement agency) all firearms in your custody,  
30 control, or possession, and any concealed pistol license issued to  
31 you under RCW 9.41.070 immediately. You may not have in your custody  
32 or control, access, possess, purchase, receive, or attempt to  
33 purchase or receive, a firearm, or a concealed pistol license, while  
34 this order is in effect. You have the right to request one hearing to  
35 terminate this order every 12-month period that this order is in  
36 effect, starting from the date of this order and continuing through  
37 any renewals. You may seek the advice of an attorney as to any matter  
38 connected with this order."

1 (2) When the court issues an extreme risk protection order, the  
2 court shall inform the respondent that the respondent is entitled to  
3 request termination of the order in the manner prescribed by section  
4 62 of this act. The court shall provide the respondent with a form to  
5 request a termination hearing.

6 NEW SECTION. **Sec. 45.** SURRENDER OF FIREARMS—EXTREME RISK  
7 PROTECTION ORDERS. (1) Upon the issuance of any extreme risk  
8 protection order under this chapter, including a temporary extreme  
9 risk protection order, the court shall:

10 (a) Order the respondent to surrender to the local law  
11 enforcement agency all firearms in the respondent's custody, control,  
12 or possession, and any concealed pistol license issued under RCW  
13 9.41.070; and

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

17 (2) The law enforcement officer serving any extreme risk  
18 protection order under this chapter, including a temporary extreme  
19 risk protection order, shall request that the respondent immediately  
20 surrender all firearms in his or her custody, control, or possession,  
21 and any concealed pistol license issued under RCW 9.41.070, and  
22 conduct any search permitted by law for such firearms. The law  
23 enforcement officer shall take possession of all firearms belonging  
24 to the respondent that are surrendered, in plain sight, or discovered  
25 pursuant to a lawful search. The order must be personally served upon  
26 the respondent or defendant if the order is entered in open court in  
27 the presence of the respondent or defendant. The respondent or  
28 defendant shall acknowledge receipt and service. If the respondent or  
29 defendant refuses service, an agent of the court may indicate on the  
30 record that the respondent or defendant refused service. The court  
31 shall enter the service and receipt into the record. A copy of the  
32 order and service must be transmitted immediately to law enforcement.  
33 Alternatively, if personal service by a law enforcement officer is  
34 not possible, the respondent shall surrender the firearms in a safe  
35 manner to the control of the local law enforcement agency within 24  
36 hours of being served with the order by alternate service.

37 (3) At the time of surrender, a law enforcement officer taking  
38 possession of a firearm or concealed pistol license shall issue a  
39 receipt identifying all firearms that have been surrendered and

1 provide a copy of the receipt to the respondent. Within 72 hours  
2 after service of the order, the officer serving the order shall file  
3 the original receipt with the court and shall ensure that his or her  
4 law enforcement agency retains a copy of the receipt.

5 (4) Upon the sworn statement or testimony of the petitioner or of  
6 any law enforcement officer alleging that the respondent has failed  
7 to comply with the surrender of firearms as required by an order  
8 issued under this chapter, the court shall determine whether probable  
9 cause exists to believe that the respondent has failed to surrender  
10 all firearms in his or her possession, custody, or control. If  
11 probable cause for a violation of the order exists, the court shall  
12 issue a warrant describing the firearms and authorizing a search of  
13 the locations where the firearms are reasonably believed to be and  
14 the seizure of any firearms discovered pursuant to such search.

15 (5) If a person other than the respondent claims title to any  
16 firearms surrendered pursuant to this section, and that person is  
17 determined by the law enforcement agency to be the lawful owner of  
18 the firearm, the firearm must be returned to that person, provided  
19 that:

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

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

27 (c) The firearm is not otherwise unlawfully possessed by the  
28 owner.

29 (6) Upon the issuance of a one-year extreme risk protection  
30 order, the court shall order a new compliance review hearing date and  
31 require the respondent to appear not later than three judicial days  
32 from the issuance of the order. The court shall require a showing  
33 that the respondent has surrendered any firearms in the respondent's  
34 custody, control, or possession, and any concealed pistol license  
35 issued under RCW 9.41.070 to a law enforcement agency. The compliance  
36 review hearing is not required upon a satisfactory showing on which  
37 the court can otherwise enter findings on the record that the  
38 respondent has timely and completely surrendered all firearms in the  
39 respondent's custody, control, or possession, and any concealed  
40 pistol license issued under RCW 9.41.070 to a law enforcement agency,

1 and is in compliance with the order. If the court does not have a  
2 sufficient record before it on which to make such a finding, the  
3 court must set a review hearing to occur as soon as possible, at  
4 which the respondent must be present and provide proof of compliance  
5 with the court's order.

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

18 (b) If the respondent is not present in court at the compliance  
19 review hearing or if the court issues an order to appear and show  
20 cause after a compliance review hearing, the clerk of the court shall  
21 electronically transmit a copy of the order to show cause to the law  
22 enforcement agency where the respondent resides for personal service  
23 or service in the manner provided in the civil rules of superior  
24 court or applicable statute.

25 (c) The order to show cause served upon the respondent shall  
26 state the date, time, and location of the hearing, and shall include  
27 a warning that the respondent may be held in contempt of court if the  
28 respondent fails to promptly comply with the terms of the extreme  
29 risk protection order and a warning that an arrest warrant could be  
30 issued if the respondent fails to appear on the date and time  
31 provided in the order to show cause.

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

35 (ii) The court shall take judicial notice of the receipt filed  
36 with the court by the law enforcement agency pursuant to subsection  
37 (3) of this section. The court shall also provide sufficient notice  
38 to the law enforcement agency of the hearing. Upon receiving notice  
39 pursuant to this subsection, a law enforcement agency must:

1 (A) Provide the court with a complete list of firearms  
2 surrendered by the respondent or otherwise belonging to the  
3 respondent that are in the possession of the law enforcement agency;  
4 and

5 (B) Provide the court with verification that any concealed pistol  
6 license issued to the respondent has been surrendered and that a law  
7 enforcement agency with authority to revoke the license has been  
8 notified.

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

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

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

22 (8) (a) To help ensure that accurate and comprehensive information  
23 about firearms compliance is provided to judicial officers, a  
24 representative from either the prosecuting attorney's office or city  
25 attorney's office, or both, from the relevant jurisdiction may appear  
26 and be heard at any hearing that concerns compliance with an extreme  
27 risk protection order.

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

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

38 (b) To provide relevant information to the court to determine  
39 compliance with the order, the court may allow the prosecuting

1 attorney or city attorney to question the respondent regarding  
2 compliance.

3 (10) All law enforcement agencies must develop and implement  
4 policies and procedures regarding the acceptance, storage, and return  
5 of firearms required to be surrendered under this chapter. A law  
6 enforcement agency holding any surrendered firearm or concealed  
7 pistol license shall comply with the provisions of RCW 9.41.340 and  
8 9.41.345 before the return of the firearm or concealed pistol license  
9 to the owner or individual from whom it was obtained.

10 NEW SECTION. **Sec. 46.** FIREARMS RETURN AND DISPOSAL—EXTREME RISK  
11 PROTECTION ORDERS. (1) If an extreme risk protection order is  
12 terminated or expires without renewal, a law enforcement agency  
13 holding any firearm that has been surrendered pursuant to this  
14 chapter shall return any surrendered firearm requested by a  
15 respondent only after confirming, through a background check, that  
16 the respondent is currently eligible to own or possess firearms under  
17 federal and state law, and after confirming with the court that the  
18 extreme risk protection order has terminated or has expired without  
19 renewal.

20 (2) A law enforcement agency must, if requested, provide prior  
21 notice of the return of a firearm to a respondent to family or  
22 household members and to an intimate partner of the respondent in the  
23 manner provided in RCW 9.41.340 and 9.41.345.

24 (3) Any firearm surrendered by a respondent pursuant to section  
25 45 of this act that remains unclaimed by the lawful owner shall be  
26 disposed of in accordance with the law enforcement agency's policies  
27 and procedures for the disposal of firearms in police custody.

28 NEW SECTION. **Sec. 47.** REPORTING OF ORDERS—EXTREME RISK  
29 PROTECTION ORDERS. (1) The clerk of the court shall enter any extreme  
30 risk protection order, including temporary extreme risk protection  
31 orders, issued under this chapter into a statewide judicial  
32 information system on the same day such order is issued, if possible,  
33 but no later than the next judicial day.

34 (2) A copy of an extreme risk protection order granted under this  
35 chapter, including temporary extreme risk protection orders, must be  
36 forwarded immediately by the clerk of the court, by electronic means  
37 if possible, to the law enforcement agency specified in the order.  
38 Upon receipt of the order, the law enforcement agency shall



1 immediately enter the order into the national instant criminal  
2 background check system, any other federal or state computer-based  
3 systems used by law enforcement or others to identify prohibited  
4 purchasers of firearms, and any computer-based criminal intelligence  
5 information system available in this state used by law enforcement  
6 agencies to list outstanding warrants. The order must remain in each  
7 system for the period stated in the order, and the law enforcement  
8 agency shall only expunge orders from the systems that have expired  
9 or terminated. Entry into the computer-based criminal intelligence  
10 information system constitutes notice to all law enforcement agencies  
11 of the existence of the order. The order is fully enforceable in any  
12 county in the state.

13 (3) The information entered into the computer-based criminal  
14 intelligence information system must include notice to law  
15 enforcement whether the order was personally served, served by  
16 electronic means, served by publication, or served by mail.

17 (4) If a law enforcement agency receives a protection order for  
18 entry or service, but the order falls outside the agency's  
19 jurisdiction, the agency may enter and serve the order or may  
20 immediately forward it to the appropriate law enforcement agency for  
21 entry and service, and shall provide documentation back to the court  
22 verifying which law enforcement agency has entered and will serve the  
23 order.

24 (5) The issuing court shall, within three judicial days after the  
25 issuance of any extreme risk protection order, including a temporary  
26 extreme risk protection order, forward a copy of the respondent's  
27 driver's license or identicard, or comparable information, along with  
28 the date of order issuance, to the department of licensing. Upon  
29 receipt of the information, the department of licensing shall  
30 determine if the respondent has a concealed pistol license. If the  
31 respondent does have a concealed pistol license, the department of  
32 licensing shall immediately notify a law enforcement agency that the  
33 court has directed the revocation of the license. The law enforcement  
34 agency, upon receipt of such notification, shall immediately revoke  
35 the license.

36 (6) If an extreme risk protection order is terminated before its  
37 expiration date, the clerk of the court shall forward on the same day  
38 a copy of the termination order to the department of licensing and  
39 the law enforcement agency specified in the termination order. Upon  
40 receipt of the order, the law enforcement agency shall promptly

1 remove the order from any computer-based system in which it was  
2 entered pursuant to subsection (2) of this section.

3 NEW SECTION. **Sec. 48.** SEALING OF RECORDS—EXTREME RISK  
4 PROTECTION ORDERS. (1) A respondent under the age of 18, or a  
5 respondent whose extreme risk protection order was based solely on  
6 threats of self-harm by the respondent, may petition the court to  
7 have the court records sealed from public view at the time of the  
8 issuance of the full order, at any time during the life of the order,  
9 or at any time after its expiration.

10 (2) The court shall seal the court records from public view if  
11 there are no other active protection orders against the restrained  
12 party, there are no pending violations of the order, and there is  
13 evidence of full compliance with the surrender of firearms as ordered  
14 by the extreme risk protection order.

15 (3) Nothing in this section changes the requirement for the order  
16 to be entered into, and maintained in, computer-based systems as  
17 required in section 47 of this act.

18 NEW SECTION. **Sec. 49.** CERTAIN FINDINGS AND INFORMATION IN  
19 ORDERS. (1) Orders issued by the court following a hearing must  
20 identify the persons who participated in the hearing and whether each  
21 person appeared in person, by telephone, by video, or by other  
22 electronic means. If the respondent appeared at the hearing, the  
23 order must identify that the respondent has knowledge of the court's  
24 order.

25 (2) Courts shall not accept agreed orders unless there are  
26 findings indicating whether the respondent is a credible threat to  
27 the physical safety of the protected person or child.

28 (3) The court shall ensure that in issuing protection orders,  
29 including, but not limited to, orders to reissue temporary protection  
30 orders and orders to renew protection orders, the court specifies  
31 whether the respondent is ordered to surrender, and prohibited from  
32 possessing, firearms and dangerous weapons.

33 (4) If the court issued a temporary protection order that  
34 included a temporary order to surrender and prohibit weapons, the  
35 temporary order to surrender and prohibit weapons must automatically  
36 reissue with the temporary protection order. If the court determines  
37 by a preponderance of the evidence that irreparable injury to the  
38 petitioner will not result through the modification or termination of

1 the order to surrender and prohibit weapons as originally entered,  
2 then the court must make specific findings.

3 (5) If the court has information regarding any of the  
4 respondent's known aliases, that information must be included in the  
5 protection order.

6 NEW SECTION. **Sec. 50.** ERRORS IN PROTECTION ORDERS. After a  
7 protection order is issued, the court may correct clerical or  
8 technical errors in the order at any time. The court may correct  
9 errors either on the court's own initiative or upon notice to the  
10 court of an error. If the court corrects an error in an order, the  
11 court shall provide notice of the correction to the parties and the  
12 person who notified the court of the error, and shall provide a copy  
13 of the corrected order. The court shall direct the clerk to forward  
14 the corrected order on or before the next judicial day to the law  
15 enforcement agency specified in the order.

16 NEW SECTION. **Sec. 51.** SEALING OF RECORDS. The judicial  
17 information system committee's data dissemination committee shall  
18 develop recommendations on best practices for courts to consider for  
19 whether and when the sealing of records in protection order cases is  
20 appropriate or necessary under this chapter. The committee shall also  
21 consider methods to ensure compliance with the provisions of the  
22 federal violence against women act under 18 U.S.C. Sec. 2265(d)(3)  
23 that prohibit internet publication of filing or registration  
24 information of protection orders when such publication is likely to  
25 reveal the identity or location of the person protected by the order.

26 NEW SECTION. **Sec. 52.** ISSUANCE OF ORDERS NOT DISMISSED OR  
27 SUSPENDED. The practice of dismissing or suspending a criminal  
28 prosecution in exchange for the issuance of a protection order  
29 undermines the purposes of this chapter. Nothing in this chapter  
30 shall be construed as encouraging that practice.

31 **PART VII**  
32 **REISSUANCE AND RENEWAL**

33 NEW SECTION. **Sec. 53.** REISSUANCE OF TEMPORARY PROTECTION  
34 ORDERS. (1) A temporary protection order issued under this chapter  
35 may be reissued for the following reasons:

1 (a) Agreement of the parties;

2 (b) To provide additional time to effect service of the temporary  
3 protection order on the respondent; or

4 (c) If the court, in writing, finds good cause to reissue the  
5 order.

6 (2) Any temporary orders to surrender and prohibit weapons must  
7 also be automatically reissued with the temporary protection order.

8 (3) To ensure that a petitioner is not delayed in receiving a  
9 hearing on a petition for a protection order, there is a rebuttable  
10 presumption that a temporary protection order should not be reissued  
11 more than once or for more than 30 days at the request of the  
12 respondent, absent agreement of the parties, good cause, or the need  
13 to provide additional time to effect service.

14 (4) When considering any request to stay, continue, or delay a  
15 hearing under this chapter because of the pendency of a parallel  
16 criminal investigation or prosecution of the respondent, courts shall  
17 apply a rebuttable presumption against such delay and give due  
18 recognition to the purpose of this chapter to provide victims quick  
19 and effective relief. Courts must consider on the record the  
20 following factors:

21 (a) The extent to which a defendant's Fifth Amendment rights are  
22 or are not implicated, given the special nature of protection order  
23 proceedings which burden a defendant's Fifth Amendment privilege  
24 substantially less than do other civil proceedings;

25 (b) Similarities between the civil and criminal cases;

26 (c) Status of the criminal case;

27 (d) The interests of the petitioners in proceeding expeditiously  
28 with litigation and the potential prejudice and risk to petitioners  
29 of a delay;

30 (e) The burden that any particular aspect of the proceeding may  
31 impose on respondents;

32 (f) The convenience of the court in the management of its cases  
33 and the efficient use of judicial resources;

34 (g) The interests of persons not parties to the civil litigation;  
35 and

36 (h) The interest of the public in the pending civil and criminal  
37 litigation.

38 (5) Courts shall not require a petitioner to complete a new law  
39 enforcement information sheet when a temporary protection order is  
40 reissued or when a full order for a fixed time period is entered,

1 unless the petitioner indicates that the information needs to be  
2 updated or amended. The clerk shall transmit the order to the law  
3 enforcement agency identified in the order for service, along with a  
4 copy of the confidential party information form received from the  
5 respondent, if available, or the petitioner's confidential party  
6 information form to assist law enforcement in serving the order.

7 NEW SECTION. **Sec. 54.** RENEWAL OF PROTECTION ORDERS, OTHER THAN  
8 EXTREME RISK PROTECTION ORDERS. The following provisions apply to the  
9 renewal of all full protection orders issued under this chapter, with  
10 the exception of the renewal of extreme risk protection orders.

11 (1) If the court grants a protection order for a fixed time  
12 period, the petitioner may file a motion to renew the order at any  
13 time within the 90 days before the order expires. The motion for  
14 renewal must state the reasons the petitioner seeks to renew the  
15 protection order. Upon receipt of a motion for renewal, the court  
16 shall order a hearing, which must be not later than 14 days from the  
17 date of the order. Service must be made on the respondent not less  
18 than five judicial days before the hearing, as provided in section 18  
19 of this act.

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

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

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

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

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

37 (c) For a stalking protection order, that the respondent proves  
38 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; domestic violence; stalking; abandonment, abuse, financial  
16 exploitation, or neglect of a vulnerable adult; or other harmful acts  
17 against the petitioner or any other person since the protection order  
18 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, domestic violence, or  
28 stalking, or acts of abandonment, abuse, financial exploitation, or  
29 neglect of a vulnerable adult, or behavior that resulted in the entry  
30 of the protection order; or successfully completed state-certified  
31 perpetrator treatment or counseling since the protection order was  
32 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) The court may award court costs, service fees, and  
26 reasonable attorneys' fees to the petitioner as provided in section  
27 39 of this act.

28 (11) If the court declines to renew the protection order, the  
29 court shall state, in writing in the order, the particular reasons  
30 for the court's denial. If the court declines to renew a protection  
31 order that had restrained the respondent from having contact with  
32 children protected by the order, the court shall determine on the  
33 record whether the respondent and the children should undergo  
34 reunification therapy. Any reunification therapy provider should be  
35 made aware of the respondent's history of domestic violence and  
36 should have training and experience in the dynamics of intimate  
37 partner violence.

1 NEW SECTION. **Sec. 55.** RENEWAL—EXTREME RISK PROTECTION ORDERS.

2 The following provisions apply to the renewal of extreme risk  
3 protection orders.

4 (1) The court must notify the petitioner of the impending  
5 expiration of an extreme risk protection order. Notice must be  
6 received by the petitioner 105 calendar days before the date the  
7 order expires.

8 (2) An intimate partner or family or household member of a  
9 respondent, or a law enforcement agency, may by motion request a  
10 renewal of an extreme risk protection order at any time within 90  
11 days before the expiration of the order.

12 (a) Upon receipt of the motion to renew, the court shall order  
13 that a hearing be held not later than 14 days from the date the order  
14 issues.

15 (b) In determining whether to renew an extreme risk protection  
16 order issued under this section, the court shall consider all  
17 relevant evidence presented by the petitioner and follow the same  
18 procedure as provided in section 27 of this act.

19 (c) If the court finds by a preponderance of the evidence that  
20 the requirements for the issuance of an extreme risk protection order  
21 as provided in section 27 of this act continue to be met, the court  
22 shall renew the order. However, if, after notice, the motion for  
23 renewal is uncontested and the petitioner seeks no modification of  
24 the order, the order may be renewed on the basis of the petitioner's  
25 motion and statement of the reason for the requested renewal.

26 (d) The renewal of an extreme risk protection order has a  
27 duration of one year, subject to termination as provided in section  
28 62 of this act or further renewal by order of the court.

29 **PART VIII**

30 **VIOLATIONS AND ENFORCEMENT**

31 NEW SECTION. **Sec. 56.** VIOLATION OF ORDER AND PENALTIES, OTHER  
32 THAN ANTIHARASSMENT PROTECTION ORDERS OR EXTREME RISK PROTECTION  
33 ORDERS. (1)(a) Whenever a domestic violence protection order, a  
34 sexual assault protection order, a stalking protection order, or a  
35 vulnerable adult protection order is granted under this chapter, or  
36 an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A,  
37 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign  
38 protection order as defined in RCW 26.52.020, or there is a Canadian



1 domestic violence protection order as defined in RCW 26.55.010, and  
2 the respondent or person to be restrained knows of the order, a  
3 violation of any of the following provisions of the order is a gross  
4 misdemeanor, except as provided in subsections (4) and (5) of this  
5 section:

6 (i) The restraint provisions prohibiting acts or threats of  
7 violence against, or stalking of, a protected party, or the restraint  
8 provisions prohibiting contact with a protected party;

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

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

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

18 (v) A provision of a foreign protection order or a Canadian  
19 domestic violence protection order specifically indicating that a  
20 violation will be a crime.

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

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

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

35 (2) A law enforcement officer shall arrest without a warrant and  
36 take into custody a person whom the law enforcement officer has  
37 probable cause to believe has violated a domestic violence protection  
38 order, a sexual assault protection order, a stalking protection  
39 order, or a vulnerable adult protection order, or an order issued  
40 under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09,

1 26.26A, or 26.26B RCW, or a valid foreign protection order as defined  
2 in RCW 26.52.020, or a Canadian domestic violence protection order as  
3 defined in RCW 26.55.010, that restrains the person or excludes the  
4 person from a residence, workplace, school, or day care, or prohibits  
5 the person from knowingly coming within, or knowingly remaining  
6 within, a specified distance of a location, a protected party's  
7 person, or a protected party's vehicle, if the person restrained  
8 knows of the order. Presence of the order in the law enforcement  
9 computer-based criminal intelligence information system is not the  
10 only means of establishing knowledge of the order.

11 (3) A violation of a domestic violence protection order, a sexual  
12 assault protection order, a stalking protection order, or a  
13 vulnerable adult protection order, or an order issued under chapter  
14 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B  
15 RCW, or a valid foreign protection order as defined in RCW 26.52.020,  
16 or a Canadian domestic violence protection order as defined in RCW  
17 26.55.010, shall also constitute contempt of court, and is subject to  
18 the penalties prescribed by law.

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

30 (5) A violation of a domestic violence protection order, a sexual  
31 assault protection order, a stalking protection order, or a  
32 vulnerable adult protection order, or a court order issued under  
33 chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or  
34 26.26B RCW, or a valid foreign protection order as defined in RCW  
35 26.52.020, or a Canadian domestic violence protection order as  
36 defined in RCW 26.55.010, is a class C felony if the offender has at  
37 least two previous convictions for violating the provisions of a  
38 domestic violence protection order, a sexual assault protection  
39 order, a stalking protection order, or a vulnerable adult protection  
40 order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88,

1 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign  
2 protection order as defined in RCW 26.52.020, or a Canadian domestic  
3 violence protection order as defined in RCW 26.55.010. The previous  
4 convictions may involve the same victim or other victims specifically  
5 protected by the orders the offender violated.

6 (6) Upon the filing of an affidavit by the petitioner or any law  
7 enforcement officer alleging that the respondent has violated a  
8 domestic violence protection order, a sexual assault protection  
9 order, a stalking protection order, or a vulnerable adult protection  
10 order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88,  
11 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign  
12 protection order as defined in RCW 26.52.020, or a Canadian domestic  
13 violence protection order as defined in RCW 26.55.010, the court may  
14 issue an order to the respondent, requiring the respondent to appear  
15 and show cause within 14 days as to why the respondent should not be  
16 found in contempt of court and punished accordingly. The hearing may  
17 be held in the court of any county or municipality in which the  
18 petitioner or respondent temporarily or permanently resides at the  
19 time of the alleged violation.

20 NEW SECTION. **Sec. 57.** ENFORCEMENT AND PENALTIES—ANTI-HARASSMENT  
21 PROTECTION ORDERS. (1) When the court issues an anti-harassment  
22 protection order under this chapter, the court shall advise the  
23 petitioner that the respondent may not be subjected to the penalties  
24 set forth in this section for a violation of the order unless the  
25 respondent knows of the order.

26 (2) A willful disobedience by a respondent age 18 years or over  
27 of any of the following provisions of an anti-harassment protection  
28 order issued under this chapter is a gross misdemeanor:

29 (a) The restraint provisions prohibiting acts or threats of  
30 violence against, or unlawful harassment or stalking of, a protected  
31 party, or restraint provisions prohibiting contact with a protected  
32 party;

33 (b) A provision excluding the person from a residence, workplace,  
34 school, or day care;

35 (c) A provision prohibiting the person from knowingly coming  
36 within, or knowingly remaining within, a specified distance of a  
37 location, a protected party's person, or a protected party's vehicle;  
38 or

1 (d) A provision prohibiting interfering with the protected  
2 party's efforts to remove a pet owned, possessed, leased, kept, or  
3 held by the petitioner, respondent, or a minor child residing with  
4 either the petitioner or the respondent.

5 (3) Any respondent age 18 years or over who willfully disobeys  
6 the terms of any antiharassment protection order issued under this  
7 chapter may also, in the court's discretion, be found in contempt of  
8 court and subject to penalties under chapter 7.21 RCW.

9 (4) Any respondent under the age of 18 years who willfully  
10 disobeys the terms of an antiharassment protection order issued under  
11 this chapter may, in the court's discretion, be found in contempt of  
12 court and subject to the sanction specified in RCW 7.21.030(4),  
13 provided that the sanction specified in RCW 7.21.030(4) may be  
14 imposed only for willful disobedience of the provisions listed in  
15 subsection (2) of this section.

16 (5) A defendant arrested for violating any antiharassment  
17 protection order issued under this chapter is required to appear in  
18 person before a magistrate within one judicial day after the arrest.  
19 At the time of the appearance, the court shall determine the  
20 necessity of imposing a no-contact order or other conditions of  
21 pretrial release in accordance with RCW 9A.46.050.

22 (6) A defendant who is charged by citation, complaint, or  
23 information with violating any antiharassment protection order issued  
24 under this chapter and not arrested shall appear in court for  
25 arraignment in accordance with RCW 9A.46.050.

26 (7) Appearances required under this section are mandatory and  
27 cannot be waived.

28 NEW SECTION. **Sec. 58.** PENALTIES—EXTREME RISK PROTECTION ORDERS.

29 (1) Any person who files a petition for an extreme risk protection  
30 order knowing the information in such petition to be materially  
31 false, or with the intent to harass the respondent, is guilty of a  
32 gross misdemeanor.

33 (2) Any person who has in his or her custody or control,  
34 accesses, purchases, possesses, or receives, or attempts to purchase  
35 or receive, a firearm with knowledge that he or she is prohibited  
36 from doing so by an extreme risk protection order is guilty of a  
37 gross misdemeanor, and further is prohibited from having in his or  
38 her custody or control, accessing, purchasing, possessing, or  
39 receiving, or attempting to purchase or receive, a firearm for a

1 period of five years from the date the existing order expires.  
2 However, such person is guilty of a class C felony if the person has  
3 two or more previous convictions for violating an order issued under  
4 this chapter.

5 NEW SECTION. **Sec. 59.** ENFORCEMENT—KNOWLEDGE OF ORDER. (1) When  
6 the court issues a protection order under this chapter, the court  
7 shall advise the petitioner that the respondent may not be subjected  
8 to the penalties set forth in this chapter for a violation of the  
9 order unless the respondent knows of the order.

10 (2) When a law enforcement officer investigates a report of an  
11 alleged violation of a protection order issued under this chapter,  
12 the officer shall attempt to determine whether the respondent knew of  
13 the existence of the protection order. If the law enforcement officer  
14 determines that the respondent did not, or probably did not, know  
15 about the protection order and the officer is provided a current copy  
16 of the order, the officer shall serve the order on the respondent if  
17 the respondent is present. If the respondent is not present, the  
18 officer shall make reasonable efforts to serve a copy of the order on  
19 the respondent. If the officer serves the respondent with the  
20 petitioner's copy of the order, the officer shall give the petitioner  
21 a receipt indicating that the petitioner's copy has been served on  
22 the respondent. After the officer has served the order on the  
23 respondent, the officer shall enforce prospective compliance with the  
24 order.

25 (3) Presentation of an unexpired, certified copy of a protection  
26 order with proof of service is sufficient for a law enforcement  
27 officer to enforce the order regardless of the presence of the order  
28 in the law enforcement computer-based criminal intelligence  
29 information system.

30 NEW SECTION. **Sec. 60.** ENFORCEMENT—PROSECUTOR ASSISTANCE. When a  
31 party alleging a violation of a protection order issued under this  
32 chapter states that the party is unable to afford private counsel and  
33 asks the prosecuting attorney for the county or the attorney for the  
34 municipality in which the order was issued for assistance, the  
35 attorney shall initiate and prosecute a contempt proceeding if there  
36 is probable cause to believe that the violation occurred. In this  
37 action, the court may require the violator of the order to pay the

1 costs incurred in bringing the action, including a reasonable  
2 attorney's fee.

3 **PART IX**  
4 **MODIFICATION AND TERMINATION**

5 NEW SECTION. **Sec. 61.** MODIFICATION OR TERMINATION OF PROTECTION  
6 ORDERS, OTHER THAN EXTREME RISK PROTECTION ORDERS AND VULNERABLE  
7 ADULT PROTECTION ORDERS. This section applies to modification or  
8 termination of domestic violence protection orders, sexual assault  
9 protection orders, stalking protection orders, and antiharassment  
10 protection orders.

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

14 (2) A respondent's motion to modify or terminate an existing  
15 protection order must include a declaration setting forth facts  
16 supporting the requested order for modification or termination. The  
17 nonmoving parties to the proceeding may file opposing declarations.  
18 All motions to modify or terminate shall be based on the written  
19 materials and evidence submitted to the court. The court shall set a  
20 hearing only if the court finds that adequate cause is established.  
21 If the court finds that the respondent established adequate cause,  
22 the court shall set a date for hearing the respondent's motion, which  
23 must be at least 14 days from the date the court finds adequate  
24 cause.

25 (3) Upon the motion of a respondent, the court may not modify or  
26 terminate an existing protection order unless the respondent proves  
27 by a preponderance of the evidence that there has been a substantial  
28 change in circumstances such that the respondent will not resume,  
29 engage in, or attempt to engage in, the following acts against the  
30 petitioner or those persons protected by the protection order if the  
31 order is terminated or modified:

32 (a) Acts of domestic violence, in cases involving domestic  
33 violence protection orders;

34 (b) Physical or nonphysical contact, in cases involving sexual  
35 assault protection orders;

36 (c) Acts of stalking, in cases involving stalking protection  
37 orders; or

1 (d) Acts of unlawful harassment, in cases involving  
2 antiharassment protection orders.

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

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

9 (a) Whether the respondent has committed or threatened sexual  
10 assault, domestic violence, stalking, or other harmful acts against  
11 the petitioner or any other person since the protection order was  
12 entered;

13 (b) Whether the respondent has violated the terms of the  
14 protection order and the time that has passed since the entry of the  
15 order;

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

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

20 (e) Whether the respondent has either acknowledged responsibility  
21 for acts of sexual assault, domestic violence, stalking, or behavior  
22 that resulted in the entry of the protection order, or successfully  
23 completed state-certified perpetrator treatment or counseling since  
24 the protection order was entered;

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

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

29 (h) Other factors relating to a substantial change in  
30 circumstances.

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

34 (6) Regardless of whether there is a substantial change in  
35 circumstances, the court may decline to terminate a protection order  
36 if it finds that the acts of domestic violence, sexual assault,  
37 stalking, unlawful harassment, and other harmful acts that resulted  
38 in the issuance of the protection order were of such severity that  
39 the order should not be terminated.

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

5 (8) If a person who is protected by a protection order has a  
6 child or adopts a child after a protection order has been issued, but  
7 before the protection order has expired, the petitioner may seek to  
8 include the new child in the order of protection on an ex parte  
9 basis.

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

13 NEW SECTION. **Sec. 62.** TERMINATION OF EXTREME RISK PROTECTION  
14 ORDERS. This section applies to the termination of extreme risk  
15 protection orders.

16 (1) The respondent may submit one written request for a hearing  
17 to terminate an extreme risk protection order issued under this  
18 chapter every 12-month period that the order is in effect, starting  
19 from the date of the order and continuing through any renewals.

20 (2) Upon receipt of the request for a hearing to terminate an  
21 extreme risk protection order, the court shall set a date for a  
22 hearing. The hearing must occur no sooner than 14 days and no later  
23 than 30 days from the date of service of the request upon the  
24 petitioner.

25 (3) The respondent shall have the burden of proving by a  
26 preponderance of the evidence that the respondent does not pose a  
27 significant danger of causing personal injury to self or others by  
28 having in his or her custody or control, accessing, possessing,  
29 purchasing, receiving, or attempting to purchase or receive, a  
30 firearm or other dangerous weapons. The court may consider any  
31 relevant evidence, including evidence of the considerations listed in  
32 section 27 of this act.

33 (4) If the court finds after the hearing that the respondent has  
34 met his or her burden, the court shall terminate the order.

35 NEW SECTION. **Sec. 63.** MODIFICATION OR TERMINATION OF VULNERABLE  
36 ADULT PROTECTION ORDERS. This section applies to the modification or  
37 termination of vulnerable adult protection orders.



1 (1) Any vulnerable adult who is subject to a limited  
2 guardianship, limited conservatorship, or other protective  
3 arrangement under chapter 11.130 RCW, or the vulnerable adult's  
4 guardian, conservator, or person acting on behalf of the vulnerable  
5 adult under a protective arrangement, may, at any time subsequent to  
6 the entry of a permanent protection order under this chapter, file a  
7 motion to modify or terminate the protection order.

8 (2) In a hearing on a motion to modify or terminate the  
9 protection order, the court shall grant such relief consistent with  
10 section 39 of this act as it deems necessary for the protection of  
11 the vulnerable adult, including modification or termination of the  
12 protection order.

13 NEW SECTION. **Sec. 64.** REPORTING OF MODIFICATION OR TERMINATION  
14 OF ORDER. In any situation where a protection order issued under this  
15 chapter is modified or terminated before its expiration date, the  
16 clerk of the court shall forward on the same day a true copy of the  
17 modified order or the termination order to the law enforcement agency  
18 specified in the modified or termination order. Upon receipt of the  
19 order, the law enforcement agency shall promptly enter it in the  
20 computer-based criminal intelligence information system, or if the  
21 order is terminated, remove the order from the computer-based  
22 criminal intelligence information system.

23 **PART X**  
24 **MISCELLANEOUS**

25 NEW SECTION. **Sec. 65.** ORDERS UNDER THIS AND OTHER CHAPTERS,  
26 ENFORCEMENT, AND CONSOLIDATION—VALIDITY AND ENFORCEMENT OF ORDERS  
27 UNDER PRIOR CHAPTERS. (1)(a) Any order available under this chapter,  
28 other than an extreme risk protection order, may be issued in actions  
29 under chapter 13.32A, 26.09, 26.26A, or 26.26B RCW. If a protection  
30 order is issued in an action under chapter 13.32A, 26.09, 26.26A, or  
31 26.26B RCW, the order must be issued on the forms mandated by section  
32 16 of this act. An order issued in accordance with this subsection  
33 (1)(a) is fully enforceable and must be enforced under the provisions  
34 of this chapter.

35 (b) If a party files an action under chapter 13.32A, 26.09,  
36 26.26A, or 26.26B RCW, an order issued previously under this chapter  
37 between the same parties may be consolidated by the court under that

1 action and cause number. Any order issued under this chapter after  
2 consolidation must contain the original cause number and the cause  
3 number of the action under chapter 13.32A, 26.09, 26.26A, or 26.26B  
4 RCW.

5 (2) Nothing in this act affects the validity of protection orders  
6 issued prior to the effective date of this section under chapter  
7 74.34 RCW or any of the former chapters 7.90, 7.92, 7.94, 10.14, and  
8 26.50 RCW. Protection orders entered prior to the effective date of  
9 this section under chapter 74.34 RCW or any of the former chapters  
10 7.90, 7.92, 7.94, 10.14, and 26.50 RCW are subject to the provisions  
11 of this act and are fully enforceable under the applicable provisions  
12 of sections 56 through 60 of this act and may be modified or  
13 terminated in accordance with the applicable provisions of sections  
14 61 through 65 of this act.

15 NEW SECTION. **Sec. 66.** JUDICIAL INFORMATION SYSTEM AND DATABASE.  
16 To prevent the issuance of competing protection orders in different  
17 courts and to give courts needed information for the issuance of  
18 orders, the judicial information system must be available in each  
19 district, municipal, and superior court, and must include a database  
20 containing the following information:

21 (1) The names of the parties and the cause number for every order  
22 of protection issued under this chapter, every criminal no-contact  
23 order issued under chapters 9A.46 and 10.99 RCW, every dissolution  
24 action under chapter 26.09 RCW, every minor guardianship action under  
25 chapter 11.130 RCW, every parentage action under chapter 26.26A or  
26 26.26B RCW, every restraining order issued on behalf of an abused  
27 child or adult dependent person under chapter 26.44 RCW, every  
28 foreign protection order filed under chapter 26.52 RCW, and every  
29 Canadian domestic violence protection order filed under chapter 26.55  
30 RCW. When a guardian or the department of social and health services  
31 or department of children, youth, and families has petitioned for  
32 relief on behalf of an abused child, adult dependent person, or  
33 vulnerable adult, the name of the person on whose behalf relief was  
34 sought must be included in the database as a party rather than the  
35 guardian or appropriate department;

36 (2) A criminal history of the parties; and

37 (3) Other relevant information necessary to assist courts in  
38 issuing orders under this chapter as determined by the judicial  
39 information system committee.

1        NEW SECTION.    **Sec. 67.**    TITLE TO REAL ESTATE—EFFECT. Nothing in  
2 this chapter may affect the title to real estate: PROVIDED, That a  
3 judgment for costs or fees awarded under this chapter constitutes a  
4 lien on real estate to the extent provided in chapter 4.56 RCW.

5        NEW SECTION.    **Sec. 68.**    PROCEEDINGS ADDITIONAL—FILING OF CRIMINAL  
6 CHARGES NOT REQUIRED. (1) Any proceeding under this chapter is in  
7 addition to other civil or criminal remedies.

8        (2) Nothing in this chapter shall be construed as requiring  
9 criminal charges to be filed as a condition of a protection order  
10 being issued.

11       NEW SECTION.    **Sec. 69.**    OTHER AUTHORITY RETAINED. This chapter  
12 does not affect the ability of a law enforcement officer to remove a  
13 firearm or concealed pistol license from any person or to conduct any  
14 search and seizure for firearms pursuant to other lawful authority.

15       NEW SECTION.    **Sec. 70.**    LIABILITY. (1) Except as provided in  
16 section 58 of this act, this chapter does not impose criminal or  
17 civil liability on any person or entity for acts or omissions related  
18 to obtaining an extreme risk protection order or a temporary extreme  
19 risk protection order including, but not limited to, reporting,  
20 declining to report, investigating, declining to investigate, filing,  
21 or declining to file a petition under this chapter.

22       (2) No law enforcement officer may be held criminally or civilly  
23 liable for making an arrest under section 56 of this act if the  
24 officer acts in good faith.

25       NEW SECTION.    **Sec. 71.**    PROTECTION ORDER COMMISSIONERS—  
26 APPOINTMENT AUTHORIZED. In each county, the superior court may  
27 appoint one or more attorneys to act as protection order  
28 commissioners pursuant to this chapter to exercise all powers and  
29 perform all duties of a court commissioner appointed pursuant to RCW  
30 2.24.010, provided that such positions may not be created without  
31 prior consent of the county legislative authority. A person appointed  
32 as a protection order commissioner under this chapter may also be  
33 appointed to any other commissioner position authorized by law.  
34 Protection order commissioners should receive training as specified  
35 in section 35 of this act.

1 **PART XI**

2 **EXTREME RISK PROTECTION ORDERS AND ORDERS TO SURRENDER AND PROHIBIT**  
3 **WEAPONS**

4 **Sec. 72.** RCW 9.41.040 and 2020 c 29 s 4 are each amended to read  
5 as follows:

6 (1)(a) A person, whether an adult or juvenile, is guilty of the  
7 crime of unlawful possession of a firearm in the first degree, if the  
8 person owns, has in his or her possession, or has in his or her  
9 control any firearm after having previously been convicted or found  
10 not guilty by reason of insanity in this state or elsewhere of any  
11 serious offense as defined in this chapter.

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, has in his or her possession, or has in his or her  
19 control any firearm:

20 (i) After having previously been convicted or found not guilty by  
21 reason of insanity in this state or elsewhere of any felony not  
22 specifically listed as prohibiting firearm possession under  
23 subsection (1) of this section, or any of the following crimes when  
24 committed by one family or household member against another or by one  
25 intimate partner against another, committed on or after July 1, 1993:  
26 Assault in the fourth degree, coercion, stalking, reckless  
27 endangerment, criminal trespass in the first degree, or violation of  
28 the provisions of a domestic violence protection order or no-contact  
29 order restraining the person or excluding the person from a residence  
30 (chapter 7.78 RCW (the new chapter created in section 78 of this  
31 act), RCW 10.99.040, or any of the former RCW 26.50.060, 26.50.070,  
32 and 26.50.130 (~~(, or 10.99.040)~~));

33 (ii) After having previously been convicted or found not guilty  
34 by reason of insanity in this state or elsewhere of harassment when  
35 committed by one family or household member against another or by one  
36 intimate partner against another, committed on or after June 7, 2018;

37 (iii) During any period of time that the person is subject to a  
38 court order issued under chapter (~~(7.90, 7.92,)~~) 7.78 (the new  
39 chapter created in section 78 of this act), 9A.46, (~~(10.14,)~~) 10.99,

1 26.09, (~~26.10,~~) 26.26A, or 26.26B(~~(, or 26.50)~~) RCW or any of the  
2 former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:

3 (A) Was issued after a hearing (~~(of)~~) for which the person  
4 received actual notice, and at which the person had an opportunity to  
5 participate, whether the court then issues a full order or reissues a  
6 temporary order. If the court enters an agreed order by the parties  
7 without a hearing, such an order meets the requirements of this  
8 subsection;

9 (B) Restrains the person from harassing, stalking, or threatening  
10 the person protected under the order or child of the person or  
11 protected person, or engaging in other conduct that would place the  
12 protected person in reasonable fear of bodily injury to the protected  
13 person or child; and

14 (C) (I) Includes a finding that the person represents a credible  
15 threat to the physical safety of the protected person or child and by  
16 its terms explicitly prohibits the use, attempted use, or threatened  
17 use of physical force against the protected person or child that  
18 would reasonably be expected to cause bodily injury; or

19 (II) Includes an order under RCW 9.41.800 requiring the person to  
20 surrender all firearms and prohibiting the person from accessing,  
21 (~~(obtaining, or)~~) having in his or her custody or control,  
22 possessing, purchasing, receiving, or attempting to purchase or  
23 receive, firearms;

24 (iv) After having previously been involuntarily committed (~~(for~~  
25 ~~mental health treatment)~~) based on a mental disorder under RCW  
26 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or  
27 equivalent statutes of another jurisdiction, unless his or her right  
28 to possess a firearm has been restored as provided in RCW 9.41.047;

29 (v) After dismissal of criminal charges based on incompetency to  
30 stand trial under RCW 10.77.088 when the court has made a finding  
31 indicating that the defendant has a history of one or more violent  
32 acts, unless his or her right to possess a firearm has been restored  
33 as provided in RCW 9.41.047;

34 (vi) If the person is under (~~(eighteen)~~) 18 years of age, except  
35 as provided in RCW 9.41.042; and/or

36 (vii) If the person is free on bond or personal recognizance  
37 pending trial, appeal, or sentencing for a serious offense as defined  
38 in RCW 9.41.010.

39 (b) (~~(a)(iii) of this subsection does not apply to a sexual~~  
40 ~~assault protection order under chapter 7.90 RCW if the order has been~~

1 ~~modified pursuant to RCW 7.90.170 to remove any restrictions on~~  
2 ~~firearm purchase, transfer, or possession.~~

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

5 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,  
6 as used in this chapter, a person has been "convicted," whether in an  
7 adult court or adjudicated in a juvenile court, at such time as a  
8 plea of guilty has been accepted or a verdict of guilty has been  
9 filed, notwithstanding the pendency of any future proceedings  
10 including, but not limited to, sentencing or disposition, post-trial  
11 or post-fact-finding motions, and appeals. Conviction includes a  
12 dismissal entered after a period of probation, suspension, or  
13 deferral of sentence, and also includes equivalent dispositions by  
14 courts in jurisdictions other than Washington state. A person shall  
15 not be precluded from possession of a firearm if the conviction has  
16 been the subject of a pardon, annulment, certificate of  
17 rehabilitation, or other equivalent procedure based on a finding of  
18 the rehabilitation of the person convicted or the conviction or  
19 disposition has been the subject of a pardon, annulment, or other  
20 equivalent procedure based on a finding of innocence. Where no record  
21 of the court's disposition of the charges can be found, there shall  
22 be a rebuttable presumption that the person was not convicted of the  
23 charge.

24 (4)(a) Notwithstanding subsection (1) or (2) of this section, a  
25 person convicted or found not guilty by reason of insanity of an  
26 offense prohibiting the possession of a firearm under this section  
27 other than murder, manslaughter, robbery, rape, indecent liberties,  
28 arson, assault, kidnapping, extortion, burglary, or violations with  
29 respect to controlled substances under RCW 69.50.401 and 69.50.410,  
30 who received a probationary sentence under RCW 9.95.200, and who  
31 received a dismissal of the charge under RCW 9.95.240, shall not be  
32 precluded from possession of a firearm as a result of the conviction  
33 or finding of not guilty by reason of insanity. Notwithstanding any  
34 other provisions of this section, if a person is prohibited from  
35 possession of a firearm under subsection (1) or (2) of this section  
36 and has not previously been convicted or found not guilty by reason  
37 of insanity of a sex offense prohibiting firearm ownership under  
38 subsection (1) or (2) of this section and/or any felony defined under  
39 any law as a class A felony or with a maximum sentence of at least

1 ((~~twenty~~)) 20 years, or both, the individual may petition a court of  
2 record to have his or her right to possess a firearm restored:

3 (i) Under RCW 9.41.047; and/or

4 (ii)(A) If the conviction or finding of not guilty by reason of  
5 insanity was for a felony offense, after five or more consecutive  
6 years in the community without being convicted or found not guilty by  
7 reason of insanity or currently charged with any felony, gross  
8 misdemeanor, or misdemeanor crimes, if the individual has no prior  
9 felony convictions that prohibit the possession of a firearm counted  
10 as part of the offender score under RCW 9.94A.525; or

11 (B) If the conviction or finding of not guilty by reason of  
12 insanity was for a nonfelony offense, after three or more consecutive  
13 years in the community without being convicted or found not guilty by  
14 reason of insanity or currently charged with any felony, gross  
15 misdemeanor, or misdemeanor crimes, if the individual has no prior  
16 felony convictions that prohibit the possession of a firearm counted  
17 as part of the offender score under RCW 9.94A.525 and the individual  
18 has completed all conditions of the sentence.

19 (b) An individual may petition a court of record to have his or  
20 her right to possess a firearm restored under (a) of this subsection  
21 only at:

22 (i) The court of record that ordered the petitioner's prohibition  
23 on possession of a firearm; or

24 (ii) The superior court in the county in which the petitioner  
25 resides.

26 (5) In addition to any other penalty provided for by law, if a  
27 person under the age of ((~~eighteen~~)) 18 years is found by a court to  
28 have possessed a firearm in a vehicle in violation of subsection (1)  
29 or (2) of this section or to have committed an offense while armed  
30 with a firearm during which offense a motor vehicle served an  
31 integral function, the court shall notify the department of licensing  
32 within ((~~twenty-four~~)) 24 hours and the person's privilege to drive  
33 shall be revoked under RCW 46.20.265, unless the offense is the  
34 juvenile's first offense in violation of this section and has not  
35 committed an offense while armed with a firearm, an unlawful  
36 possession of a firearm offense, or an offense in violation of  
37 chapter 66.44, 69.52, 69.41, or 69.50 RCW.

38 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed  
39 or interpreted as preventing an offender from being charged and  
40 subsequently convicted for the separate felony crimes of theft of a

1 firearm or possession of a stolen firearm, or both, in addition to  
2 being charged and subsequently convicted under this section for  
3 unlawful possession of a firearm in the first or second degree.  
4 Notwithstanding any other law, if the offender is convicted under  
5 this section for unlawful possession of a firearm in the first or  
6 second degree and for the felony crimes of theft of a firearm or  
7 possession of a stolen firearm, or both, then the offender shall  
8 serve consecutive sentences for each of the felony crimes of  
9 conviction listed in this subsection.

10 (7) Each firearm unlawfully possessed under this section shall be  
11 a separate offense.

12 **Sec. 73.** RCW 9.41.075 and 2005 c 453 s 4 are each amended to  
13 read as follows:

14 (1) The license shall be revoked by ~~((the license-issuing~~  
15 ~~authority))~~ a law enforcement agency immediately upon:

16 (a) Discovery by the ~~((issuing authority))~~ law enforcement agency  
17 that the ~~((person))~~ licensee was ineligible under RCW 9.41.070 for a  
18 concealed pistol license when applying for the license or license  
19 renewal;

20 (b) Conviction of the licensee, or the licensee being found not  
21 guilty by reason of insanity, of an offense, or commitment of the  
22 licensee for mental health treatment, that makes a person ineligible  
23 under RCW 9.41.040 to possess a firearm;

24 (c) Conviction of the licensee for a third violation of this  
25 chapter within five calendar years; ~~((or))~~

26 (d) An order that the licensee forfeit a firearm under RCW  
27 9.41.098(1)(d); or

28 (e) The law enforcement agency's receipt of an order to surrender  
29 and prohibit weapons or an extreme risk protection order, other than  
30 an ex parte temporary protection order, issued against the licensee.

31 (2)(a) Unless the person may lawfully possess a pistol without a  
32 concealed pistol license, an ineligible person to whom a concealed  
33 pistol license was issued shall, within ~~((fourteen))~~ 14 days of  
34 license revocation, lawfully transfer ownership of any pistol  
35 acquired while the person was in possession of the license.

36 (b) Upon discovering a person issued a concealed pistol license  
37 was ineligible for the license, the ~~((issuing authority))~~ law  
38 enforcement agency shall contact the department of licensing to  
39 determine whether the person purchased a pistol while in possession



1 of the license. If the person did purchase a pistol while in  
2 possession of the concealed pistol license, if the person may not  
3 lawfully possess a pistol without a concealed pistol license, the  
4 (~~issuing authority~~) law enforcement agency shall require the person  
5 to present satisfactory evidence of having lawfully transferred  
6 ownership of the pistol. The (~~issuing authority~~) law enforcement  
7 agency shall require the person to produce the evidence within  
8 (~~fifteen~~) 15 days of the revocation of the license.

9 (3) When a licensee is ordered to forfeit a firearm under RCW  
10 9.41.098(1)(d), the (~~issuing authority~~) law enforcement agency  
11 shall:

12 (a) On the first forfeiture, revoke the license for one year;

13 (b) On the second forfeiture, revoke the license for two years;

14 or

15 (c) On the third or subsequent forfeiture, revoke the license for  
16 five years.

17 Any person whose license is revoked as a result of a forfeiture  
18 of a firearm under RCW 9.41.098(1)(d) may not reapply for a new  
19 license until the end of the revocation period.

20 (4) The (~~issuing authority~~) law enforcement agency shall  
21 notify, in writing, the department of licensing of the revocation of  
22 a license. The department of licensing shall record the revocation.

23 **Sec. 74.** RCW 9.41.800 and 2019 c 245 s 1 and 2019 c 46 s 5006  
24 are each reenacted and amended to read as follows:

25 (1) Any court when entering an order authorized under chapter  
26 (~~7.92 RCW, RCW 7.90.090~~) 7.--- RCW (the new chapter created in  
27 section 78 of this act), RCW 9A.46.080, (~~10.14.080,~~) 10.99.040,  
28 10.99.045, 26.09.050, 26.09.060, (~~26.10.040, 26.10.115,~~)  
29 26.26B.020, (~~26.50.060, 26.50.070,~~) or 26.26A.470 shall, upon a  
30 showing by (~~clear and convincing~~) a preponderance of the evidence,  
31 that a party has: Used, displayed, or threatened to use a firearm or  
32 other dangerous weapon in a felony, or is ineligible to possess a  
33 firearm under the provisions of RCW 9.41.040:

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

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

38 (c) Prohibit the party from accessing, (~~obtaining, or~~) having  
39 in his or her custody or control, possessing, purchasing, receiving,

1 or attempting to purchase or receive, any firearms or other dangerous  
2 weapons;

3 (d) Prohibit the party from obtaining or possessing a concealed  
4 pistol license;

5 (e) Other than for ex parte temporary protection orders, unless  
6 the ex parte temporary protection order was reissued after the party  
7 received noticed and had an opportunity to be heard, direct law  
8 enforcement to revoke any concealed pistol license issued to the  
9 party.

10 (2) (~~Any court when entering an order authorized under chapter~~  
11 ~~7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045,~~  
12 ~~26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060,~~  
13 ~~26.50.070, or 26.26A.470 may, upon a showing by a preponderance of~~  
14 ~~the evidence but not by clear and convincing evidence, that a party~~  
15 ~~has: Used, displayed, or threatened to use a firearm or other~~  
16 ~~dangerous weapon in a felony, or is ineligible to possess a firearm~~  
17 ~~under the provisions of RCW 9.41.040:~~

18 ~~(a) Require that the party immediately surrender all firearms and~~  
19 ~~other dangerous weapons;~~

20 ~~(b) Require that the party immediately surrender a concealed~~  
21 ~~pistol license issued under RCW 9.41.070;~~

22 ~~(c) Prohibit the party from accessing, obtaining, or possessing~~  
23 ~~any firearms or other dangerous weapons;~~

24 ~~(d) Prohibit the party from obtaining or possessing a concealed~~  
25 ~~pistol license.~~

26 ~~(3))~~ During any period of time that the ((person)) party is  
27 subject to a court order issued under chapter ((7.90, 7.92)) 7.---  
28 (the new chapter created in section 78 of this act), 9A.46,  
29 ((10.14,)) 10.99, 26.09, ((26.10,)) 26.26A, or 26.26B((, or 26.50))  
30 RCW that:

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

37 (b) Restrains the ((person)) party from harassing, stalking, or  
38 threatening an intimate partner of the ((person)) party, the  
39 protected person, or child of the intimate partner, party, or  
40 protected person, or engaging in other conduct that would place an

1 intimate partner or protected person in reasonable fear of bodily  
2 injury to the intimate partner, protected person, or child; and

3 (c) (i) Includes a finding that the (~~(person)~~) party represents a  
4 credible threat to the physical safety of the intimate partner,  
5 protected person, or child; and

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

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

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

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

18 (D) Prohibit the party from obtaining or possessing a concealed  
19 pistol license.

20 (~~((4))~~) (3) The court may order temporary surrender and prohibit  
21 the purchase of all firearms and other dangerous weapons, and any  
22 concealed pistol license, without notice to the other party if it  
23 finds, on the basis of the moving affidavit or other evidence, that  
24 irreparable injury could result if an order is not issued until the  
25 time for response has elapsed.

26 (~~((5))~~) (4) In addition to the provisions of subsections (1) (~~((7~~  
27 ~~-2),~~) and (~~((4))~~) (3) of this section, the court may enter an order  
28 requiring a party to comply with the provisions in subsection (1) of  
29 this section if it finds that the possession of a firearm or other  
30 dangerous weapon by any party presents a serious and imminent threat  
31 to public health or safety, or to the health or safety of any  
32 individual.

33 (~~((6))~~) (5) The requirements of subsections (1) (~~((7~~  
34 ~~-2),~~) and (~~((5))~~) (4) of this section may be for a period of time less than the  
35 duration of the order.

36 (~~((7))~~) (6) The court (~~(may)~~) shall require the party to  
37 surrender all firearms and other dangerous weapons in his or her  
38 immediate possession or control or subject to his or her immediate  
39 possession or control, and any concealed pistol license issued under  
40 RCW 9.41.070, to the local law enforcement agency. Law enforcement

1 officers shall use law enforcement databases to assist in locating  
2 the ~~((respondent))~~ party in situations where the protected person  
3 does not know where the ~~((respondent))~~ party lives or where there is  
4 evidence that the ~~((respondent))~~ party is trying to evade service.

5 ~~((+8))~~ (7) If the court enters a protection order, restraining  
6 order, or no-contact order that includes an order to surrender  
7 firearms, dangerous weapons, and any concealed pistol license under  
8 this section ~~((, the))~~:

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

10 (b) Law enforcement must immediately ensure entry of the order to  
11 surrender and prohibit weapons and the revocation of any concealed  
12 pistol license is made into the appropriate databases making the  
13 party ineligible to possess firearms and a concealed pistol license.

14 **Sec. 75.** RCW 9.41.801 and 2020 c 126 s 1 are each amended to  
15 read as follows:

16 (1) Because of the heightened risk of lethality to petitioners  
17 when respondents to protection orders become aware of court  
18 involvement and continue to have access to firearms, and the  
19 frequency of noncompliance with court orders prohibiting possession  
20 of firearms, law enforcement and judicial processes must emphasize  
21 swift and certain compliance with court orders prohibiting access,  
22 possession, and ownership of all firearms.

23 (2) A law enforcement officer serving a protection order, no-  
24 contact order, or restraining order that includes an order to  
25 surrender all firearms, dangerous weapons, and a concealed pistol  
26 license under RCW 9.41.800 shall inform the respondent that the order  
27 is effective upon service and the respondent must immediately  
28 surrender all firearms and dangerous weapons in ~~((his or her))~~ the  
29 respondent's custody, control, or possession and any concealed pistol  
30 license issued under RCW 9.41.070, and conduct any search permitted  
31 by law for such firearms, dangerous weapons, and concealed pistol  
32 license. The law enforcement officer shall take possession of all  
33 firearms, dangerous weapons, and any concealed pistol license  
34 belonging to the respondent that are surrendered, in plain sight, or  
35 discovered pursuant to a lawful search. The order must be personally  
36 served upon the respondent or defendant if the order is entered in  
37 open court in the presence of the respondent or defendant. The  
38 respondent or defendant shall acknowledge receipt and service. If the  
39 respondent or defendant refuses service, an agent of the court may

1 indicate on the record that the respondent or defendant refused  
2 service. The court shall enter the service and receipt into the  
3 record. A copy of the order and service shall be transmitted  
4 immediately to law enforcement. The respondent must immediately  
5 surrender all firearms, dangerous weapons, and any concealed pistol  
6 license in a safe manner to the control of the local law enforcement  
7 agency on the day of the hearing at which the respondent was present.

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

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

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

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

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

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

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

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

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

1 court or applicable statute. Law enforcement shall also serve a copy  
2 of the order to show cause on the petitioner, either electronically  
3 or in person, at no cost.

4 (c) The order to show cause served upon the respondent shall  
5 state the date, time, and location of the hearing and shall include a  
6 warning that the respondent may be held in contempt of court if the  
7 respondent fails to promptly comply with the terms of the order to  
8 surrender and prohibit weapons and a warning that an arrest warrant  
9 could be issued if the respondent fails to appear on the date and  
10 time provided in the order.

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

15 (ii) The court shall take judicial notice of the receipt filed  
16 with the court by the law enforcement agency pursuant to subsection  
17 (3) of this section. The court shall also provide sufficient notice  
18 to the law enforcement agency of the hearing. Upon receiving notice  
19 pursuant to this subsection, a law enforcement agency must:

20 (A) Provide the court with a complete list of firearms and other  
21 dangerous weapons surrendered by the respondent or otherwise  
22 belonging to the respondent that are in the possession of the law  
23 enforcement agency; and

24 (B) Provide the court with verification that any concealed pistol  
25 license issued to the respondent has been surrendered and the agency  
26 with authority to revoke the license has been notified.

27 (iii) If the law enforcement agency has a reasonable suspicion  
28 that the respondent is not in full compliance with the terms of the  
29 order, the law enforcement agency must submit the basis for its  
30 belief to the court, and may do so through the filing of (~~an~~  
31 ~~affidavit~~) a declaration.

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

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

1       (8) (a) To help ensure that accurate and comprehensive information  
2 about firearms compliance is provided to judicial officers, a  
3 representative from either the prosecuting attorney's office or city  
4 attorney's office, or both, from the relevant jurisdiction may appear  
5 and be heard at any hearing that concerns compliance with an order to  
6 surrender and prohibit weapons issued in connection with another type  
7 of protection order.

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

13       (9) (a) An order to surrender and prohibit weapons issued pursuant  
14 to RCW 9.41.800 must state that the act of voluntarily surrendering  
15 firearms or weapons, or providing testimony relating to the surrender  
16 of firearms or weapons, pursuant to such an order, may not be used  
17 against the respondent or defendant in any criminal prosecution under  
18 this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

19       (b) To provide relevant information to the court to determine  
20 compliance with the order, the court may allow the prosecuting  
21 attorney or city attorney to question the respondent regarding  
22 compliance.

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

32       ~~((9))~~ (11) The administrative office of the courts shall create  
33 a statewide pattern form to assist the courts in ensuring timely and  
34 complete compliance in a consistent manner with orders issued under  
35 this chapter. The administrative office of the courts shall report  
36 annually on the number of orders issued under this chapter by each  
37 court, the degree of compliance, and the number of firearms obtained,  
38 and may make recommendations regarding additional procedures to  
39 enhance compliance and victim safety.



1        NEW SECTION.    **Sec. 76.**    A new section is added to chapter 9.41  
2    RCW to read as follows:

3        For the purpose of assisting courts in ensuring compliance with  
4    an order to surrender and prohibit weapons or an extreme risk  
5    protection order, the department of licensing, or the agency with  
6    responsibility for maintaining that information should it be an  
7    agency other than the department of licensing, shall make the  
8    following information available to prosecuting attorneys' offices,  
9    city attorneys' offices, public defender agency staff, probation  
10   services personnel, and judicial officers and staff of municipal,  
11   district, and superior courts for the following law enforcement  
12   purposes:

13        (1) Determining whether a person is ineligible to possess  
14   firearms;

15        (2) Determining a person's firearms purchase history; and

16        (3) Determining whether a person has or previously had a  
17   concealed pistol license, or has applied for a concealed pistol  
18   license.

19        **Sec. 77.**    RCW 10.99.045 and 2010 c 274 s 301 are each amended to  
20   read as follows:

21        (1) A defendant arrested for an offense involving domestic  
22   violence as defined by RCW 10.99.020 shall be required to appear in  
23   person before a magistrate within one judicial day after the arrest.

24        (2) A defendant who is charged by citation, complaint, or  
25   information with an offense involving domestic violence as defined by  
26   RCW 10.99.020 and not arrested shall appear in court for arraignment  
27   in person as soon as practicable, but in no event later than  
28   (~~fourteen~~) 14 days after the next day on which court is in session  
29   following the issuance of the citation or the filing of the complaint  
30   or information.

31        (3) (a) At the time of the appearances provided in subsection (1)  
32   or (2) of this section, the court shall determine the necessity of  
33   imposing a no-contact order or other conditions of pretrial release  
34   according to the procedures established by court rule for a  
35   preliminary appearance or an arraignment. The court may include in  
36   the order any conditions authorized under RCW 9.41.800 and 10.99.040.

37        (b) For the purposes of (a) of this subsection, the prosecutor  
38   shall provide for the court's review:

1 (i) The defendant's criminal history, if any, that occurred in  
2 Washington or any other state;

3 (ii) If available, the defendant's criminal history that occurred  
4 in any tribal jurisdiction; ~~((and))~~

5 (iii) The defendant's individual order history; and

6 (iv) The defendant's firearms purchase history, including any  
7 concealed pistol license history.

8 (c) For the purposes of (b) of this subsection, criminal history  
9 includes all previous convictions and orders of deferred prosecution,  
10 as reported through the judicial information system or otherwise  
11 available to the court or prosecutor, current to within the period  
12 specified in (d) of this subsection before the date of the  
13 appearance.

14 (d) The periods applicable to previous convictions and orders of  
15 deferred prosecution are:

16 (i) One working day, in the case of previous actions of courts  
17 that fully participate in the state judicial information system; and

18 (ii) Seven calendar days, in the case of previous actions of  
19 courts that do not fully participate in the judicial information  
20 system. For the purposes of this subsection, "fully participate"  
21 means regularly providing records to and receiving records from the  
22 system by electronic means on a daily basis.

23 (4) Appearances required pursuant to this section are mandatory  
24 and cannot be waived.

25 (5) The no-contact order shall be issued and entered with the  
26 ~~((appropriate))~~ law enforcement agency pursuant to the procedures  
27 outlined in RCW 10.99.040 (2) and (6).

28 NEW SECTION. **Sec. 78.** Sections 1, 2, and 4 through 71 of this  
29 act constitute a new chapter in Title 7 RCW.

30 **PART XII**

31 **CANADIAN DOMESTIC VIOLENCE PROTECTION ORDERS**

32 **Sec. 79.** RCW 26.55.010 and 2019 c 263 s 902 are each amended to  
33 read as follows:

34 The definitions in this section apply throughout this chapter  
35 unless the context clearly requires otherwise.

36 (1) "Canadian domestic violence protection order" means a  
37 judgment or part of a judgment or order issued in a civil proceeding

1 by a court of Canada under law of the issuing jurisdiction which  
2 relates to domestic violence (~~(and prohibits a respondent from:~~

3 ~~(a) Being in physical proximity to a protected individual or~~  
4 ~~following a protected individual;~~

5 ~~(b) Directly or indirectly contacting or communicating with a~~  
6 ~~protected individual or other individual described in the order;~~

7 ~~(c) Being within a certain distance of a specified place or~~  
8 ~~location associated with a protected individual; or~~

9 ~~(d) Molesting, annoying, harassing, or engaging in threatening~~  
10 ~~conduct directed at a protected individual)).~~

11 (2) "Domestic violence protection order" means an injunction or  
12 other order issued by a (~~tribunal~~) court which relates to domestic  
13 or family violence laws to prevent an individual from engaging in  
14 violent or threatening acts against, harassment of, direct or  
15 indirect contact or communication with, or being in physical  
16 proximity to another individual.

17 (3) "Issuing court" means the court that issues a Canadian  
18 domestic violence protection order.

19 (4) "Law enforcement officer" means an individual authorized by  
20 law of this state other than this chapter to enforce a domestic  
21 violence protection order.

22 (5) "Person" means an individual, estate, business or nonprofit  
23 entity, public corporation, government or governmental subdivision,  
24 agency, or instrumentality, or other legal entity.

25 (6) "Protected individual" means an individual protected by a  
26 Canadian domestic violence protection order.

27 (7) "Record" means information that is inscribed on a tangible  
28 medium or that is stored in an electronic or other medium and is  
29 retrievable in perceivable form.

30 (8) "Respondent" means an individual against whom a Canadian  
31 domestic violence protection order is issued.

32 (9) "State" means a state of the United States, the District of  
33 Columbia, Puerto Rico, the United States Virgin Islands, or any  
34 territory or insular possession subject to the jurisdiction of the  
35 United States. The term includes a federally recognized Indian tribe.

36 (~~(10) "Tribunal" means a court, agency, or other entity~~  
37 ~~authorized by law of this state other than this chapter to establish,~~  
38 ~~enforce, or modify a domestic protection order.))~~

1        NEW SECTION.    **Sec. 80.**    A new section is added to chapter 26.55  
2    RCW to read as follows:

3        (1) A Canadian domestic violence protection order that identifies  
4    both a protected individual and a respondent and appears valid on its  
5    face is prima facie evidence of its enforceability under this act.

6        (2) A Canadian domestic violence protection order is enforceable  
7    only to the extent it prohibits a respondent from the following  
8    conduct as ordered by a Canadian court:

9        (a) Being in physical proximity to a protected individual or  
10   following a protected individual;

11       (b) Directly or indirectly contacting or communicating with a  
12   protected individual or other individual described in the order;

13       (c) Being within a certain distance of a specified place or  
14   location associated with a protected individual; or

15       (d) Molesting, annoying, harassing, or engaging in threatening  
16   conduct directed at a protected individual.

17       (3) Neither filing with the clerk of the court under RCW  
18   26.55.040 nor obtaining an order granting recognition and enforcement  
19   under RCW 26.55.030 is required prior to the enforcement of a  
20   Canadian domestic violence protection order by a law enforcement  
21   officer.

22        **Sec. 81.**    RCW 26.55.020 and 2019 c 263 s 903 are each amended to  
23   read as follows:

24        (1) If a law enforcement officer determines under subsection (2)  
25   or (3) of this section that there is probable cause to believe a  
26   (~~valid~~) Canadian domestic violence protection order exists and that  
27   one or more of the provisions of the order (~~has~~) identified in  
28   section 80 of this act have been violated, the officer shall enforce  
29   the terms of the Canadian domestic violence protection order as if  
30   the terms were in an order (~~of a tribunal. Presentation to a law~~  
31   ~~enforcement officer of a certified copy of a Canadian domestic~~  
32   ~~violence protection order is not required for enforcement~~) issued in  
33   Washington state.

34        (2) Presentation to a law enforcement officer of a record of a  
35   Canadian domestic violence protection order that identifies both a  
36   protected individual and a respondent, and on its face is in effect,  
37   constitutes probable cause to believe that (~~a valid~~) an enforceable  
38   order exists.

1 (3) If a record of a Canadian domestic violence protection order  
2 is not presented as provided in subsection (2) of this section, a law  
3 enforcement officer (~~may consider~~) is not prohibited from  
4 considering other relevant information in determining whether there  
5 is probable cause to believe that a (~~valid~~) Canadian domestic  
6 violence protection order exists.

7 (4) If a law enforcement officer determines that (~~an otherwise~~  
8 ~~valid~~) a Canadian domestic violence protection order cannot be  
9 enforced because the respondent has not been notified of or served  
10 with the order, the officer shall notify the protected individual  
11 that the officer will make reasonable efforts to contact the  
12 respondent, consistent with the safety of the protected individual.  
13 After notice to the protected individual and consistent with the  
14 safety of the individual, the officer shall make a reasonable effort  
15 to inform the respondent of the order, notify the respondent of the  
16 terms of the order, provide a record of the order, if available, to  
17 the respondent, and allow the respondent a reasonable opportunity to  
18 comply with the order before the officer enforces the order.

19 (5) If a law enforcement officer determines that an individual is  
20 a protected individual, the officer shall inform the individual of  
21 available local victim services.

22 **Sec. 82.** RCW 26.55.030 and 2019 c 263 s 904 are each amended to  
23 read as follows:

24 (1) A (~~tribunal~~) court may issue an order (~~enforcing or~~  
25 ~~refusing to enforce~~) granting recognition and enforcement or denying  
26 recognition and enforcement of a Canadian domestic violence  
27 protection order on (~~application~~) petition of:

28 (a) A protected individual;

29 (b) A person authorized by law of this state other than this  
30 chapter to seek enforcement of a domestic violence protection order;  
31 or

32 (~~(b)~~) (c) A respondent.

33 (2) (~~In a proceeding under subsection (1) of this section, the~~  
34 ~~tribunal shall follow the procedures of this state for enforcement of~~  
35 ~~a domestic protection order. An order entered under this section is~~  
36 ~~limited to the enforcement of the terms of the Canadian domestic~~  
37 ~~violence protection order as defined in RCW 26.55.010.)) A petitioner  
38 is not required to post a bond to obtain relief in any proceeding  
39 under this section. No fees for any type of filing or service of~~

1 process may be charged by a court or any public agency to petitioners  
2 seeking relief under this chapter. Courts may not charge petitioners  
3 any fees or surcharges the payment of which is a condition precedent  
4 to the petitioner's ability to secure access to relief under this  
5 chapter. Petitioners shall be provided the necessary number of  
6 certified copies, forms, and instructional brochures free of charge.  
7 A respondent who is served electronically with a protection order  
8 shall be provided a certified copy of the order free of charge upon  
9 request.

10 (3) Upon receipt of the petition, the court shall order a  
11 hearing, which shall be held not later than 14 days from the date of  
12 the order. Service shall be provided as required in sections 10 and  
13 18 through 21 of this act.

14 (4) The hearing shall be conducted as required by sections 24 and  
15 25 of this act.

16 (5) Interpreters must be appointed as required in section 33 of  
17 this act. An interpreter shall translate or interpret for the party  
18 in preparing forms, participating in the hearing and court-ordered  
19 assessments, and translating any orders.

20 ~~((3))~~ (6) A Canadian domestic violence protection order is  
21 enforceable under this section if:

22 (a) The order identifies a protected individual and a respondent;

23 (b) The order is valid and in effect;

24 (c) The issuing court had jurisdiction over the parties and the  
25 subject matter under law applicable in the issuing court; and

26 (d) The order was issued after:

27 (i) The respondent was given reasonable notice and had an  
28 opportunity to be heard before the court issued the order; or

29 (ii) In the case of an ex parte temporary protection order, the  
30 respondent was given reasonable notice and had or will have an  
31 opportunity to be heard within a reasonable time after the order was  
32 issued, in a manner consistent with the right of the respondent to  
33 due process.

34 ~~((4) A Canadian domestic violence protection order valid on its~~  
35 ~~face is prima facie evidence of its enforceability under this~~  
36 ~~section.~~

37 ~~(5))~~ (7) A claim that a Canadian domestic violence protection  
38 order does not comply with subsection ~~((3))~~ (6) of this section is  
39 an affirmative defense in a proceeding seeking enforcement of the  
40 order. If the ~~(tribunal)~~ court determines that the order is not

1 enforceable, the (~~tribunal~~) court shall issue an order that the  
2 Canadian domestic violence protection order is not enforceable under  
3 this section and RCW 26.55.020 and may not be (~~registered~~) filed  
4 under RCW 26.55.040.

5 **Sec. 83.** RCW 26.55.040 and 2019 c 263 s 905 are each amended to  
6 read as follows:

7 (1) A person entitled to protection who has a (~~valid~~) Canadian  
8 domestic violence protection order may file that order by presenting  
9 a certified, authenticated, or exemplified copy of the Canadian  
10 domestic violence protection order to a clerk of the court of a  
11 Washington court (~~in which the person entitled to protection resides~~  
12 ~~or to a clerk of the court of a Washington court where the person~~  
13 ~~entitled to protection believes enforcement may be necessary~~)  
14 according to section 9 of this act. Any out-of-state department,  
15 agency, or court responsible for maintaining protection order  
16 records, may by facsimile or electronic transmission send a  
17 reproduction of the foreign protection order to the clerk of the  
18 court of Washington as long as it contains a facsimile or digital  
19 signature by any person authorized to make such transmission.

20 (2) An individual filing a Canadian domestic violence protection  
21 order under this section shall also file a declaration signed under  
22 penalty of perjury stating that, to the best of the individual's  
23 knowledge, the order is valid and in effect.

24 (3) On receipt of a certified, authenticated, or exemplified copy  
25 of a Canadian domestic violence protection order and declaration  
26 signed under penalty of perjury stating that, to the best of the  
27 individual's knowledge, the order is valid and in effect, the clerk  
28 of the court shall (~~register~~) file the order in accordance with  
29 this section.

30 (~~(3) An individual registering a Canadian domestic violence~~  
31 ~~protection order under this section shall file an affidavit stating~~  
32 ~~that, to the best of the individual's knowledge, the order is valid~~  
33 ~~and in effect.))~~

34 (4) After a Canadian domestic violence protection order is  
35 (~~registered~~) filed under this section, the clerk of the court shall  
36 provide the individual (~~registering~~) filing the order a certified  
37 copy of the (~~registered~~) filed order.

1 (5) (~~A Canadian domestic violence protection order registered~~  
2 ~~under this section may be entered in a state or federal registry of~~  
3 ~~protection orders in accordance with law.~~

4 ~~(6) An inaccurate, expired, or unenforceable Canadian domestic~~  
5 ~~violence protection order may be corrected or removed from the~~  
6 ~~registry of protection orders maintained in this state in accordance~~  
7 ~~with law of this state other than this chapter.~~

8 ~~(7))~~ A fee may not be charged for the (~~registration~~) filing of  
9 a Canadian domestic violence protection order under this section.

10 (~~(8) Registration in this state or filing under law of this~~  
11 ~~state other than this chapter of a Canadian domestic violence~~  
12 ~~protection order is not required for its enforcement under this~~  
13 ~~chapter.~~)

14 NEW SECTION. **Sec. 84.** A new section is added to chapter 26.55  
15 RCW to read as follows:

16 (1) A copy of a Canadian domestic violence protection order filed  
17 with the clerk, an order granting recognition and enforcement, or an  
18 order denying recognition and enforcement under this chapter, shall  
19 be forwarded by the clerk of the court on or before the next judicial  
20 day to the law enforcement agency specified in the order. An order  
21 granting or denying recognition and enforcement shall be accompanied  
22 by a copy of the related Canadian domestic violence protection order.

23 (2) Upon receipt of the order, the law enforcement agency shall  
24 comply with the requirements of section 42 of this act.

25 **Sec. 85.** RCW 26.55.050 and 2019 c 263 s 906 are each amended to  
26 read as follows:

27 The state, state agency, local governmental agency, law  
28 enforcement officer, prosecuting attorney, clerk of court, and state  
29 or local governmental official acting in an official capacity are  
30 immune from civil and criminal liability for an act or omission  
31 arising out of the (~~registration~~) filing or recognition and  
32 enforcement of a Canadian domestic violence protection order or the  
33 detention or arrest of an alleged violator of a Canadian domestic  
34 violence protection order if the act or omission was a good faith  
35 effort to comply with this chapter.

36 **PART XIII**

37 **SCHOOL DISTRICT REQUIREMENTS**



1            NEW SECTION.    **Sec. 86.**    A new section is added to chapter 28A.225  
2    RCW to read as follows:

3            (1) If any student is subject to a civil protection order, the  
4    school district and school building staff will make adjustments to  
5    the student's schedule and other modifications to the student's  
6    school environment to support compliance with court orders and  
7    maintain the student's access to education.

8            (2) If a student is the subject of a civil protection order that  
9    prohibits regular attendance at the student's assigned school, the  
10   school district must provide the student comparable educational  
11   services in another setting. In such a case, the district shall not  
12   charge tuition and must provide transportation at no cost. The  
13   district shall put in place any needed supports to make the  
14   transition to a new school environment successful for the student.

15           (3) A school district must provide notification to the parent or  
16   legal guardian of a student who is subject to a civil protection  
17   order of the modifications, accommodations, supports, and services  
18   being created or provided for the student pursuant to this section.

19                                    **PART XIV**  
20                                    **EFFECTIVE DATE**

21            NEW SECTION.    **Sec. 87.**    This act takes effect January 1, 2022.

22                                    **PART XV**  
23                                    **CONFORMING AND TECHNICAL AMENDMENTS**

24            **Sec. 88.**    RCW 2.28.210 and 2016 c 89 s 1 are each amended to read  
25   as follows:

26            (1) Before granting an order under any of the following titles of  
27   the laws of the state of Washington, the court may consult the  
28   judicial information system or any related databases, if available,  
29   to determine criminal history or the pendency of other proceedings  
30   involving the parties:

31            (a) Granting any temporary or final order establishing a  
32   parenting plan or residential schedule or directing residential  
33   placement of a child or restraining or limiting a party's contact  
34   with a child under Title 26 RCW;

1 (b) Granting any order regarding a vulnerable child or adult or  
2 alleged incapacitated person irrespective of the title or where  
3 contained in the laws of the state of Washington;

4 (c) Granting letters of guardianship or administration or letters  
5 testamentary under Title 11 RCW;

6 (d) Granting any relief under Title 71 RCW;

7 (e) Granting any relief in a juvenile proceeding under Title 13  
8 RCW; or

9 (f) Granting any order of protection, temporary order of  
10 protection, or criminal no-contact order under chapter (~~7.90,~~  
11 ~~7.92,~~) 7.--- (the new chapter created in section 78 of this act),  
12 9A.46, (~~10.14,~~) 10.99, (~~26.50,~~) or 26.52 RCW.

13 (2) In the event that the court consults such a database, the  
14 court shall disclose that fact to the parties and shall disclose any  
15 particular matters relied upon by the court in rendering the  
16 decision. Upon request of a party, a copy of the document relied upon  
17 must be filed, as a confidential document, within the court file,  
18 with any confidential contact information such as addresses, phone  
19 numbers, or other information that might disclose the location or  
20 whereabouts of any person redacted from the document or documents.

21 **Sec. 89.** RCW 4.08.050 and 1996 c 134 s 7 are each amended to  
22 read as follows:

23 Except as provided under RCW (~~26.50.020 and~~) 28A.225.035 and  
24 section 14 of this act, when an infant is a party he or she shall  
25 appear by guardian, or if he or she has no guardian, or in the  
26 opinion of the court the guardian is an improper person, the court  
27 shall appoint one to act. Said guardian shall be appointed as  
28 follows:

29 (1) When the infant is plaintiff, upon the application of the  
30 infant, if he or she be of the age of fourteen years, or if under  
31 that age, upon the application of a relative or friend of the infant.

32 (2) When the infant is defendant, upon the application of the  
33 infant, if he or she be of the age of fourteen years, and applies  
34 within thirty days after the service of the summons; if he or she be  
35 under the age of fourteen, or neglects to apply, then upon the  
36 application of any other party to the action, or of a relative or  
37 friend of the infant.

1       **Sec. 90.** RCW 4.24.130 and 1998 c 220 s 5 are each amended to  
2 read as follows:

3       (1) Any person desiring a change of his or her name or that of  
4 his or her child or ward, may apply therefor to the district court of  
5 the judicial district in which he or she resides, by petition setting  
6 forth the reasons for such change; thereupon such court in its  
7 discretion may order a change of the name and thenceforth the new  
8 name shall be in place of the former.

9       (2) An offender under the jurisdiction of the department of  
10 corrections who applies to change his or her name under subsection  
11 (1) of this section shall submit a copy of the application to the  
12 department of corrections not fewer than five days before the entry  
13 of an order granting the name change. No offender under the  
14 jurisdiction of the department of corrections at the time of  
15 application shall be granted an order changing his or her name if the  
16 court finds that doing so will interfere with legitimate penological  
17 interests, except that no order shall be denied when the name change  
18 is requested for religious or legitimate cultural reasons or in  
19 recognition of marriage or dissolution of marriage. An offender under  
20 the jurisdiction of the department of corrections who receives an  
21 order changing his or her name shall submit a copy of the order to  
22 the department of corrections within five days of the entry of the  
23 order. Violation of this subsection is a misdemeanor.

24       (3) A sex offender subject to registration under RCW 9A.44.130  
25 who applies to change his or her name under subsection (1) of this  
26 section shall follow the procedures set forth in RCW 9A.44.130(~~(+6)~~)  
27 (7).

28       (4) The district court shall collect the fees authorized by RCW  
29 36.18.010 for filing and recording a name change order, and transmit  
30 the fee and the order to the county auditor. The court may collect a  
31 reasonable fee to cover the cost of transmitting the order to the  
32 county auditor.

33       (5) Name change petitions may be filed and shall be heard in  
34 superior court when the person desiring a change of his or her name  
35 or that of his or her child or ward is a victim of domestic violence  
36 as defined in (~~RCW 26.50.010(1)~~) section 2 of this act and the  
37 person seeks to have the name change file sealed due to reasonable  
38 fear for his or her safety or that of his or her child or ward. Upon  
39 granting the name change, the superior court shall seal the file if  
40 the court finds that the safety of the person seeking the name change

1 or his or her child or ward warrants sealing the file. In all cases  
2 filed under this subsection, whether or not the name change petition  
3 is granted, there shall be no public access to any court record of  
4 the name change filing, proceeding, or order, unless the name change  
5 is granted but the file is not sealed.

6 **Sec. 91.** RCW 7.77.060 and 2020 c 29 s 1 are each amended to read  
7 as follows:

8 During a collaborative law process, a tribunal may issue  
9 emergency orders to protect the health, safety, welfare, or interest  
10 of a party or of a family or household member or intimate partner, as  
11 defined in (~~RCW 26.50.010~~) section 2 of this act.

12 **Sec. 92.** RCW 7.77.080 and 2020 c 29 s 2 are each amended to read  
13 as follows:

14 (1) Except as otherwise provided in subsection (3) of this  
15 section, a collaborative lawyer is disqualified from appearing before  
16 a tribunal to represent a party in a proceeding related to the  
17 collaborative matter.

18 (2) Except as otherwise provided in subsection (3) of this  
19 section and RCW 7.77.090, a lawyer in a law firm with which the  
20 collaborative lawyer is associated is disqualified from appearing  
21 before a tribunal to represent a party in a proceeding related to the  
22 collaborative matter if the collaborative lawyer is disqualified from  
23 doing so under subsection (1) of this section.

24 (3) A collaborative lawyer or a lawyer in a law firm with which  
25 the collaborative lawyer is associated may represent a party:

26 (a) To ask a tribunal to approve an agreement resulting from the  
27 collaborative law process; or

28 (b) To seek or defend an emergency order to protect the health,  
29 safety, welfare, or interest of a party, or family or household  
30 member or intimate partner, as defined in (~~RCW 26.50.010~~) section 2  
31 of this act, if a successor lawyer is not immediately available to  
32 represent that person.

33 (4) If subsection (3)(b) of this section applies, a collaborative  
34 lawyer, or lawyer in a law firm with which the collaborative lawyer  
35 is associated, may represent a party or family or household member or  
36 intimate partner only until the person is represented by a successor  
37 lawyer or reasonable measures are taken to protect the health,  
38 safety, welfare, or interest of the person.

1       **Sec. 93.** RCW 9.41.010 and 2020 c 29 s 3 are each amended to read  
2 as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5       (1) "Antique firearm" means a firearm or replica of a firearm not  
6 designed or redesigned for using rim fire or conventional center fire  
7 ignition with fixed ammunition and manufactured in or before 1898,  
8 including any matchlock, flintlock, percussion cap, or similar type  
9 of ignition system and also any firearm using fixed ammunition  
10 manufactured in or before 1898, for which ammunition is no longer  
11 manufactured in the United States and is not readily available in the  
12 ordinary channels of commercial trade.

13       (2) "Barrel length" means the distance from the bolt face of a  
14 closed action down the length of the axis of the bore to the crown of  
15 the muzzle, or in the case of a barrel with attachments to the end of  
16 any legal device permanently attached to the end of the muzzle.

17       (3) "Bump-fire stock" means a butt stock designed to be attached  
18 to a semiautomatic firearm with the effect of increasing the rate of  
19 fire achievable with the semiautomatic firearm to that of a fully  
20 automatic firearm by using the energy from the recoil of the firearm  
21 to generate reciprocating action that facilitates repeated activation  
22 of the trigger.

23       (4) "Crime of violence" means:

24       (a) Any of the following felonies, as now existing or hereafter  
25 amended: Any felony defined under any law as a class A felony or an  
26 attempt to commit a class A felony, criminal solicitation of or  
27 criminal conspiracy to commit a class A felony, manslaughter in the  
28 first degree, manslaughter in the second degree, indecent liberties  
29 if committed by forcible compulsion, kidnapping in the second degree,  
30 arson in the second degree, assault in the second degree, assault of  
31 a child in the second degree, extortion in the first degree, burglary  
32 in the second degree, residential burglary, and robbery in the second  
33 degree;

34       (b) Any conviction for a felony offense in effect at any time  
35 prior to June 6, 1996, which is comparable to a felony classified as  
36 a crime of violence in (a) of this subsection; and

37       (c) Any federal or out-of-state conviction for an offense  
38 comparable to a felony classified as a crime of violence under (a) or  
39 (b) of this subsection.

1 (5) "Curio or relic" has the same meaning as provided in 27  
2 C.F.R. Sec. 478.11.

3 (6) "Dealer" means a person engaged in the business of selling  
4 firearms at wholesale or retail who has, or is required to have, a  
5 federal firearms license under 18 U.S.C. Sec. 923(a). A person who  
6 does not have, and is not required to have, a federal firearms  
7 license under 18 U.S.C. Sec. 923(a), is not a dealer if that person  
8 makes only occasional sales, exchanges, or purchases of firearms for  
9 the enhancement of a personal collection or for a hobby, or sells all  
10 or part of his or her personal collection of firearms.

11 (7) "Family or household member" has the same meaning as in ((RCW  
12 ~~26.50.010~~) section 2 of this act.

13 (8) "Felony" means any felony offense under the laws of this  
14 state or any federal or out-of-state offense comparable to a felony  
15 offense under the laws of this state.

16 (9) "Felony firearm offender" means a person who has previously  
17 been convicted or found not guilty by reason of insanity in this  
18 state of any felony firearm offense. A person is not a felony firearm  
19 offender under this chapter if any and all qualifying offenses have  
20 been the subject of an expungement, pardon, annulment, certificate,  
21 or rehabilitation, or other equivalent procedure based on a finding  
22 of the rehabilitation of the person convicted or a pardon, annulment,  
23 or other equivalent procedure based on a finding of innocence.

24 (10) "Felony firearm offense" means:

25 (a) Any felony offense that is a violation of this chapter;

26 (b) A violation of RCW 9A.36.045;

27 (c) A violation of RCW 9A.56.300;

28 (d) A violation of RCW 9A.56.310;

29 (e) Any felony offense if the offender was armed with a firearm  
30 in the commission of the offense.

31 (11) "Firearm" means a weapon or device from which a projectile  
32 or projectiles may be fired by an explosive such as gunpowder.  
33 "Firearm" does not include a flare gun or other pyrotechnic visual  
34 distress signaling device, or a powder-actuated tool or other device  
35 designed solely to be used for construction purposes.

36 (12) "Gun" has the same meaning as firearm.

37 (13) "Intimate partner" has the same meaning as provided in ((RCW  
38 ~~26.50.010~~) section 2 of this act.

39 (14) "Law enforcement officer" includes a general authority  
40 Washington peace officer as defined in RCW 10.93.020, or a specially

1 commissioned Washington peace officer as defined in RCW 10.93.020.  
2 "Law enforcement officer" also includes a limited authority  
3 Washington peace officer as defined in RCW 10.93.020 if such officer  
4 is duly authorized by his or her employer to carry a concealed  
5 pistol.

6 (15) "Lawful permanent resident" has the same meaning afforded a  
7 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.  
8 1101(a)(20).

9 (16) "Licensed collector" means a person who is federally  
10 licensed under 18 U.S.C. Sec. 923(b).

11 (17) "Licensed dealer" means a person who is federally licensed  
12 under 18 U.S.C. Sec. 923(a).

13 (18) "Loaded" means:

14 (a) There is a cartridge in the chamber of the firearm;

15 (b) Cartridges are in a clip that is locked in place in the  
16 firearm;

17 (c) There is a cartridge in the cylinder of the firearm, if the  
18 firearm is a revolver;

19 (d) There is a cartridge in the tube or magazine that is inserted  
20 in the action; or

21 (e) There is a ball in the barrel and the firearm is capped or  
22 primed if the firearm is a muzzle loader.

23 (19) "Machine gun" means any firearm known as a machine gun,  
24 mechanical rifle, submachine gun, or any other mechanism or  
25 instrument not requiring that the trigger be pressed for each shot  
26 and having a reservoir clip, disc, drum, belt, or other separable  
27 mechanical device for storing, carrying, or supplying ammunition  
28 which can be loaded into the firearm, mechanism, or instrument, and  
29 fired therefrom at the rate of five or more shots per second.

30 (20) "Manufacture" means, with respect to a firearm, the  
31 fabrication or construction of a firearm.

32 (21) "Nonimmigrant alien" means a person defined as such in 8  
33 U.S.C. Sec. 1101(a)(15).

34 (22) "Person" means any individual, corporation, company,  
35 association, firm, partnership, club, organization, society, joint  
36 stock company, or other legal entity.

37 (23) "Pistol" means any firearm with a barrel less than sixteen  
38 inches in length, or is designed to be held and fired by the use of a  
39 single hand.

1 (24) "Rifle" means a weapon designed or redesigned, made or  
2 remade, and intended to be fired from the shoulder and designed or  
3 redesigned, made or remade, and intended to use the energy of the  
4 explosive in a fixed metallic cartridge to fire only a single  
5 projectile through a rifled bore for each single pull of the trigger.

6 (25) "Sale" and "sell" mean the actual approval of the delivery  
7 of a firearm in consideration of payment or promise of payment.

8 (26) "Secure gun storage" means:

9 (a) A locked box, gun safe, or other secure locked storage space  
10 that is designed to prevent unauthorized use or discharge of a  
11 firearm; and

12 (b) The act of keeping an unloaded firearm stored by such means.

13 (27) "Semiautomatic assault rifle" means any rifle which utilizes  
14 a portion of the energy of a firing cartridge to extract the fired  
15 cartridge case and chamber the next round, and which requires a  
16 separate pull of the trigger to fire each cartridge.

17 "Semiautomatic assault rifle" does not include antique firearms,  
18 any firearm that has been made permanently inoperable, or any firearm  
19 that is manually operated by bolt, pump, lever, or slide action.

20 (28) "Serious offense" means any of the following felonies or a  
21 felony attempt to commit any of the following felonies, as now  
22 existing or hereafter amended:

23 (a) Any crime of violence;

24 (b) Any felony violation of the uniform controlled substances  
25 act, chapter 69.50 RCW, that is classified as a class B felony or  
26 that has a maximum term of imprisonment of at least ten years;

27 (c) Child molestation in the second degree;

28 (d) Incest when committed against a child under age fourteen;

29 (e) Indecent liberties;

30 (f) Leading organized crime;

31 (g) Promoting prostitution in the first degree;

32 (h) Rape in the third degree;

33 (i) Drive-by shooting;

34 (j) Sexual exploitation;

35 (k) Vehicular assault, when caused by the operation or driving of  
36 a vehicle by a person while under the influence of intoxicating  
37 liquor or any drug or by the operation or driving of a vehicle in a  
38 reckless manner;

39 (l) Vehicular homicide, when proximately caused by the driving of  
40 any vehicle by any person while under the influence of intoxicating



1 liquor or any drug as defined by RCW 46.61.502, or by the operation  
2 of any vehicle in a reckless manner;

3 (m) Any other class B felony offense with a finding of sexual  
4 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

5 (n) Any other felony with a deadly weapon verdict under RCW  
6 9.94A.825;

7 (o) Any felony offense in effect at any time prior to June 6,  
8 1996, that is comparable to a serious offense, or any federal or out-  
9 of-state conviction for an offense that under the laws of this state  
10 would be a felony classified as a serious offense; or

11 (p) Any felony conviction under RCW 9.41.115.

12 (29) "Short-barreled rifle" means a rifle having one or more  
13 barrels less than sixteen inches in length and any weapon made from a  
14 rifle by any means of modification if such modified weapon has an  
15 overall length of less than twenty-six inches.

16 (30) "Short-barreled shotgun" means a shotgun having one or more  
17 barrels less than eighteen inches in length and any weapon made from  
18 a shotgun by any means of modification if such modified weapon has an  
19 overall length of less than twenty-six inches.

20 (31) "Shotgun" means a weapon with one or more barrels, designed  
21 or redesigned, made or remade, and intended to be fired from the  
22 shoulder and designed or redesigned, made or remade, and intended to  
23 use the energy of the explosive in a fixed shotgun shell to fire  
24 through a smooth bore either a number of ball shot or a single  
25 projectile for each single pull of the trigger.

26 (32) "Transfer" means the intended delivery of a firearm to  
27 another person without consideration of payment or promise of payment  
28 including, but not limited to, gifts and loans. "Transfer" does not  
29 include the delivery of a firearm owned or leased by an entity  
30 licensed or qualified to do business in the state of Washington to,  
31 or return of such a firearm by, any of that entity's employees or  
32 agents, defined to include volunteers participating in an honor  
33 guard, for lawful purposes in the ordinary course of business.

34 (33) "Undetectable firearm" means any firearm that is not as  
35 detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through  
36 metal detectors or magnetometers commonly used at airports or any  
37 firearm where the barrel, the slide or cylinder, or the frame or  
38 receiver of the firearm would not generate an image that accurately  
39 depicts the shape of the part when examined by the types of X-ray  
40 machines commonly used at airports.

1 (34) "Unlicensed person" means any person who is not a licensed  
2 dealer under this chapter.

3 (35) "Untraceable firearm" means any firearm manufactured after  
4 July 1, 2019, that is not an antique firearm and that cannot be  
5 traced by law enforcement by means of a serial number affixed to the  
6 firearm by a federally licensed manufacturer or importer.

7 **Sec. 94.** RCW 9.41.070 and 2020 c 148 s 2 are each amended to  
8 read as follows:

9 (1) The chief of police of a municipality or the sheriff of a  
10 county shall within thirty days after the filing of an application of  
11 any person, issue a license to such person to carry a pistol  
12 concealed on his or her person within this state for five years from  
13 date of issue, for the purposes of protection or while engaged in  
14 business, sport, or while traveling. However, if the applicant does  
15 not have a valid permanent Washington driver's license or Washington  
16 state identification card or has not been a resident of the state for  
17 the previous consecutive ninety days, the issuing authority shall  
18 have up to sixty days after the filing of the application to issue a  
19 license. The issuing authority shall not refuse to accept completed  
20 applications for concealed pistol licenses during regular business  
21 hours.

22 The applicant's constitutional right to bear arms shall not be  
23 denied, unless:

24 (a) He or she is ineligible to possess a firearm under the  
25 provisions of RCW 9.41.040 or 9.41.045, or is prohibited from  
26 possessing a firearm under federal law;

27 (b) The applicant's concealed pistol license is in a revoked  
28 status;

29 (c) He or she is under twenty-one years of age;

30 (d) He or she is subject to a court order or injunction regarding  
31 firearms pursuant to chapter ~~((7.90, 7.92, or 7.94))~~ 7.--- RCW (the  
32 new chapter created in section 78 of this act), or RCW 9A.46.080,  
33 ~~((10.14.080,))~~ 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040,  
34 ~~((26.10.115,))~~ 26.26B.020, ~~((26.50.060, 26.50.070,))~~ or 26.26A.470,  
35 or any of the former RCW 10.14.080, 26.10.115, 26.50.060, and  
36 26.50.070;

37 (e) He or she is free on bond or personal recognizance pending  
38 trial, appeal, or sentencing for a felony offense;

1 (f) He or she has an outstanding warrant for his or her arrest  
2 from any court of competent jurisdiction for a felony or misdemeanor;  
3 or

4 (g) He or she has been ordered to forfeit a firearm under RCW  
5 9.41.098(1)(e) within one year before filing an application to carry  
6 a pistol concealed on his or her person.

7 No person convicted of a felony may have his or her right to  
8 possess firearms restored or his or her privilege to carry a  
9 concealed pistol restored, unless the person has been granted relief  
10 from disabilities by the attorney general under 18 U.S.C. Sec.  
11 925(c), or RCW 9.41.040 (3) or (4) applies.

12 (2)(a) The issuing authority shall conduct a check through the  
13 national instant criminal background check system, the Washington  
14 state patrol electronic database, the health care authority  
15 electronic database, and with other agencies or resources as  
16 appropriate, to determine whether the applicant is ineligible under  
17 RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from  
18 possessing a firearm under federal law, and therefore ineligible for  
19 a concealed pistol license.

20 (b) The issuing authority shall deny a permit to anyone who is  
21 found to be prohibited from possessing a firearm under federal or  
22 state law.

23 (c) (a) and (b) of this subsection apply whether the applicant is  
24 applying for a new concealed pistol license or to renew a concealed  
25 pistol license.

26 (d) A background check for an original license must be conducted  
27 through the Washington state patrol criminal identification section  
28 and shall include a national check from the federal bureau of  
29 investigation through the submission of fingerprints. The results  
30 will be returned to the issuing authority. The applicant may request  
31 and receive a copy of the results of the background check from the  
32 issuing authority. If the applicant seeks to amend or correct their  
33 record, the applicant must contact the Washington state patrol for a  
34 Washington state record or the federal bureau of investigation for  
35 records from other jurisdictions.

36 (3) Any person whose firearms rights have been restricted and who  
37 has been granted relief from disabilities by the attorney general  
38 under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.  
39 921(a)(20)(A) shall have his or her right to acquire, receive,  
40 transfer, ship, transport, carry, and possess firearms in accordance

1 with Washington state law restored except as otherwise prohibited by  
2 this chapter.

3 (4) The license application shall bear the full name, residential  
4 address, telephone number at the option of the applicant, email  
5 address at the option of the applicant, date and place of birth,  
6 race, gender, description, a complete set of fingerprints, and  
7 signature of the licensee, and the licensee's driver's license number  
8 or state identification card number if used for identification in  
9 applying for the license. A signed application for a concealed pistol  
10 license shall constitute a waiver of confidentiality and written  
11 request that the health care authority, mental health institutions,  
12 and other health care facilities release information relevant to the  
13 applicant's eligibility for a concealed pistol license to an  
14 inquiring court or law enforcement agency.

15 The application for an original license shall include a complete  
16 set of fingerprints to be forwarded to the Washington state patrol.

17 The license and application shall contain a warning substantially  
18 as follows:

19 CAUTION: Although state and local laws do not differ, federal  
20 law and state law on the possession of firearms differ. If  
21 you are prohibited by federal law from possessing a firearm,  
22 you may be prosecuted in federal court. A state license is  
23 not a defense to a federal prosecution.

24 The license shall contain a description of the major differences  
25 between state and federal law and an explanation of the fact that  
26 local laws and ordinances on firearms are preempted by state law and  
27 must be consistent with state law.

28 The application shall contain questions about the applicant's  
29 eligibility under RCW 9.41.040 and federal law to possess a pistol,  
30 the applicant's place of birth, and whether the applicant is a United  
31 States citizen. If the applicant is not a United States citizen, the  
32 applicant must provide the applicant's country of citizenship, United  
33 States issued alien number or admission number, and the basis on  
34 which the applicant claims to be exempt from federal prohibitions on  
35 firearm possession by aliens. The applicant shall not be required to  
36 produce a birth certificate or other evidence of citizenship. A  
37 person who is not a citizen of the United States shall, if  
38 applicable, meet the additional requirements of RCW 9.41.173 and  
39 produce proof of compliance with RCW 9.41.173 upon application. The

1 license may be in triplicate or in a form to be prescribed by the  
2 department of licensing.

3 A photograph of the applicant may be required as part of the  
4 application and printed on the face of the license.

5 The original thereof shall be delivered to the licensee, the  
6 duplicate shall within seven days be sent to the director of  
7 licensing and the triplicate shall be preserved for six years, by the  
8 authority issuing the license.

9 The department of licensing shall make available to law  
10 enforcement and corrections agencies, in an online format, all  
11 information received under this subsection.

12 (5) The nonrefundable fee, paid upon application, for the  
13 original five-year license shall be thirty-six dollars plus  
14 additional charges imposed by the federal bureau of investigation  
15 that are passed on to the applicant. No other state or local branch  
16 or unit of government may impose any additional charges on the  
17 applicant for the issuance of the license.

18 The fee shall be distributed as follows:

19 (a) Fifteen dollars shall be paid to the state general fund;

20 (b) Four dollars shall be paid to the agency taking the  
21 fingerprints of the person licensed;

22 (c) Fourteen dollars shall be paid to the issuing authority for  
23 the purpose of enforcing this chapter;

24 (d) Two dollars and sixteen cents to the firearms range account  
25 in the general fund; and

26 (e) Eighty-four cents to the concealed pistol license renewal  
27 notification account created in RCW 43.79.540.

28 (6) The nonrefundable fee for the renewal of such license shall  
29 be thirty-two dollars. No other branch or unit of government may  
30 impose any additional charges on the applicant for the renewal of the  
31 license.

32 The renewal fee shall be distributed as follows:

33 (a) Fifteen dollars shall be paid to the state general fund;

34 (b) Fourteen dollars shall be paid to the issuing authority for  
35 the purpose of enforcing this chapter;

36 (c) Two dollars and sixteen cents to the firearms range account  
37 in the general fund; and

38 (d) Eighty-four cents to the concealed pistol license renewal  
39 notification account created in RCW 43.79.540.

1 (7) The nonrefundable fee for replacement of lost or damaged  
2 licenses is ten dollars to be paid to the issuing authority.

3 (8) Payment shall be by cash, check, or money order at the option  
4 of the applicant. Additional methods of payment may be allowed at the  
5 option of the issuing authority.

6 (9)(a) A licensee may renew a license if the licensee applies for  
7 renewal within ninety days before or after the expiration date of the  
8 license. A license so renewed shall take effect on the expiration  
9 date of the prior license. A licensee renewing after the expiration  
10 date of the license must pay a late renewal penalty of ten dollars in  
11 addition to the renewal fee specified in subsection (6) of this  
12 section. The fee shall be distributed as follows:

13 (i) Three dollars shall be deposited in the limited fish and  
14 wildlife account and used exclusively first for the printing and  
15 distribution of a pamphlet on the legal limits of the use of  
16 firearms, firearms safety, and the preemptive nature of state law,  
17 and subsequently the support of volunteer instructors in the basic  
18 firearms safety training program conducted by the department of fish  
19 and wildlife. The pamphlet shall be given to each applicant for a  
20 license; and

21 (ii) Seven dollars shall be paid to the issuing authority for the  
22 purpose of enforcing this chapter.

23 (b) Beginning with concealed pistol licenses that expire on or  
24 after August 1, 2018, the department of licensing shall mail a  
25 renewal notice approximately ninety days before the license  
26 expiration date to the licensee at the address listed on the  
27 concealed pistol license application, or to the licensee's new  
28 address if the licensee has notified the department of licensing of a  
29 change of address. Alternatively, if the licensee provides an email  
30 address at the time of license application, the department of  
31 licensing may send the renewal notice to the licensee's email  
32 address. The notice must contain the date the concealed pistol  
33 license will expire, the amount of renewal fee, the penalty for late  
34 renewal, and instructions on how to renew the license.

35 (10) Notwithstanding the requirements of subsections (1) through  
36 (9) of this section, the chief of police of the municipality or the  
37 sheriff of the county of the applicant's residence may issue a  
38 temporary emergency license for good cause pending review under  
39 subsection (1) of this section. However, a temporary emergency  
40 license issued under this subsection shall not exempt the holder of

1 the license from any records check requirement. Temporary emergency  
2 licenses shall be easily distinguishable from regular licenses.

3 (11) A political subdivision of the state shall not modify the  
4 requirements of this section or chapter, nor may a political  
5 subdivision ask the applicant to voluntarily submit any information  
6 not required by this section.

7 (12) A person who knowingly makes a false statement regarding  
8 citizenship or identity on an application for a concealed pistol  
9 license is guilty of false swearing under RCW 9A.72.040. In addition  
10 to any other penalty provided for by law, the concealed pistol  
11 license of a person who knowingly makes a false statement shall be  
12 revoked, and the person shall be permanently ineligible for a  
13 concealed pistol license.

14 (13) A person may apply for a concealed pistol license:

15 (a) To the municipality or to the county in which the applicant  
16 resides if the applicant resides in a municipality;

17 (b) To the county in which the applicant resides if the applicant  
18 resides in an unincorporated area; or

19 (c) Anywhere in the state if the applicant is a nonresident.

20 (14) Any person who, as a member of the armed forces, including  
21 the national guard and armed forces reserves, is unable to renew his  
22 or her license under subsections (6) and (9) of this section because  
23 of the person's assignment, reassignment, or deployment for out-of-  
24 state military service may renew his or her license within ninety  
25 days after the person returns to this state from out-of-state  
26 military service, if the person provides the following to the issuing  
27 authority no later than ninety days after the person's date of  
28 discharge or assignment, reassignment, or deployment back to this  
29 state: (a) A copy of the person's original order designating the  
30 specific period of assignment, reassignment, or deployment for out-  
31 of-state military service, and (b) if appropriate, a copy of the  
32 person's discharge or amended or subsequent assignment, reassignment,  
33 or deployment order back to this state. A license so renewed under  
34 this subsection (14) shall take effect on the expiration date of the  
35 prior license. A licensee renewing after the expiration date of the  
36 license under this subsection (14) shall pay only the renewal fee  
37 specified in subsection (6) of this section and shall not be required  
38 to pay a late renewal penalty in addition to the renewal fee.

39 (15)(a) By October 1, 2019, law enforcement agencies that issue  
40 concealed pistol licenses shall develop and implement a procedure for

1 the renewal of concealed pistol licenses through a mail application  
2 process, and may develop an online renewal application process, for  
3 any person who, as a member of the armed forces, including the  
4 national guard and armed forces reserves, is unable to renew his or  
5 her license under subsections (6) and (9) of this section because of  
6 the person's assignment, reassignment, or deployment for out-of-state  
7 military service.

8 (b) A person applying for a license renewal under this subsection  
9 shall:

10 (i) Provide a copy of the person's original order designating the  
11 specific period of assignment, reassignment, or deployment for out-  
12 of-state military service;

13 (ii) Apply for renewal within ninety days before or after the  
14 expiration date of the license; and

15 (iii) Pay the renewal licensing fee under subsection (6) of this  
16 section, and, if applicable, the late renewal penalty under  
17 subsection (9) of this section.

18 (c) A license renewed under this subsection takes effect on the  
19 expiration date of the prior license and is valid for a period of one  
20 year.

21 **Sec. 95.** RCW 9.41.173 and 2019 c 46 s 5005 are each amended to  
22 read as follows:

23 (1) In order to obtain an alien firearm license, a nonimmigrant  
24 alien residing in Washington must apply to the sheriff of the county  
25 in which he or she resides.

26 (2) The sheriff of the county shall within sixty days after the  
27 filing of an application of a nonimmigrant alien residing in the  
28 state of Washington, issue an alien firearm license to such person to  
29 carry or possess a firearm for the purposes of hunting and sport  
30 shooting. The license shall be good for two years. The issuing  
31 authority shall not refuse to accept completed applications for alien  
32 firearm licenses during regular business hours. An application for a  
33 license may not be denied, unless the applicant's alien firearm  
34 license is in a revoked status, or the applicant:

35 (a) Is ineligible to possess a firearm under the provisions of  
36 RCW 9.41.040 or 9.41.045;

37 (b) Is subject to a court order or injunction regarding firearms  
38 pursuant to chapter 7.--- RCW (the new chapter created in section 78  
39 of this act), or RCW 9A.46.080, (~~(10.14.080,)~~) 10.99.040, 10.99.045,



1 26.09.050, 26.09.060, 26.10.040, (~~26.10.115,~~) 26.26B.020,  
2 (~~26.50.060, 26.50.070,~~) or 26.26A.470, or any of the former RCW  
3 10.14.080, 26.10.115, 26.50.060, and 26.50.070;

4 (c) Is free on bond or personal recognizance pending trial,  
5 appeal, or sentencing for a felony offense; or

6 (d) Has an outstanding warrant for his or her arrest from any  
7 court of competent jurisdiction for a felony or misdemeanor.

8 No license application shall be granted to a nonimmigrant alien  
9 convicted of a felony unless the person has been granted relief from  
10 disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or  
11 unless RCW 9.41.040 (3) or (4) applies.

12 (3) The sheriff shall check with the national crime information  
13 center, the Washington state patrol electronic database, the health  
14 care authority electronic database, and with other agencies or  
15 resources as appropriate, to determine whether the applicant is  
16 ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm.

17 (4) The license application shall bear the full name, residential  
18 address, telephone number at the option of the applicant, date and  
19 place of birth, race, gender, description, a complete set of  
20 fingerprints, and signature of the applicant, a copy of the  
21 applicant's passport and visa showing the applicant is in the country  
22 legally, and a valid Washington hunting license or documentation that  
23 the applicant is a member of a sport shooting club.

24 A signed application for an alien firearm license shall  
25 constitute a waiver of confidentiality and written request that the  
26 health care authority, mental health institutions, and other health  
27 care facilities release information relevant to the applicant's  
28 eligibility for an alien firearm license to an inquiring court or law  
29 enforcement agency.

30 The application for an original license shall include a complete  
31 set of fingerprints to be forwarded to the Washington state patrol.

32 The license and application shall contain a warning substantially  
33 as follows:

34 CAUTION: Although state and local laws do not differ, federal  
35 law and state law on the possession of firearms differ. If  
36 you are prohibited by federal law from possessing a firearm,  
37 you may be prosecuted in federal court. A state license is  
38 not a defense to a federal prosecution.

1       The license shall contain a description of the major differences  
2 between state and federal law and an explanation of the fact that  
3 local laws and ordinances on firearms are preempted by state law and  
4 must be consistent with state law. The application shall contain  
5 questions about the applicant's eligibility under RCW 9.41.040 to  
6 possess a firearm. The nonimmigrant alien applicant shall be required  
7 to produce a passport and visa as evidence of being in the country  
8 legally.

9       The license may be in triplicate or in a form to be prescribed by  
10 the department of licensing. The original thereof shall be delivered  
11 to the licensee, the duplicate shall within seven days be sent to the  
12 director of licensing and the triplicate shall be preserved for six  
13 years, by the authority issuing the license.

14       The department of licensing shall make available to law  
15 enforcement and corrections agencies, in an online format, all  
16 information received under this section.

17       (5) The sheriff has the authority to collect a nonrefundable fee,  
18 paid upon application, for the two-year license. The fee shall be  
19 fifty dollars plus additional charges imposed by the Washington state  
20 patrol and the federal bureau of investigation that are passed on to  
21 the applicant. No other state or local branch or unit of government  
22 may impose any additional charges on the applicant for the issuance  
23 of the license. The fee shall be retained by the sheriff.

24       (6) Payment shall be by cash, check, or money order at the option  
25 of the applicant. Additional methods of payment may be allowed at the  
26 option of the sheriff.

27       (7) A political subdivision of the state shall not modify the  
28 requirements of this section, nor may a political subdivision ask the  
29 applicant to voluntarily submit any information not required by this  
30 section.

31       (8) A person who knowingly makes a false statement regarding  
32 citizenship or identity on an application for an alien firearm  
33 license is guilty of false swearing under RCW 9A.72.040. In addition  
34 to any other penalty provided for by law, the alien firearm license  
35 of a person who knowingly makes a false statement shall be revoked,  
36 and the person shall be permanently ineligible for an alien firearm  
37 license.

1       **Sec. 96.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s  
2 6007 are each reenacted and amended to read as follows:

3       (1) It is unlawful for any person to enter the following places  
4 when he or she knowingly possesses or knowingly has under his or her  
5 control a weapon:

6       (a) The restricted access areas of a jail, or of a law  
7 enforcement facility, or any place used for the confinement of a  
8 person (i) arrested for, charged with, or convicted of an offense,  
9 (ii) held for extradition or as a material witness, or (iii)  
10 otherwise confined pursuant to an order of a court, except an order  
11 under chapter 13.32A or 13.34 RCW. Restricted access areas do not  
12 include common areas of egress or ingress open to the general public;

13       (b) Those areas in any building which are used in connection with  
14 court proceedings, including courtrooms, jury rooms, judge's  
15 chambers, offices and areas used to conduct court business, waiting  
16 areas, and corridors adjacent to areas used in connection with court  
17 proceedings. The restricted areas do not include common areas of  
18 ingress and egress to the building that is used in connection with  
19 court proceedings, when it is possible to protect court areas without  
20 restricting ingress and egress to the building. The restricted areas  
21 shall be the minimum necessary to fulfill the objective of this  
22 subsection (1)(b).

23       For purposes of this subsection (1)(b), "weapon" means any  
24 firearm, explosive as defined in RCW 70.74.010, or any weapon of the  
25 kind usually known as slungshot, sand club, or metal knuckles, or any  
26 knife, dagger, dirk, or other similar weapon that is capable of  
27 causing death or bodily injury and is commonly used with the intent  
28 to cause death or bodily injury.

29       In addition, the local legislative authority shall provide either  
30 a stationary locked box sufficient in size for pistols and key to a  
31 weapon owner for weapon storage, or shall designate an official to  
32 receive weapons for safekeeping, during the owner's visit to  
33 restricted areas of the building. The locked box or designated  
34 official shall be located within the same building used in connection  
35 with court proceedings. The local legislative authority shall be  
36 liable for any negligence causing damage to or loss of a weapon  
37 either placed in a locked box or left with an official during the  
38 owner's visit to restricted areas of the building.

39       The local judicial authority shall designate and clearly mark  
40 those areas where weapons are prohibited, and shall post notices at

1 each entrance to the building of the prohibition against weapons in  
2 the restricted areas;

3 (c) The restricted access areas of a public mental health  
4 facility licensed or certified by the department of health for  
5 inpatient hospital care and state institutions for the care of the  
6 mentally ill, excluding those facilities solely for evaluation and  
7 treatment. Restricted access areas do not include common areas of  
8 egress and ingress open to the general public;

9 (d) That portion of an establishment classified by the state  
10 liquor and cannabis board as off-limits to persons under twenty-one  
11 years of age; or

12 (e) The restricted access areas of a commercial service airport  
13 designated in the airport security plan approved by the federal  
14 transportation security administration, including passenger screening  
15 checkpoints at or beyond the point at which a passenger initiates the  
16 screening process. These areas do not include airport drives, general  
17 parking areas and walkways, and shops and areas of the terminal that  
18 are outside the screening checkpoints and that are normally open to  
19 unscreened passengers or visitors to the airport. Any restricted  
20 access area shall be clearly indicated by prominent signs indicating  
21 that firearms and other weapons are prohibited in the area.

22 (2) Cities, towns, counties, and other municipalities may enact  
23 laws and ordinances:

24 (a) Restricting the discharge of firearms in any portion of their  
25 respective jurisdictions where there is a reasonable likelihood that  
26 humans, domestic animals, or property will be jeopardized. Such laws  
27 and ordinances shall not abridge the right of the individual  
28 guaranteed by Article I, section 24 of the state Constitution to bear  
29 arms in defense of self or others; and

30 (b) Restricting the possession of firearms in any stadium or  
31 convention center, operated by a city, town, county, or other  
32 municipality, except that such restrictions shall not apply to:

33 (i) Any pistol in the possession of a person licensed under RCW  
34 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

35 (ii) Any showing, demonstration, or lecture involving the  
36 exhibition of firearms.

37 (3)(a) Cities, towns, and counties may enact ordinances  
38 restricting the areas in their respective jurisdictions in which  
39 firearms may be sold, but, except as provided in (b) of this  
40 subsection, a business selling firearms may not be treated more

1 restrictively than other businesses located within the same zone. An  
2 ordinance requiring the cessation of business within a zone shall not  
3 have a shorter grandfather period for businesses selling firearms  
4 than for any other businesses within the zone.

5 (b) Cities, towns, and counties may restrict the location of a  
6 business selling firearms to not less than five hundred feet from  
7 primary or secondary school grounds, if the business has a  
8 storefront, has hours during which it is open for business, and posts  
9 advertisements or signs observable to passersby that firearms are  
10 available for sale. A business selling firearms that exists as of the  
11 date a restriction is enacted under this subsection (3)(b) shall be  
12 grandfathered according to existing law.

13 (4) Violations of local ordinances adopted under subsection (2)  
14 of this section must have the same penalty as provided for by state  
15 law.

16 (5) The perimeter of the premises of any specific location  
17 covered by subsection (1) of this section shall be posted at  
18 reasonable intervals to alert the public as to the existence of any  
19 law restricting the possession of firearms on the premises.

20 (6) Subsection (1) of this section does not apply to:

21 (a) A person engaged in military activities sponsored by the  
22 federal or state governments, while engaged in official duties;

23 (b) Law enforcement personnel, except that subsection (1)(b) of  
24 this section does apply to a law enforcement officer who is present  
25 at a courthouse building as a party to an antiharassment protection  
26 order action or a domestic violence protection order action under  
27 chapter ((10.14,)) 7.--- (the new chapter created in section 78 of  
28 this act) or 10.99((, or 26.50)) RCW, or an action under Title 26 RCW  
29 where any party has alleged the existence of domestic violence as  
30 defined in ((RCW 26.50.010)) section 2 of this act; or

31 (c) Security personnel while engaged in official duties.

32 (7) Subsection (1)(a), (b), (c), and (e) of this section does not  
33 apply to correctional personnel or community corrections officers, as  
34 long as they are employed as such, who have completed government-  
35 sponsored law enforcement firearms training, except that subsection  
36 (1)(b) of this section does apply to a correctional employee or  
37 community corrections officer who is present at a courthouse building  
38 as a party to an antiharassment protection order action or a domestic  
39 violence protection order action under chapter ((10.14,)) 7.--- (the  
40 new chapter created in section 78 of this act) or 10.99((, or 26.50))

1 RCW, or an action under Title 26 RCW where any party has alleged the  
2 existence of domestic violence as defined in (~~RCW 26.50.010~~)  
3 section 2 of this act.

4 (8) Subsection (1)(a) of this section does not apply to a person  
5 licensed pursuant to RCW 9.41.070 who, upon entering the place or  
6 facility, directly and promptly proceeds to the administrator of the  
7 facility or the administrator's designee and obtains written  
8 permission to possess the firearm while on the premises or checks his  
9 or her firearm. The person may reclaim the firearms upon leaving but  
10 must immediately and directly depart from the place or facility.

11 (9) Subsection (1)(c) of this section does not apply to any  
12 administrator or employee of the facility or to any person who, upon  
13 entering the place or facility, directly and promptly proceeds to the  
14 administrator of the facility or the administrator's designee and  
15 obtains written permission to possess the firearm while on the  
16 premises.

17 (10) Subsection (1)(d) of this section does not apply to the  
18 proprietor of the premises or his or her employees while engaged in  
19 their employment.

20 (11) Government-sponsored law enforcement firearms training must  
21 be training that correctional personnel and community corrections  
22 officers receive as part of their job requirement and reference to  
23 such training does not constitute a mandate that it be provided by  
24 the correctional facility.

25 (12) Any person violating subsection (1) of this section is  
26 guilty of a gross misdemeanor.

27 (13) "Weapon" as used in this section means any firearm,  
28 explosive as defined in RCW 70.74.010, or instrument or weapon listed  
29 in RCW 9.41.250.

30 **Sec. 97.** RCW 9.94A.030 and 2020 c 296 s 2, 2020 c 252 s 4, and  
31 2020 c 137 s 1 are each reenacted and amended to read as follows:

32 Unless the context clearly requires otherwise, the definitions in  
33 this section apply throughout this chapter.

34 (1) "Board" means the indeterminate sentence review board created  
35 under chapter 9.95 RCW.

36 (2) "Collect," or any derivative thereof, "collect and remit," or  
37 "collect and deliver," when used with reference to the department,  
38 means that the department, either directly or through a collection  
39 agreement authorized by RCW 9.94A.760, is responsible for monitoring

1 and enforcing the offender's sentence with regard to the legal  
2 financial obligation, receiving payment thereof from the offender,  
3 and, consistent with current law, delivering daily the entire payment  
4 to the superior court clerk without depositing it in a departmental  
5 account.

6 (3) "Commission" means the sentencing guidelines commission.

7 (4) "Community corrections officer" means an employee of the  
8 department who is responsible for carrying out specific duties in  
9 supervision of sentenced offenders and monitoring of sentence  
10 conditions.

11 (5) "Community custody" means that portion of an offender's  
12 sentence of confinement in lieu of earned release time or imposed as  
13 part of a sentence under this chapter and served in the community  
14 subject to controls placed on the offender's movement and activities  
15 by the department.

16 (6) "Community protection zone" means the area within eight  
17 hundred eighty feet of the facilities and grounds of a public or  
18 private school.

19 (7) "Community restitution" means compulsory service, without  
20 compensation, performed for the benefit of the community by the  
21 offender.

22 (8) "Confinement" means total or partial confinement.

23 (9) "Conviction" means an adjudication of guilt pursuant to Title  
24 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,  
25 and acceptance of a plea of guilty.

26 (10) "Crime-related prohibition" means an order of a court  
27 prohibiting conduct that directly relates to the circumstances of the  
28 crime for which the offender has been convicted, and shall not be  
29 construed to mean orders directing an offender affirmatively to  
30 participate in rehabilitative programs or to otherwise perform  
31 affirmative conduct. However, affirmative acts necessary to monitor  
32 compliance with the order of a court may be required by the  
33 department.

34 (11) "Criminal history" means the list of a defendant's prior  
35 convictions and juvenile adjudications, whether in this state, in  
36 federal court, or elsewhere, and any issued certificates of  
37 restoration of opportunity pursuant to RCW 9.97.020.

38 (a) The history shall include, where known, for each conviction  
39 (i) whether the defendant has been placed on probation and the length

1 and terms thereof; and (ii) whether the defendant has been  
2 incarcerated and the length of incarceration.

3 (b) A conviction may be removed from a defendant's criminal  
4 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,  
5 9.95.240, or a similar out-of-state statute, or if the conviction has  
6 been vacated pursuant to a governor's pardon. However, when a  
7 defendant is charged with a recidivist offense, "criminal history"  
8 includes a vacated prior conviction for the sole purpose of  
9 establishing that such vacated prior conviction constitutes an  
10 element of the present recidivist offense as provided in RCW  
11 9.94A.640(3)(b) and 9.96.060(6)(c).

12 (c) The determination of a defendant's criminal history is  
13 distinct from the determination of an offender score. A prior  
14 conviction that was not included in an offender score calculated  
15 pursuant to a former version of the sentencing reform act remains  
16 part of the defendant's criminal history.

17 (12) "Criminal street gang" means any ongoing organization,  
18 association, or group of three or more persons, whether formal or  
19 informal, having a common name or common identifying sign or symbol,  
20 having as one of its primary activities the commission of criminal  
21 acts, and whose members or associates individually or collectively  
22 engage in or have engaged in a pattern of criminal street gang  
23 activity. This definition does not apply to employees engaged in  
24 concerted activities for their mutual aid and protection, or to the  
25 activities of labor and bona fide nonprofit organizations or their  
26 members or agents.

27 (13) "Criminal street gang associate or member" means any person  
28 who actively participates in any criminal street gang and who  
29 intentionally promotes, furthers, or assists in any criminal act by  
30 the criminal street gang.

31 (14) "Criminal street gang-related offense" means any felony or  
32 misdemeanor offense, whether in this state or elsewhere, that is  
33 committed for the benefit of, at the direction of, or in association  
34 with any criminal street gang, or is committed with the intent to  
35 promote, further, or assist in any criminal conduct by the gang, or  
36 is committed for one or more of the following reasons:

- 37 (a) To gain admission, prestige, or promotion within the gang;
- 38 (b) To increase or maintain the gang's size, membership,  
39 prestige, dominance, or control in any geographical area;



1 (c) To exact revenge or retribution for the gang or any member of  
2 the gang;

3 (d) To obstruct justice, or intimidate or eliminate any witness  
4 against the gang or any member of the gang;

5 (e) To directly or indirectly cause any benefit, aggrandizement,  
6 gain, profit, or other advantage for the gang, its reputation,  
7 influence, or membership; or

8 (f) To provide the gang with any advantage in, or any control or  
9 dominance over any criminal market sector, including, but not limited  
10 to, manufacturing, delivering, or selling any controlled substance  
11 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen  
12 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88  
13 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual  
14 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter  
15 9.68 RCW).

16 (15) "Day fine" means a fine imposed by the sentencing court that  
17 equals the difference between the offender's net daily income and the  
18 reasonable obligations that the offender has for the support of the  
19 offender and any dependents.

20 (16) "Day reporting" means a program of enhanced supervision  
21 designed to monitor the offender's daily activities and compliance  
22 with sentence conditions, and in which the offender is required to  
23 report daily to a specific location designated by the department or  
24 the sentencing court.

25 (17) "Department" means the department of corrections.

26 (18) "Determinate sentence" means a sentence that states with  
27 exactitude the number of actual years, months, or days of total  
28 confinement, of partial confinement, of community custody, the number  
29 of actual hours or days of community restitution work, or dollars or  
30 terms of a legal financial obligation. The fact that an offender  
31 through earned release can reduce the actual period of confinement  
32 shall not affect the classification of the sentence as a determinate  
33 sentence.

34 (19) "Disposable earnings" means that part of the earnings of an  
35 offender remaining after the deduction from those earnings of any  
36 amount required by law to be withheld. For the purposes of this  
37 definition, "earnings" means compensation paid or payable for  
38 personal services, whether denominated as wages, salary, commission,  
39 bonuses, or otherwise, and, notwithstanding any other provision of  
40 law making the payments exempt from garnishment, attachment, or other

1 process to satisfy a court-ordered legal financial obligation,  
2 specifically includes periodic payments pursuant to pension or  
3 retirement programs, or insurance policies of any type, but does not  
4 include payments made under Title 50 RCW, except as provided in RCW  
5 50.40.020 and 50.40.050, or Title 74 RCW.

6 (20)(a) "Domestic violence" has the same meaning as defined in  
7 RCW 10.99.020 (~~and 26.50.010~~).

8 (b) "Domestic violence" also means: (i) Physical harm, bodily  
9 injury, assault, or the infliction of fear of imminent physical harm,  
10 bodily injury, or assault, sexual assault, or stalking, as defined in  
11 RCW 9A.46.110, of one intimate partner by another intimate partner as  
12 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,  
13 assault, or the infliction of fear of imminent physical harm, bodily  
14 injury, or assault, sexual assault, or stalking, as defined in RCW  
15 9A.46.110, of one family or household member by another family or  
16 household member as defined in RCW 10.99.020.

17 (21) "Drug offender sentencing alternative" is a sentencing  
18 option available to persons convicted of a felony offense who are  
19 eligible for the option under RCW 9.94A.660.

20 (22) "Drug offense" means:

21 (a) Any felony violation of chapter 69.50 RCW except possession  
22 of a controlled substance (RCW 69.50.4013) or forged prescription for  
23 a controlled substance (RCW 69.50.403);

24 (b) Any offense defined as a felony under federal law that  
25 relates to the possession, manufacture, distribution, or  
26 transportation of a controlled substance; or

27 (c) Any out-of-state conviction for an offense that under the  
28 laws of this state would be a felony classified as a drug offense  
29 under (a) of this subsection.

30 (23) "Earned release" means earned release from confinement as  
31 provided in RCW 9.94A.728.

32 (24) "Electronic monitoring" means tracking the location of an  
33 individual through the use of technology that is capable of  
34 determining or identifying the monitored individual's presence or  
35 absence at a particular location including, but not limited to:

36 (a) Radio frequency signaling technology, which detects if the  
37 monitored individual is or is not at an approved location and  
38 notifies the monitoring agency of the time that the monitored  
39 individual either leaves the approved location or tampers with or  
40 removes the monitoring device; or

1 (b) Active or passive global positioning system technology, which  
2 detects the location of the monitored individual and notifies the  
3 monitoring agency of the monitored individual's location and which  
4 may also include electronic monitoring with victim notification  
5 technology that is capable of notifying a victim or protected party,  
6 either directly or through a monitoring agency, if the monitored  
7 individual enters within the restricted distance of a victim or  
8 protected party, or within the restricted distance of a designated  
9 location.

10 (25) "Escape" means:

11 (a) Sexually violent predator escape (RCW 9A.76.115), escape in  
12 the first degree (RCW 9A.76.110), escape in the second degree (RCW  
13 9A.76.120), willful failure to return from furlough (RCW 72.66.060),  
14 willful failure to return from work release (RCW 72.65.070), or  
15 willful failure to be available for supervision by the department  
16 while in community custody (RCW 72.09.310); or

17 (b) Any federal or out-of-state conviction for an offense that  
18 under the laws of this state would be a felony classified as an  
19 escape under (a) of this subsection.

20 (26) "Felony traffic offense" means:

21 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
22 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-  
23 run injury-accident (RCW 46.52.020(4)), felony driving while under  
24 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),  
25 or felony physical control of a vehicle while under the influence of  
26 intoxicating liquor or any drug (RCW 46.61.504(6)); or

27 (b) Any federal or out-of-state conviction for an offense that  
28 under the laws of this state would be a felony classified as a felony  
29 traffic offense under (a) of this subsection.

30 (27) "Fine" means a specific sum of money ordered by the  
31 sentencing court to be paid by the offender to the court over a  
32 specific period of time.

33 (28) "First-time offender" means any person who has no prior  
34 convictions for a felony and is eligible for the first-time offender  
35 waiver under RCW 9.94A.650.

36 (29) "Home detention" is a subset of electronic monitoring and  
37 means a program of partial confinement available to offenders wherein  
38 the offender is confined in a private residence twenty-four hours a  
39 day, unless an absence from the residence is approved, authorized, or  
40 otherwise permitted in the order by the court or other supervising

1 agency that ordered home detention, and the offender is subject to  
2 electronic monitoring.

3 (30) "Homelessness" or "homeless" means a condition where an  
4 individual lacks a fixed, regular, and adequate nighttime residence  
5 and who has a primary nighttime residence that is:

6 (a) A supervised, publicly or privately operated shelter designed  
7 to provide temporary living accommodations;

8 (b) A public or private place not designed for, or ordinarily  
9 used as, a regular sleeping accommodation for human beings; or

10 (c) A private residence where the individual stays as a transient  
11 invitee.

12 (31) "Legal financial obligation" means a sum of money that is  
13 ordered by a superior court of the state of Washington for legal  
14 financial obligations which may include restitution to the victim,  
15 statutorily imposed crime victims' compensation fees as assessed  
16 pursuant to RCW 7.68.035, court costs, county or interlocal drug  
17 funds, court-appointed attorneys' fees, and costs of defense, fines,  
18 and any other financial obligation that is assessed to the offender  
19 as a result of a felony conviction. Upon conviction for vehicular  
20 assault while under the influence of intoxicating liquor or any drug,  
21 RCW 46.61.522(1)(b), or vehicular homicide while under the influence  
22 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal  
23 financial obligations may also include payment to a public agency of  
24 the expense of an emergency response to the incident resulting in the  
25 conviction, subject to RCW 38.52.430.

26 (32) "Most serious offense" means any of the following felonies  
27 or a felony attempt to commit any of the following felonies:

28 (a) Any felony defined under any law as a class A felony or  
29 criminal solicitation of or criminal conspiracy to commit a class A  
30 felony;

31 (b) Assault in the second degree;

32 (c) Assault of a child in the second degree;

33 (d) Child molestation in the second degree;

34 (e) Controlled substance homicide;

35 (f) Extortion in the first degree;

36 (g) Incest when committed against a child under age fourteen;

37 (h) Indecent liberties;

38 (i) Kidnapping in the second degree;

39 (j) Leading organized crime;

40 (k) Manslaughter in the first degree;

1 (l) Manslaughter in the second degree;  
2 (m) Promoting prostitution in the first degree;  
3 (n) Rape in the third degree;  
4 (o) Sexual exploitation;  
5 (p) Vehicular assault, when caused by the operation or driving of  
6 a vehicle by a person while under the influence of intoxicating  
7 liquor or any drug or by the operation or driving of a vehicle in a  
8 reckless manner;  
9 (q) Vehicular homicide, when proximately caused by the driving of  
10 any vehicle by any person while under the influence of intoxicating  
11 liquor or any drug as defined by RCW 46.61.502, or by the operation  
12 of any vehicle in a reckless manner;  
13 (r) Any other class B felony offense with a finding of sexual  
14 motivation;  
15 (s) Any other felony with a deadly weapon verdict under RCW  
16 9.94A.825;  
17 (t) Any felony offense in effect at any time prior to December 2,  
18 1993, that is comparable to a most serious offense under this  
19 subsection, or any federal or out-of-state conviction for an offense  
20 that under the laws of this state would be a felony classified as a  
21 most serious offense under this subsection;  
22 (u)(i) A prior conviction for indecent liberties under RCW  
23 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.  
24 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),  
25 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW  
26 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,  
27 until July 1, 1988;  
28 (ii) A prior conviction for indecent liberties under RCW  
29 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,  
30 if: (A) The crime was committed against a child under the age of  
31 fourteen; or (B) the relationship between the victim and perpetrator  
32 is included in the definition of indecent liberties under RCW  
33 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,  
34 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,  
35 1993, through July 27, 1997;  
36 (v) Any out-of-state conviction for a felony offense with a  
37 finding of sexual motivation if the minimum sentence imposed was ten  
38 years or more; provided that the out-of-state felony offense must be  
39 comparable to a felony offense under this title and Title 9A RCW and

1 the out-of-state definition of sexual motivation must be comparable  
2 to the definition of sexual motivation contained in this section.

3 (33) "Nonviolent offense" means an offense which is not a violent  
4 offense.

5 (34) "Offender" means a person who has committed a felony  
6 established by state law and is eighteen years of age or older or is  
7 less than eighteen years of age but whose case is under superior  
8 court jurisdiction under RCW 13.04.030 or has been transferred by the  
9 appropriate juvenile court to a criminal court pursuant to RCW  
10 13.40.110. In addition, for the purpose of community custody  
11 requirements under this chapter, "offender" also means a misdemeanor  
12 or gross misdemeanor probationer ordered by a superior court to  
13 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and  
14 supervised by the department pursuant to RCW 9.94A.501 and  
15 9.94A.5011. Throughout this chapter, the terms "offender" and  
16 "defendant" are used interchangeably.

17 (35) "Partial confinement" means confinement for no more than one  
18 year in a facility or institution operated or utilized under contract  
19 by the state or any other unit of government, or, if home detention,  
20 electronic monitoring, or work crew has been ordered by the court or  
21 home detention has been ordered by the department as part of the  
22 parenting program or the graduated reentry program, in an approved  
23 residence, for a substantial portion of each day with the balance of  
24 the day spent in the community. Partial confinement includes work  
25 release, home detention, work crew, electronic monitoring, and a  
26 combination of work crew, electronic monitoring, and home detention.

27 (36) "Pattern of criminal street gang activity" means:

28 (a) The commission, attempt, conspiracy, or solicitation of, or  
29 any prior juvenile adjudication of or adult conviction of, two or  
30 more of the following criminal street gang-related offenses:

31 (i) Any "serious violent" felony offense as defined in this  
32 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a  
33 Child 1 (RCW 9A.36.120);

34 (ii) Any "violent" offense as defined by this section, excluding  
35 Assault of a Child 2 (RCW 9A.36.130);

36 (iii) Deliver or Possession with Intent to Deliver a Controlled  
37 Substance (chapter 69.50 RCW);

38 (iv) Any violation of the firearms and dangerous weapon act  
39 (chapter 9.41 RCW);

40 (v) Theft of a Firearm (RCW 9A.56.300);

1 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);  
2 (vii) Hate Crime (RCW 9A.36.080);  
3 (viii) Harassment where a subsequent violation or deadly threat  
4 is made (RCW 9A.46.020(2)(b));  
5 (ix) Criminal Gang Intimidation (RCW 9A.46.120);  
6 (x) Any felony conviction by a person eighteen years of age or  
7 older with a special finding of involving a juvenile in a felony  
8 offense under RCW 9.94A.833;  
9 (xi) Residential Burglary (RCW 9A.52.025);  
10 (xii) Burglary 2 (RCW 9A.52.030);  
11 (xiii) Malicious Mischief 1 (RCW 9A.48.070);  
12 (xiv) Malicious Mischief 2 (RCW 9A.48.080);  
13 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);  
14 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);  
15 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW  
16 9A.56.070);  
17 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW  
18 9A.56.075);  
19 (xix) Extortion 1 (RCW 9A.56.120);  
20 (xx) Extortion 2 (RCW 9A.56.130);  
21 (xxi) Intimidating a Witness (RCW 9A.72.110);  
22 (xxii) Tampering with a Witness (RCW 9A.72.120);  
23 (xxiii) Reckless Endangerment (RCW 9A.36.050);  
24 (xxiv) Coercion (RCW 9A.36.070);  
25 (xxv) Harassment (RCW 9A.46.020); or  
26 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);  
27 (b) That at least one of the offenses listed in (a) of this  
28 subsection shall have occurred after July 1, 2008;  
29 (c) That the most recent committed offense listed in (a) of this  
30 subsection occurred within three years of a prior offense listed in  
31 (a) of this subsection; and  
32 (d) Of the offenses that were committed in (a) of this  
33 subsection, the offenses occurred on separate occasions or were  
34 committed by two or more persons.  
35 (37) "Persistent offender" is an offender who:  
36 (a) (i) Has been convicted in this state of any felony considered  
37 a most serious offense; and  
38 (ii) Has, before the commission of the offense under (a) of this  
39 subsection, been convicted as an offender on at least two separate  
40 occasions, whether in this state or elsewhere, of felonies that under

1 the laws of this state would be considered most serious offenses and  
2 would be included in the offender score under RCW 9.94A.525; provided  
3 that of the two or more previous convictions, at least one conviction  
4 must have occurred before the commission of any of the other most  
5 serious offenses for which the offender was previously convicted; or

6 (b) (i) Has been convicted of: (A) Rape in the first degree, rape  
7 of a child in the first degree, child molestation in the first  
8 degree, rape in the second degree, rape of a child in the second  
9 degree, or indecent liberties by forcible compulsion; (B) any of the  
10 following offenses with a finding of sexual motivation: Murder in the  
11 first degree, murder in the second degree, homicide by abuse,  
12 kidnapping in the first degree, kidnapping in the second degree,  
13 assault in the first degree, assault in the second degree, assault of  
14 a child in the first degree, assault of a child in the second degree,  
15 or burglary in the first degree; or (C) an attempt to commit any  
16 crime listed in this subsection (37) (b) (i); and

17 (ii) Has, before the commission of the offense under (b) (i) of  
18 this subsection, been convicted as an offender on at least one  
19 occasion, whether in this state or elsewhere, of an offense listed in  
20 (b) (i) of this subsection or any federal or out-of-state offense or  
21 offense under prior Washington law that is comparable to the offenses  
22 listed in (b) (i) of this subsection. A conviction for rape of a child  
23 in the first degree constitutes a conviction under (b) (i) of this  
24 subsection only when the offender was sixteen years of age or older  
25 when the offender committed the offense. A conviction for rape of a  
26 child in the second degree constitutes a conviction under (b) (i) of  
27 this subsection only when the offender was eighteen years of age or  
28 older when the offender committed the offense.

29 (38) "Predatory" means: (a) The perpetrator of the crime was a  
30 stranger to the victim, as defined in this section; (b) the  
31 perpetrator established or promoted a relationship with the victim  
32 prior to the offense and the victimization of the victim was a  
33 significant reason the perpetrator established or promoted the  
34 relationship; or (c) the perpetrator was: (i) A teacher, counselor,  
35 volunteer, or other person in authority in any public or private  
36 school and the victim was a student of the school under his or her  
37 authority or supervision. For purposes of this subsection, "school"  
38 does not include home-based instruction as defined in RCW  
39 28A.225.010; (ii) a coach, trainer, volunteer, or other person in  
40 authority in any recreational activity and the victim was a



1 participant in the activity under his or her authority or  
2 supervision; (iii) a pastor, elder, volunteer, or other person in  
3 authority in any church or religious organization, and the victim was  
4 a member or participant of the organization under his or her  
5 authority; or (iv) a teacher, counselor, volunteer, or other person  
6 in authority providing home-based instruction and the victim was a  
7 student receiving home-based instruction while under his or her  
8 authority or supervision. For purposes of this subsection: (A) "Home-  
9 based instruction" has the same meaning as defined in RCW  
10 28A.225.010; and (B) "teacher, counselor, volunteer, or other person  
11 in authority" does not include the parent or legal guardian of the  
12 victim.

13 (39) "Private school" means a school regulated under chapter  
14 28A.195 or 28A.205 RCW.

15 (40) "Public school" has the same meaning as in RCW 28A.150.010.

16 (41) "Recidivist offense" means a felony offense where a prior  
17 conviction of the same offense or other specified offense is an  
18 element of the crime including, but not limited to:

19 (a) Assault in the fourth degree where domestic violence is  
20 pleaded and proven, RCW 9A.36.041(3);

21 (b) Cyberstalking, RCW 9.61.260(3)(a);

22 (c) Harassment, RCW 9A.46.020(2)(b)(i);

23 (d) Indecent exposure, RCW 9A.88.010(2)(c);

24 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

25 (f) Telephone harassment, RCW 9.61.230(2)(a); and

26 (g) Violation of a no-contact or protection order, section 56 of  
27 this act or former RCW 26.50.110(5).

28 (42) "Repetitive domestic violence offense" means any:

29 (a)(i) Domestic violence assault that is not a felony offense  
30 under RCW 9A.36.041;

31 (ii) Domestic violence violation of a no-contact order under  
32 chapter 10.99 RCW that is not a felony offense;

33 (iii) Domestic violence violation of a protection order under  
34 chapter 26.09, 26.10, 26.26A, or 26.26B(~~, or 26.50~~) RCW or former  
35 chapter 26.50 RCW, or violation of a domestic violence protection  
36 order under chapter 7.--- RCW (the new chapter created in section 78  
37 of this act), that is not a felony offense;

38 (iv) Domestic violence harassment offense under RCW 9A.46.020  
39 that is not a felony offense; or

1 (v) Domestic violence stalking offense under RCW 9A.46.110 that  
2 is not a felony offense; or

3 (b) Any federal, out-of-state, tribal court, military, county, or  
4 municipal conviction for an offense that under the laws of this state  
5 would be classified as a repetitive domestic violence offense under  
6 (a) of this subsection.

7 (43) "Restitution" means a specific sum of money ordered by the  
8 sentencing court to be paid by the offender to the court over a  
9 specified period of time as payment of damages. The sum may include  
10 both public and private costs.

11 (44) "Risk assessment" means the application of the risk  
12 instrument recommended to the department by the Washington state  
13 institute for public policy as having the highest degree of  
14 predictive accuracy for assessing an offender's risk of reoffense.

15 (45) "Serious traffic offense" means:

16 (a) Nonfelony driving while under the influence of intoxicating  
17 liquor or any drug (RCW 46.61.502), nonfelony actual physical control  
18 while under the influence of intoxicating liquor or any drug (RCW  
19 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an  
20 attended vehicle (RCW 46.52.020(5)); or

21 (b) Any federal, out-of-state, county, or municipal conviction  
22 for an offense that under the laws of this state would be classified  
23 as a serious traffic offense under (a) of this subsection.

24 (46) "Serious violent offense" is a subcategory of violent  
25 offense and means:

26 (a) (i) Murder in the first degree;

27 (ii) Homicide by abuse;

28 (iii) Murder in the second degree;

29 (iv) Manslaughter in the first degree;

30 (v) Assault in the first degree;

31 (vi) Kidnapping in the first degree;

32 (vii) Rape in the first degree;

33 (viii) Assault of a child in the first degree; or

34 (ix) An attempt, criminal solicitation, or criminal conspiracy to  
35 commit one of these felonies; or

36 (b) Any federal or out-of-state conviction for an offense that  
37 under the laws of this state would be a felony classified as a  
38 serious violent offense under (a) of this subsection.

39 (47) "Sex offense" means:

1 (a)(i) A felony that is a violation of chapter 9A.44 RCW other  
2 than RCW 9A.44.132;

3 (ii) A violation of RCW 9A.64.020;

4 (iii) A felony that is a violation of chapter 9.68A RCW other  
5 than RCW 9.68A.080;

6 (iv) A felony that is, under chapter 9A.28 RCW, a criminal  
7 attempt, criminal solicitation, or criminal conspiracy to commit such  
8 crimes; or

9 (v) A felony violation of RCW 9A.44.132(1) (failure to register  
10 as a sex offender) if the person has been convicted of violating RCW  
11 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130  
12 prior to June 10, 2010, on at least one prior occasion;

13 (b) Any conviction for a felony offense in effect at any time  
14 prior to July 1, 1976, that is comparable to a felony classified as a  
15 sex offense in (a) of this subsection;

16 (c) A felony with a finding of sexual motivation under RCW  
17 9.94A.835 or 13.40.135; or

18 (d) Any federal or out-of-state conviction for an offense that  
19 under the laws of this state would be a felony classified as a sex  
20 offense under (a) of this subsection.

21 (48) "Sexual motivation" means that one of the purposes for which  
22 the defendant committed the crime was for the purpose of his or her  
23 sexual gratification.

24 (49) "Standard sentence range" means the sentencing court's  
25 discretionary range in imposing a nonappealable sentence.

26 (50) "Statutory maximum sentence" means the maximum length of  
27 time for which an offender may be confined as punishment for a crime  
28 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute  
29 defining the crime, or other statute defining the maximum penalty for  
30 a crime.

31 (51) "Stranger" means that the victim did not know the offender  
32 twenty-four hours before the offense.

33 (52) "Total confinement" means confinement inside the physical  
34 boundaries of a facility or institution operated or utilized under  
35 contract by the state or any other unit of government for twenty-four  
36 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

37 (53) "Transition training" means written and verbal instructions  
38 and assistance provided by the department to the offender during the  
39 two weeks prior to the offender's successful completion of the work  
40 ethic camp program. The transition training shall include

1 instructions in the offender's requirements and obligations during  
2 the offender's period of community custody.

3 (54) "Victim" means any person who has sustained emotional,  
4 psychological, physical, or financial injury to person or property as  
5 a direct result of the crime charged.

6 (55) "Violent offense" means:

7 (a) Any of the following felonies:

8 (i) Any felony defined under any law as a class A felony or an  
9 attempt to commit a class A felony;

10 (ii) Criminal solicitation of or criminal conspiracy to commit a  
11 class A felony;

12 (iii) Manslaughter in the first degree;

13 (iv) Manslaughter in the second degree;

14 (v) Indecent liberties if committed by forcible compulsion;

15 (vi) Kidnapping in the second degree;

16 (vii) Arson in the second degree;

17 (viii) Assault in the second degree;

18 (ix) Assault of a child in the second degree;

19 (x) Extortion in the first degree;

20 (xi) Robbery in the second degree;

21 (xii) Drive-by shooting;

22 (xiii) Vehicular assault, when caused by the operation or driving  
23 of a vehicle by a person while under the influence of intoxicating  
24 liquor or any drug or by the operation or driving of a vehicle in a  
25 reckless manner; and

26 (xiv) Vehicular homicide, when proximately caused by the driving  
27 of any vehicle by any person while under the influence of  
28 intoxicating liquor or any drug as defined by RCW 46.61.502, or by  
29 the operation of any vehicle in a reckless manner;

30 (b) Any conviction for a felony offense in effect at any time  
31 prior to July 1, 1976, that is comparable to a felony classified as a  
32 violent offense in (a) of this subsection; and

33 (c) Any federal or out-of-state conviction for an offense that  
34 under the laws of this state would be a felony classified as a  
35 violent offense under (a) or (b) of this subsection.

36 (56) "Work crew" means a program of partial confinement  
37 consisting of civic improvement tasks for the benefit of the  
38 community that complies with RCW 9.94A.725.

39 (57) "Work ethic camp" means an alternative incarceration program  
40 as provided in RCW 9.94A.690 designed to reduce recidivism and lower

1 the cost of corrections by requiring offenders to complete a  
2 comprehensive array of real-world job and vocational experiences,  
3 character-building work ethics training, life management skills  
4 development, substance abuse rehabilitation, counseling, literacy  
5 training, and basic adult education.

6 (58) "Work release" means a program of partial confinement  
7 available to offenders who are employed or engaged as a student in a  
8 regular course of study at school.

9 **Sec. 98.** RCW 9.94A.411 and 2019 c 46 s 5008 are each amended to  
10 read as follows:

11 (1) Decision not to prosecute.

12 STANDARD: A prosecuting attorney may decline to prosecute, even  
13 though technically sufficient evidence to prosecute exists, in  
14 situations where prosecution would serve no public purpose, would  
15 defeat the underlying purpose of the law in question or would result  
16 in decreased respect for the law.

17 GUIDELINE/COMMENTARY:

18 Examples

19 The following are examples of reasons not to prosecute which  
20 could satisfy the standard.

21 (a) Contrary to Legislative Intent - It may be proper to decline  
22 to charge where the application of criminal sanctions would be  
23 clearly contrary to the intent of the legislature in enacting the  
24 particular statute.

25 (b) Antiquated Statute - It may be proper to decline to charge  
26 where the statute in question is antiquated in that:

27 (i) It has not been enforced for many years; and

28 (ii) Most members of society act as if it were no longer in  
29 existence; and

30 (iii) It serves no deterrent or protective purpose in today's  
31 society; and

32 (iv) The statute has not been recently reconsidered by the  
33 legislature.

34 This reason is not to be construed as the basis for declining  
35 cases because the law in question is unpopular or because it is  
36 difficult to enforce.

37 (c) De Minimis Violation - It may be proper to decline to charge  
38 where the violation of law is only technical or insubstantial and

1 where no public interest or deterrent purpose would be served by  
2 prosecution.

3 (d) Confinement on Other Charges - It may be proper to decline to  
4 charge because the accused has been sentenced on another charge to a  
5 lengthy period of confinement; and

6 (i) Conviction of the new offense would not merit any additional  
7 direct or collateral punishment;

8 (ii) The new offense is either a misdemeanor or a felony which is  
9 not particularly aggravated; and

10 (iii) Conviction of the new offense would not serve any  
11 significant deterrent purpose.

12 (e) Pending Conviction on Another Charge - It may be proper to  
13 decline to charge because the accused is facing a pending prosecution  
14 in the same or another county; and

15 (i) Conviction of the new offense would not merit any additional  
16 direct or collateral punishment;

17 (ii) Conviction in the pending prosecution is imminent;

18 (iii) The new offense is either a misdemeanor or a felony which  
19 is not particularly aggravated; and

20 (iv) Conviction of the new offense would not serve any  
21 significant deterrent purpose.

22 (f) High Disproportionate Cost of Prosecution - It may be proper  
23 to decline to charge where the cost of locating or transporting, or  
24 the burden on, prosecution witnesses is highly disproportionate to  
25 the importance of prosecuting the offense in question. This reason  
26 should be limited to minor cases and should not be relied upon in  
27 serious cases.

28 (g) Improper Motives of Complainant - It may be proper to decline  
29 charges because the motives of the complainant are improper and  
30 prosecution would serve no public purpose, would defeat the  
31 underlying purpose of the law in question or would result in  
32 decreased respect for the law.

33 (h) Immunity - It may be proper to decline to charge where  
34 immunity is to be given to an accused in order to prosecute another  
35 where the accused's information or testimony will reasonably lead to  
36 the conviction of others who are responsible for more serious  
37 criminal conduct or who represent a greater danger to the public  
38 interest.

1 (i) Victim Request - It may be proper to decline to charge  
2 because the victim requests that no criminal charges be filed and the  
3 case involves the following crimes or situations:

4 (i) Assault cases where the victim has suffered little or no  
5 injury;

6 (ii) Crimes against property, not involving violence, where no  
7 major loss was suffered;

8 (iii) Where doing so would not jeopardize the safety of society.

9 Care should be taken to insure that the victim's request is  
10 freely made and is not the product of threats or pressure by the  
11 accused.

12 The presence of these factors may also justify the decision to  
13 dismiss a prosecution which has been commenced.

#### 14 Notification

15 The prosecutor is encouraged to notify the victim, when  
16 practical, and the law enforcement personnel, of the decision not to  
17 prosecute.

18 (2) Decision to prosecute.

19 (a) STANDARD:

20 Crimes against persons will be filed if sufficient admissible  
21 evidence exists, which, when considered with the most plausible,  
22 reasonably foreseeable defense that could be raised under the  
23 evidence, would justify conviction by a reasonable and objective fact  
24 finder. With regard to offenses prohibited by RCW 9A.44.040,  
25 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086,  
26 9A.44.089, and 9A.64.020 the prosecutor should avoid prefiling  
27 agreements or diversions intended to place the accused in a program  
28 of treatment or counseling, so that treatment, if determined to be  
29 beneficial, can be provided pursuant to RCW 9.94A.670.

30 Crimes against property/other crimes will be filed if the  
31 admissible evidence is of such convincing force as to make it  
32 probable that a reasonable and objective fact finder would convict  
33 after hearing all the admissible evidence and the most plausible  
34 defense that could be raised.

35 See table below for the crimes within these categories.

#### 36 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

##### 37 CRIMES AGAINST PERSONS

38 Aggravated Murder (RCW 10.95.020)

39 1st Degree Murder (RCW 9A.32.030)

1 2nd Degree Murder (RCW 9A.32.050)  
2 1st Degree Manslaughter (RCW 9A.32.060)  
3 2nd Degree Manslaughter (RCW 9A.32.070)  
4 1st Degree Kidnapping (RCW 9A.40.020)  
5 2nd Degree Kidnapping (RCW 9A.40.030)  
6 1st Degree Assault (RCW 9A.36.011)  
7 2nd Degree Assault (RCW 9A.36.021)  
8 3rd Degree Assault (RCW 9A.36.031)  
9 4th Degree Assault (if a violation of RCW 9A.36.041(3))  
10 1st Degree Assault of a Child (RCW 9A.36.120)  
11 2nd Degree Assault of a Child (RCW 9A.36.130)  
12 3rd Degree Assault of a Child (RCW 9A.36.140)  
13 1st Degree Rape (RCW 9A.44.040)  
14 2nd Degree Rape (RCW 9A.44.050)  
15 3rd Degree Rape (RCW 9A.44.060)  
16 1st Degree Rape of a Child (RCW 9A.44.073)  
17 2nd Degree Rape of a Child (RCW 9A.44.076)  
18 3rd Degree Rape of a Child (RCW 9A.44.079)  
19 1st Degree Robbery (RCW 9A.56.200)  
20 2nd Degree Robbery (RCW 9A.56.210)  
21 1st Degree Arson (RCW 9A.48.020)  
22 1st Degree Burglary (RCW 9A.52.020)  
23 1st Degree Identity Theft (RCW 9.35.020(2))  
24 2nd Degree Identity Theft (RCW 9.35.020(3))  
25 1st Degree Extortion (RCW 9A.56.120)  
26 2nd Degree Extortion (RCW 9A.56.130)  
27 1st Degree Criminal Mistreatment (RCW 9A.42.020)  
28 2nd Degree Criminal Mistreatment (RCW 9A.42.030)  
29 1st Degree Theft from a Vulnerable Adult (RCW 9A.56.400(1))  
30 2nd Degree Theft from a Vulnerable Adult (RCW 9A.56.400(2))  
31 Indecent Liberties (RCW 9A.44.100)  
32 Incest (RCW 9A.64.020)  
33 Vehicular Homicide (RCW 46.61.520)  
34 Vehicular Assault (RCW 46.61.522)  
35 1st Degree Child Molestation (RCW 9A.44.083)  
36 2nd Degree Child Molestation (RCW 9A.44.086)  
37 3rd Degree Child Molestation (RCW 9A.44.089)  
38 1st Degree Promoting Prostitution (RCW 9A.88.070)  
39 Intimidating a Juror (RCW 9A.72.130)  
40 Communication with a Minor (RCW 9.68A.090)



1 Intimidating a Witness (RCW 9A.72.110)  
2 Intimidating a Public Servant (RCW 9A.76.180)  
3 Bomb Threat (if against person) (RCW 9.61.160)  
4 Unlawful Imprisonment (RCW 9A.40.040)  
5 Promoting a Suicide Attempt (RCW 9A.36.060)  
6 Criminal Mischief (if against person) (RCW 9A.84.010)  
7 Stalking (RCW 9A.46.110)  
8 Custodial Assault (RCW 9A.36.100)  
9 Domestic Violence Court Order Violation (section 56 of this act,  
10 RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050,  
11 (~~26.50.110,~~) or 26.52.070(~~(, or 74.34.145)~~), or any of the former  
12 RCW 26.50.110 and 74.34.145)  
13 Counterfeiting (if a violation of RCW 9.16.035(4))  
14 Felony Driving a Motor Vehicle While Under the Influence of  
15 Intoxicating Liquor or Any Drug (RCW 46.61.502(6))  
16 Felony Physical Control of a Motor Vehicle While Under the  
17 Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))  
18 CRIMES AGAINST PROPERTY/OTHER CRIMES  
19 2nd Degree Arson (RCW 9A.48.030)  
20 1st Degree Escape (RCW 9A.76.110)  
21 2nd Degree Escape (RCW 9A.76.120)  
22 2nd Degree Burglary (RCW 9A.52.030)  
23 1st Degree Theft (RCW 9A.56.030)  
24 2nd Degree Theft (RCW 9A.56.040)  
25 1st Degree Perjury (RCW 9A.72.020)  
26 2nd Degree Perjury (RCW 9A.72.030)  
27 1st Degree Introducing Contraband (RCW 9A.76.140)  
28 2nd Degree Introducing Contraband (RCW 9A.76.150)  
29 1st Degree Possession of Stolen Property (RCW 9A.56.150)  
30 2nd Degree Possession of Stolen Property (RCW 9A.56.160)  
31 Bribery (RCW 9A.68.010)  
32 Bribing a Witness (RCW 9A.72.090)  
33 Bribe received by a Witness (RCW 9A.72.100)  
34 Bomb Threat (if against property) (RCW 9.61.160)  
35 1st Degree Malicious Mischief (RCW 9A.48.070)  
36 2nd Degree Malicious Mischief (RCW 9A.48.080)  
37 1st Degree Reckless Burning (RCW 9A.48.040)  
38 Taking a Motor Vehicle without Authorization (RCW 9A.56.070 and  
39 9A.56.075)

1       Forgery (RCW 9A.60.020)  
2       2nd Degree Promoting Prostitution (RCW 9A.88.080)  
3       Tampering with a Witness (RCW 9A.72.120)  
4       Trading in Public Office (RCW 9A.68.040)  
5       Trading in Special Influence (RCW 9A.68.050)  
6       Receiving/Granting Unlawful Compensation (RCW 9A.68.030)  
7       Bigamy (RCW 9A.64.010)  
8       Eluding a Pursuing Police Vehicle (RCW 46.61.024)  
9       Willful Failure to Return from Furlough  
10      Escape from Community Custody  
11      Criminal Mischief (if against property) (RCW 9A.84.010)  
12      1st Degree Theft of Livestock (RCW 9A.56.080)  
13      2nd Degree Theft of Livestock (RCW 9A.56.083)

14      ALL OTHER UNCLASSIFIED FELONIES

15      Selection of Charges/Degree of Charge

16      (i) The prosecutor should file charges which adequately describe  
17 the nature of defendant's conduct. Other offenses may be charged only  
18 if they are necessary to ensure that the charges:

19      (A) Will significantly enhance the strength of the state's case  
20 at trial; or

21      (B) Will result in restitution to all victims.

22      (ii) The prosecutor should not overcharge to obtain a guilty  
23 plea. Overcharging includes:

24      (A) Charging a higher degree;

25      (B) Charging additional counts.

26      This standard is intended to direct prosecutors to charge those  
27 crimes which demonstrate the nature and seriousness of a defendant's  
28 criminal conduct, but to decline to charge crimes which are not  
29 necessary to such an indication. Crimes which do not merge as a  
30 matter of law, but which arise from the same course of conduct, do  
31 not all have to be charged.

32      (b) GUIDELINES/COMMENTARY:

33      (i) Police Investigation

34      A prosecuting attorney is dependent upon law enforcement agencies  
35 to conduct the necessary factual investigation which must precede the  
36 decision to prosecute. The prosecuting attorney shall ensure that a  
37 thorough factual investigation has been conducted before a decision  
38 to prosecute is made. In ordinary circumstances the investigation  
39 should include the following:

1 (A) The interviewing of all material witnesses, together with the  
2 obtaining of written statements whenever possible;

3 (B) The completion of necessary laboratory tests; and

4 (C) The obtaining, in accordance with constitutional  
5 requirements, of the suspect's version of the events.

6 If the initial investigation is incomplete, a prosecuting  
7 attorney should insist upon further investigation before a decision  
8 to prosecute is made, and specify what the investigation needs to  
9 include.

10 (ii) Exceptions

11 In certain situations, a prosecuting attorney may authorize  
12 filing of a criminal complaint before the investigation is complete  
13 if:

14 (A) Probable cause exists to believe the suspect is guilty; and

15 (B) The suspect presents a danger to the community or is likely  
16 to flee if not apprehended; or

17 (C) The arrest of the suspect is necessary to complete the  
18 investigation of the crime.

19 In the event that the exception to the standard is applied, the  
20 prosecuting attorney shall obtain a commitment from the law  
21 enforcement agency involved to complete the investigation in a timely  
22 manner. If the subsequent investigation does not produce sufficient  
23 evidence to meet the normal charging standard, the complaint should  
24 be dismissed.

25 (iii) Investigation Techniques

26 The prosecutor should be fully advised of the investigatory  
27 techniques that were used in the case investigation including:

28 (A) Polygraph testing;

29 (B) Hypnosis;

30 (C) Electronic surveillance;

31 (D) Use of informants.

32 (iv) Prefiling Discussions with Defendant

33 Discussions with the defendant or his/her representative  
34 regarding the selection or disposition of charges may occur prior to  
35 the filing of charges, and potential agreements can be reached.

36 (v) Prefiling Discussions with Victim(s)

37 Discussions with the victim(s) or victims' representatives  
38 regarding the selection or disposition of charges may occur before  
39 the filing of charges. The discussions may be considered by the  
40 prosecutor in charging and disposition decisions, and should be

1 considered before reaching any agreement with the defendant regarding  
2 these decisions.

3 **Sec. 99.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to  
4 read as follows:

5 TABLE 2

6 CRIMES INCLUDED WITHIN EACH  
7 SERIOUSNESS LEVEL

- 8 XVI Aggravated Murder 1 (RCW 10.95.020)
- 9 XV Homicide by abuse (RCW 9A.32.055)
- 10 Malicious explosion 1 (RCW  
11 70.74.280(1))
- 12 Murder 1 (RCW 9A.32.030)
- 13 XIV Murder 2 (RCW 9A.32.050)
- 14 Trafficking 1 (RCW 9A.40.100(1))
- 15 XIII Malicious explosion 2 (RCW  
16 70.74.280(2))
- 17 Malicious placement of an explosive 1  
18 (RCW 70.74.270(1))
- 19 XII Assault 1 (RCW 9A.36.011)
- 20 Assault of a Child 1 (RCW 9A.36.120)
- 21 Malicious placement of an imitation  
22 device 1 (RCW 70.74.272(1)(a))
- 23 Promoting Commercial Sexual Abuse of  
24 a Minor (RCW 9.68A.101)
- 25 Rape 1 (RCW 9A.44.040)
- 26 Rape of a Child 1 (RCW 9A.44.073)
- 27 Trafficking 2 (RCW 9A.40.100(3))
- 28 XI Manslaughter 1 (RCW 9A.32.060)
- 29 Rape 2 (RCW 9A.44.050)
- 30 Rape of a Child 2 (RCW 9A.44.076)
- 31 Vehicular Homicide, by being under the  
32 influence of intoxicating liquor or  
33 any drug (RCW 46.61.520)

1 Vehicular Homicide, by the operation of  
2 any vehicle in a reckless manner  
3 (RCW 46.61.520)

4 X Child Molestation 1 (RCW 9A.44.083)

5 Criminal Mistreatment 1 (RCW  
6 9A.42.020)

7 Indecent Liberties (with forcible  
8 compulsion) (RCW  
9 9A.44.100(1)(a))

10 Kidnapping 1 (RCW 9A.40.020)

11 Leading Organized Crime (RCW  
12 9A.82.060(1)(a))

13 Malicious explosion 3 (RCW  
14 70.74.280(3))

15 Sexually Violent Predator Escape (RCW  
16 9A.76.115)

17 IX Abandonment of Dependent Person 1  
18 (RCW 9A.42.060)

19 Assault of a Child 2 (RCW 9A.36.130)

20 Explosive devices prohibited (RCW  
21 70.74.180)

22 Hit and Run—Death (RCW  
23 46.52.020(4)(a))

24 Homicide by Watercraft, by being under  
25 the influence of intoxicating liquor  
26 or any drug (RCW 79A.60.050)

27 Inciting Criminal Profiteering (RCW  
28 9A.82.060(1)(b))

29 Malicious placement of an explosive 2  
30 (RCW 70.74.270(2))

31 Robbery 1 (RCW 9A.56.200)

32 Sexual Exploitation (RCW 9.68A.040)

33 VIII Arson 1 (RCW 9A.48.020)

34 Commercial Sexual Abuse of a Minor  
35 (RCW 9.68A.100)

1 Homicide by Watercraft, by the  
2 operation of any vessel in a reckless  
3 manner (RCW 79A.60.050)  
4 Manslaughter 2 (RCW 9A.32.070)  
5 Promoting Prostitution 1 (RCW  
6 9A.88.070)  
7 Theft of Ammonia (RCW 69.55.010)  
8 VII Air bag diagnostic systems (causing  
9 bodily injury or death) (RCW  
10 46.37.660(2)(b))  
11 Air bag replacement requirements  
12 (causing bodily injury or death)  
13 (RCW 46.37.660(1)(b))  
14 Burglary 1 (RCW 9A.52.020)  
15 Child Molestation 2 (RCW 9A.44.086)  
16 Civil Disorder Training (RCW  
17 9A.48.120)  
18 Dealing in depictions of minor engaged  
19 in sexually explicit conduct 1  
20 (RCW 9.68A.050(1))  
21 Drive-by Shooting (RCW 9A.36.045)  
22 False Reporting 1 (RCW  
23 9A.84.040(2)(a))  
24 Homicide by Watercraft, by disregard  
25 for the safety of others (RCW  
26 79A.60.050)  
27 Indecent Liberties (without forcible  
28 compulsion) (RCW 9A.44.100(1)  
29 (b) and (c))  
30 Introducing Contraband 1 (RCW  
31 9A.76.140)  
32 Malicious placement of an explosive 3  
33 (RCW 70.74.270(3))

1 Manufacture or import counterfeit,  
2 nonfunctional, damaged, or  
3 previously deployed air bag  
4 (causing bodily injury or death)  
5 (RCW 46.37.650(1)(b))  
6 Negligently Causing Death By Use of a  
7 Signal Preemption Device (RCW  
8 46.37.675)  
9 Sell, install, or reinstall counterfeit,  
10 nonfunctional, damaged, or  
11 previously deployed airbag (RCW  
12 46.37.650(2)(b))  
13 Sending, bringing into state depictions  
14 of minor engaged in sexually  
15 explicit conduct 1 (RCW  
16 9.68A.060(1))  
17 Unlawful Possession of a Firearm in the  
18 first degree (RCW 9.41.040(1))  
19 Use of a Machine Gun or Bump-fire  
20 Stock in Commission of a Felony  
21 (RCW 9.41.225)  
22 Vehicular Homicide, by disregard for  
23 the safety of others (RCW  
24 46.61.520)  
25 VI Bail Jumping with Murder 1 (RCW  
26 9A.76.170(3)(a))  
27 Bribery (RCW 9A.68.010)  
28 Incest 1 (RCW 9A.64.020(1))  
29 Intimidating a Judge (RCW 9A.72.160)  
30 Intimidating a Juror/Witness (RCW  
31 9A.72.110, 9A.72.130)  
32 Malicious placement of an imitation  
33 device 2 (RCW 70.74.272(1)(b))  
34 Possession of Depictions of a Minor  
35 Engaged in Sexually Explicit  
36 Conduct 1 (RCW 9.68A.070(1))

1 Rape of a Child 3 (RCW 9A.44.079)  
2 Theft of a Firearm (RCW 9A.56.300)  
3 Theft from a Vulnerable Adult 1 (RCW  
4 9A.56.400(1))  
5 Unlawful Storage of Ammonia (RCW  
6 69.55.020)  
7 V Abandonment of Dependent Person 2  
8 (RCW 9A.42.070)  
9 Advancing money or property for  
10 extortionate extension of credit  
11 (RCW 9A.82.030)  
12 Air bag diagnostic systems (RCW  
13 46.37.660(2)(c))  
14 Air bag replacement requirements  
15 (RCW 46.37.660(1)(c))  
16 Bail Jumping with class A Felony  
17 (RCW 9A.76.170(3)(b))  
18 Child Molestation 3 (RCW 9A.44.089)  
19 Criminal Mistreatment 2 (RCW  
20 9A.42.030)  
21 Custodial Sexual Misconduct 1 (RCW  
22 9A.44.160)  
23 Dealing in Depictions of Minor  
24 Engaged in Sexually Explicit  
25 Conduct 2 (RCW 9.68A.050(2))  
26 Domestic Violence Court Order  
27 Violation (section 56 of this act,  
28 RCW 10.99.040, 10.99.050,  
29 26.09.300, 26.10.220, 26.26B.050,  
30 26.50.110, 26.52.070, or 74.34.145)  
31 Extortion 1 (RCW 9A.56.120)  
32 Extortionate Extension of Credit (RCW  
33 9A.82.020)  
34 Extortionate Means to Collect  
35 Extensions of Credit (RCW  
36 9A.82.040)



1 Incest 2 (RCW 9A.64.020(2))  
2 Kidnapping 2 (RCW 9A.40.030)  
3 Manufacture or import counterfeit,  
4 nonfunctional, damaged, or  
5 previously deployed air bag (RCW  
6 46.37.650(1)(c))  
7 Perjury 1 (RCW 9A.72.020)  
8 Persistent prison misbehavior (RCW  
9 9.94.070)  
10 Possession of a Stolen Firearm (RCW  
11 9A.56.310)  
12 Rape 3 (RCW 9A.44.060)  
13 Rendering Criminal Assistance 1 (RCW  
14 9A.76.070)  
15 Sell, install, or reinstall counterfeit,  
16 nonfunctional, damaged, or  
17 previously deployed airbag (RCW  
18 46.37.650(2)(c))  
19 Sending, Bringing into State Depictions  
20 of Minor Engaged in Sexually  
21 Explicit Conduct 2 (RCW  
22 9.68A.060(2))  
23 Sexual Misconduct with a Minor 1  
24 (RCW 9A.44.093)  
25 Sexually Violating Human Remains  
26 (RCW 9A.44.105)  
27 Stalking (RCW 9A.46.110)  
28 Taking Motor Vehicle Without  
29 Permission 1 (RCW 9A.56.070)  
30 IV Arson 2 (RCW 9A.48.030)  
31 Assault 2 (RCW 9A.36.021)  
32 Assault 3 (of a Peace Officer with a  
33 Projectile Stun Gun) (RCW  
34 9A.36.031(1)(h))  
35 Assault 4 (third domestic violence  
36 offense) (RCW 9A.36.041(3))

1 Assault by Watercraft (RCW  
2 79A.60.060)  
3 Bribing a Witness/Bribe Received by  
4 Witness (RCW 9A.72.090,  
5 9A.72.100)  
6 Cheating 1 (RCW 9.46.1961)  
7 Commercial Bribery (RCW 9A.68.060)  
8 Counterfeiting (RCW 9.16.035(4))  
9 Driving While Under the Influence  
10 (RCW 46.61.502(6))  
11 Endangerment with a Controlled  
12 Substance (RCW 9A.42.100)  
13 Escape 1 (RCW 9A.76.110)  
14 Hate Crime (RCW 9A.36.080)  
15 Hit and Run—Injury (RCW  
16 46.52.020(4)(b))  
17 Hit and Run with Vessel—Injury  
18 Accident (RCW 79A.60.200(3))  
19 Identity Theft 1 (RCW 9.35.020(2))  
20 Indecent Exposure to Person Under Age  
21 Fourteen (subsequent sex offense)  
22 (RCW 9A.88.010)  
23 Influencing Outcome of Sporting Event  
24 (RCW 9A.82.070)  
25 Physical Control of a Vehicle While  
26 Under the Influence (RCW  
27 46.61.504(6))  
28 Possession of Depictions of a Minor  
29 Engaged in Sexually Explicit  
30 Conduct 2 (RCW 9.68A.070(2))  
31 Residential Burglary (RCW 9A.52.025)  
32 Robbery 2 (RCW 9A.56.210)  
33 Theft of Livestock 1 (RCW 9A.56.080)  
34 Threats to Bomb (RCW 9.61.160)

1 Trafficking in Stolen Property 1 (RCW  
2 9A.82.050)

3 Unlawful factoring of a credit card or  
4 payment card transaction (RCW  
5 9A.56.290(4)(b))

6 Unlawful transaction of health coverage  
7 as a health care service contractor  
8 (RCW 48.44.016(3))

9 Unlawful transaction of health coverage  
10 as a health maintenance  
11 organization (RCW 48.46.033(3))

12 Unlawful transaction of insurance  
13 business (RCW 48.15.023(3))

14 Unlicensed practice as an insurance  
15 professional (RCW 48.17.063(2))

16 Use of Proceeds of Criminal  
17 Profiteering (RCW 9A.82.080 (1)  
18 and (2))

19 Vehicle Prowling 2 (third or subsequent  
20 offense) (RCW 9A.52.100(3))

21 Vehicular Assault, by being under the  
22 influence of intoxicating liquor or  
23 any drug, or by the operation or  
24 driving of a vehicle in a reckless  
25 manner (RCW 46.61.522)

26 Viewing of Depictions of a Minor  
27 Engaged in Sexually Explicit  
28 Conduct 1 (RCW 9.68A.075(1))

29 Willful Failure to Return from Furlough  
30 (RCW 72.66.060)

31 III Animal Cruelty 1 (Sexual Conduct or  
32 Contact) (RCW 16.52.205(3))

33 Assault 3 (Except Assault 3 of a Peace  
34 Officer With a Projectile Stun Gun)  
35 (RCW 9A.36.031 except subsection  
36 (1)(h))

37 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony  
2 (RCW 9A.76.170(3)(c))  
3 Burglary 2 (RCW 9A.52.030)  
4 Communication with a Minor for  
5 Immoral Purposes (RCW  
6 9.68A.090)  
7 Criminal Gang Intimidation (RCW  
8 9A.46.120)  
9 Custodial Assault (RCW 9A.36.100)  
10 Cyberstalking (subsequent conviction or  
11 threat of death) (RCW 9.61.260(3))  
12 Escape 2 (RCW 9A.76.120)  
13 Extortion 2 (RCW 9A.56.130)  
14 False Reporting 2 (RCW  
15 9A.84.040(2)(b))  
16 Harassment (RCW 9A.46.020)  
17 Intimidating a Public Servant (RCW  
18 9A.76.180)  
19 Introducing Contraband 2 (RCW  
20 9A.76.150)  
21 Malicious Injury to Railroad Property  
22 (RCW 81.60.070)  
23 Manufacture of Untraceable Firearm  
24 with Intent to Sell (RCW 9.41.190)  
25 Manufacture or Assembly of an  
26 Undetectable Firearm or  
27 Untraceable Firearm (RCW  
28 9.41.325)  
29 Mortgage Fraud (RCW 19.144.080)  
30 Negligently Causing Substantial Bodily  
31 Harm By Use of a Signal  
32 Preemption Device (RCW  
33 46.37.674)  
34 Organized Retail Theft 1 (RCW  
35 9A.56.350(2))

1 Perjury 2 (RCW 9A.72.030)  
2 Possession of Incendiary Device (RCW  
3 9.40.120)  
4 Possession of Machine Gun, Bump-Fire  
5 Stock, Undetectable Firearm, or  
6 Short-Barreled Shotgun or Rifle  
7 (RCW 9.41.190)  
8 Promoting Prostitution 2 (RCW  
9 9A.88.080)  
10 Retail Theft with Special Circumstances  
11 1 (RCW 9A.56.360(2))  
12 Securities Act violation (RCW  
13 21.20.400)  
14 Tampering with a Witness (RCW  
15 9A.72.120)  
16 Telephone Harassment (subsequent  
17 conviction or threat of death) (RCW  
18 9.61.230(2))  
19 Theft of Livestock 2 (RCW 9A.56.083)  
20 Theft with the Intent to Resell 1 (RCW  
21 9A.56.340(2))  
22 Trafficking in Stolen Property 2 (RCW  
23 9A.82.055)  
24 Unlawful Hunting of Big Game 1 (RCW  
25 77.15.410(3)(b))  
26 Unlawful Imprisonment (RCW  
27 9A.40.040)  
28 Unlawful Misbranding of Fish or  
29 Shellfish 1 (RCW 77.140.060(3))  
30 Unlawful possession of firearm in the  
31 second degree (RCW 9.41.040(2))  
32 Unlawful Taking of Endangered Fish or  
33 Wildlife 1 (RCW 77.15.120(3)(b))  
34 Unlawful Trafficking in Fish, Shellfish,  
35 or Wildlife 1 (RCW  
36 77.15.260(3)(b))

1 Unlawful Use of a Nondesignated  
2 Vessel (RCW 77.15.530(4))  
3 Vehicular Assault, by the operation or  
4 driving of a vehicle with disregard  
5 for the safety of others (RCW  
6 46.61.522)  
7 Willful Failure to Return from Work  
8 Release (RCW 72.65.070)  
9 II Commercial Fishing Without a License  
10 1 (RCW 77.15.500(3)(b))  
11 Computer Trespass 1 (RCW 9A.90.040)  
12 Counterfeiting (RCW 9.16.035(3))  
13 Electronic Data Service Interference  
14 (RCW 9A.90.060)  
15 Electronic Data Tampering 1 (RCW  
16 9A.90.080)  
17 Electronic Data Theft (RCW 9A.90.100)  
18 Engaging in Fish Dealing Activity  
19 Unlicensed 1 (RCW 77.15.620(3))  
20 Escape from Community Custody  
21 (RCW 72.09.310)  
22 Failure to Register as a Sex Offender  
23 (second or subsequent offense)  
24 (RCW 9A.44.130 prior to June 10,  
25 2010, and RCW 9A.44.132)  
26 Health Care False Claims (RCW  
27 48.80.030)  
28 Identity Theft 2 (RCW 9.35.020(3))  
29 Improperly Obtaining Financial  
30 Information (RCW 9.35.010)  
31 Malicious Mischief 1 (RCW 9A.48.070)  
32 Organized Retail Theft 2 (RCW  
33 9A.56.350(3))  
34 Possession of Stolen Property 1 (RCW  
35 9A.56.150)

1 Possession of a Stolen Vehicle (RCW  
2 9A.56.068)  
3 Retail Theft with Special Circumstances  
4 2 (RCW 9A.56.360(3))  
5 Scrap Processing, Recycling, or  
6 Supplying Without a License  
7 (second or subsequent offense)  
8 (RCW 19.290.100)  
9 Theft 1 (RCW 9A.56.030)  
10 Theft of a Motor Vehicle (RCW  
11 9A.56.065)  
12 Theft of Rental, Leased, Lease-  
13 purchased, or Loaned Property  
14 (valued at five thousand dollars or  
15 more) (RCW 9A.56.096(5)(a))  
16 Theft with the Intent to Resell 2 (RCW  
17 9A.56.340(3))  
18 Trafficking in Insurance Claims (RCW  
19 48.30A.015)  
20 Unlawful factoring of a credit card or  
21 payment card transaction (RCW  
22 9A.56.290(4)(a))  
23 Unlawful Participation of Non-Indians  
24 in Indian Fishery (RCW  
25 77.15.570(2))  
26 Unlawful Practice of Law (RCW  
27 2.48.180)  
28 Unlawful Purchase or Use of a License  
29 (RCW 77.15.650(3)(b))  
30 Unlawful Trafficking in Fish, Shellfish,  
31 or Wildlife 2 (RCW  
32 77.15.260(3)(a))  
33 Unlicensed Practice of a Profession or  
34 Business (RCW 18.130.190(7))  
35 Voyeurism 1 (RCW 9A.44.115)

1 I Attempting to Elude a Pursuing Police  
2 Vehicle (RCW 46.61.024)  
3 False Verification for Welfare (RCW  
4 74.08.055)  
5 Forgery (RCW 9A.60.020)  
6 Fraudulent Creation or Revocation of a  
7 Mental Health Advance Directive  
8 (RCW 9A.60.060)  
9 Malicious Mischief 2 (RCW 9A.48.080)  
10 Mineral Trespass (RCW 78.44.330)  
11 Possession of Stolen Property 2 (RCW  
12 9A.56.160)  
13 Reckless Burning 1 (RCW 9A.48.040)  
14 Spotlighting Big Game 1 (RCW  
15 77.15.450(3)(b))  
16 Suspension of Department Privileges 1  
17 (RCW 77.15.670(3)(b))  
18 Taking Motor Vehicle Without  
19 Permission 2 (RCW 9A.56.075)  
20 Theft 2 (RCW 9A.56.040)  
21 Theft from a Vulnerable Adult 2 (RCW  
22 9A.56.400(2))  
23 Theft of Rental, Leased, Lease-  
24 purchased, or Loaned Property  
25 (valued at seven hundred fifty  
26 dollars or more but less than five  
27 thousand dollars) (RCW  
28 9A.56.096(5)(b))  
29 Transaction of insurance business  
30 beyond the scope of licensure  
31 (RCW 48.17.063)  
32 Unlawful Fish and Shellfish Catch  
33 Accounting (RCW 77.15.630(3)(b))  
34 Unlawful Issuance of Checks or Drafts  
35 (RCW 9A.56.060)



1 Unlawful Possession of Fictitious  
2 Identification (RCW 9A.56.320)  
3 Unlawful Possession of Instruments of  
4 Financial Fraud (RCW 9A.56.320)  
5 Unlawful Possession of Payment  
6 Instruments (RCW 9A.56.320)  
7 Unlawful Possession of a Personal  
8 Identification Device (RCW  
9 9A.56.320)  
10 Unlawful Production of Payment  
11 Instruments (RCW 9A.56.320)  
12 Unlawful Releasing, Planting,  
13 Possessing, or Placing Deleterious  
14 Exotic Wildlife (RCW  
15 77.15.250(2)(b))  
16 Unlawful Trafficking in Food Stamps  
17 (RCW 9.91.142)  
18 Unlawful Use of Food Stamps (RCW  
19 9.91.144)  
20 Unlawful Use of Net to Take Fish 1  
21 (RCW 77.15.580(3)(b))  
22 Unlawful Use of Prohibited Aquatic  
23 Animal Species (RCW  
24 77.15.253(3))  
25 Vehicle Prowl 1 (RCW 9A.52.095)  
26 Violating Commercial Fishing Area or  
27 Time 1 (RCW 77.15.550(3)(b))

28 **Sec. 100.** RCW 9.94A.525 and 2017 c 272 s 3 are each amended to  
29 read as follows:

30 The offender score is measured on the horizontal axis of the  
31 sentencing grid. The offender score rules are as follows:

32 The offender score is the sum of points accrued under this  
33 section rounded down to the nearest whole number.

34 (1) A prior conviction is a conviction which exists before the  
35 date of sentencing for the offense for which the offender score is  
36 being computed. Convictions entered or sentenced on the same date as

1 the conviction for which the offender score is being computed shall  
2 be deemed "other current offenses" within the meaning of RCW  
3 9.94A.589.

4 (2) (a) Class A and sex prior felony convictions shall always be  
5 included in the offender score.

6 (b) Class B prior felony convictions other than sex offenses  
7 shall not be included in the offender score, if since the last date  
8 of release from confinement (including full-time residential  
9 treatment) pursuant to a felony conviction, if any, or entry of  
10 judgment and sentence, the offender had spent ten consecutive years  
11 in the community without committing any crime that subsequently  
12 results in a conviction.

13 (c) Except as provided in (e) of this subsection, class C prior  
14 felony convictions other than sex offenses shall not be included in  
15 the offender score if, since the last date of release from  
16 confinement (including full-time residential treatment) pursuant to a  
17 felony conviction, if any, or entry of judgment and sentence, the  
18 offender had spent five consecutive years in the community without  
19 committing any crime that subsequently results in a conviction.

20 (d) Except as provided in (e) of this subsection, serious traffic  
21 convictions shall not be included in the offender score if, since the  
22 last date of release from confinement (including full-time  
23 residential treatment) pursuant to a conviction, if any, or entry of  
24 judgment and sentence, the offender spent five years in the community  
25 without committing any crime that subsequently results in a  
26 conviction.

27 (e) If the present conviction is felony driving while under the  
28 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or  
29 felony physical control of a vehicle while under the influence of  
30 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate  
31 crimes for the offense as defined by RCW 46.61.5055(14) shall be  
32 included in the offender score, and prior convictions for felony  
33 driving while under the influence of intoxicating liquor or any drug  
34 (RCW 46.61.502(6)) or felony physical control of a vehicle while  
35 under the influence of intoxicating liquor or any drug (RCW  
36 46.61.504(6)) shall always be included in the offender score. All  
37 other convictions of the defendant shall be scored according to this  
38 section.

39 (f) Prior convictions for a repetitive domestic violence offense,  
40 as defined in RCW 9.94A.030, shall not be included in the offender

1 score if, since the last date of release from confinement or entry of  
2 judgment and sentence, the offender had spent ten consecutive years  
3 in the community without committing any crime that subsequently  
4 results in a conviction.

5 (g) This subsection applies to both adult and juvenile prior  
6 convictions.

7 (3) Out-of-state convictions for offenses shall be classified  
8 according to the comparable offense definitions and sentences  
9 provided by Washington law. Federal convictions for offenses shall be  
10 classified according to the comparable offense definitions and  
11 sentences provided by Washington law. If there is no clearly  
12 comparable offense under Washington law or the offense is one that is  
13 usually considered subject to exclusive federal jurisdiction, the  
14 offense shall be scored as a class C felony equivalent if it was a  
15 felony under the relevant federal statute.

16 (4) Score prior convictions for felony anticipatory offenses  
17 (attempts, criminal solicitations, and criminal conspiracies) the  
18 same as if they were convictions for completed offenses.

19 (5) (a) In the case of multiple prior convictions, for the purpose  
20 of computing the offender score, count all convictions separately,  
21 except:

22 (i) Prior offenses which were found, under RCW 9.94A.589(1) (a),  
23 to encompass the same criminal conduct, shall be counted as one  
24 offense, the offense that yields the highest offender score. The  
25 current sentencing court shall determine with respect to other prior  
26 adult offenses for which sentences were served concurrently or prior  
27 juvenile offenses for which sentences were served consecutively,  
28 whether those offenses shall be counted as one offense or as separate  
29 offenses using the "same criminal conduct" analysis found in RCW  
30 9.94A.589(1) (a), and if the court finds that they shall be counted as  
31 one offense, then the offense that yields the highest offender score  
32 shall be used. The current sentencing court may presume that such  
33 other prior offenses were not the same criminal conduct from  
34 sentences imposed on separate dates, or in separate counties or  
35 jurisdictions, or in separate complaints, indictments, or  
36 informations;

37 (ii) In the case of multiple prior convictions for offenses  
38 committed before July 1, 1986, for the purpose of computing the  
39 offender score, count all adult convictions served concurrently as  
40 one offense, and count all juvenile convictions entered on the same

1 date as one offense. Use the conviction for the offense that yields  
2 the highest offender score.

3 (b) As used in this subsection (5), "served concurrently" means  
4 that: (i) The latter sentence was imposed with specific reference to  
5 the former; (ii) the concurrent relationship of the sentences was  
6 judicially imposed; and (iii) the concurrent timing of the sentences  
7 was not the result of a probation or parole revocation on the former  
8 offense.

9 (6) If the present conviction is one of the anticipatory offenses  
10 of criminal attempt, solicitation, or conspiracy, count each prior  
11 conviction as if the present conviction were for a completed offense.  
12 When these convictions are used as criminal history, score them the  
13 same as a completed crime.

14 (7) If the present conviction is for a nonviolent offense and not  
15 covered by subsection (11), (12), or (13) of this section, count one  
16 point for each adult prior felony conviction and one point for each  
17 juvenile prior violent felony conviction and 1/2 point for each  
18 juvenile prior nonviolent felony conviction.

19 (8) If the present conviction is for a violent offense and not  
20 covered in subsection (9), (10), (11), (12), or (13) of this section,  
21 count two points for each prior adult and juvenile violent felony  
22 conviction, one point for each prior adult nonviolent felony  
23 conviction, and 1/2 point for each prior juvenile nonviolent felony  
24 conviction.

25 (9) If the present conviction is for a serious violent offense,  
26 count three points for prior adult and juvenile convictions for  
27 crimes in this category, two points for each prior adult and juvenile  
28 violent conviction (not already counted), one point for each prior  
29 adult nonviolent felony conviction, and 1/2 point for each prior  
30 juvenile nonviolent felony conviction.

31 (10) If the present conviction is for Burglary 1, count prior  
32 convictions as in subsection (8) of this section; however count two  
33 points for each prior adult Burglary 2 or residential burglary  
34 conviction, and one point for each prior juvenile Burglary 2 or  
35 residential burglary conviction.

36 (11) If the present conviction is for a felony traffic offense  
37 count two points for each adult or juvenile prior conviction for  
38 Vehicular Homicide or Vehicular Assault; for each felony offense  
39 count one point for each adult and 1/2 point for each juvenile prior  
40 conviction; for each serious traffic offense, other than those used

1 for an enhancement pursuant to RCW 46.61.520(2), count one point for  
2 each adult and 1/2 point for each juvenile prior conviction; count  
3 one point for each adult and 1/2 point for each juvenile prior  
4 conviction for operation of a vessel while under the influence of  
5 intoxicating liquor or any drug.

6 (12) If the present conviction is for homicide by watercraft or  
7 assault by watercraft count two points for each adult or juvenile  
8 prior conviction for homicide by watercraft or assault by watercraft;  
9 for each felony offense count one point for each adult and 1/2 point  
10 for each juvenile prior conviction; count one point for each adult  
11 and 1/2 point for each juvenile prior conviction for driving under  
12 the influence of intoxicating liquor or any drug, actual physical  
13 control of a motor vehicle while under the influence of intoxicating  
14 liquor or any drug, or operation of a vessel while under the  
15 influence of intoxicating liquor or any drug.

16 (13) If the present conviction is for manufacture of  
17 methamphetamine count three points for each adult prior manufacture  
18 of methamphetamine conviction and two points for each juvenile  
19 manufacture of methamphetamine offense. If the present conviction is  
20 for a drug offense and the offender has a criminal history that  
21 includes a sex offense or serious violent offense, count three points  
22 for each adult prior felony drug offense conviction and two points  
23 for each juvenile drug offense. All other adult and juvenile felonies  
24 are scored as in subsection (8) of this section if the current drug  
25 offense is violent, or as in subsection (7) of this section if the  
26 current drug offense is nonviolent.

27 (14) If the present conviction is for Escape from Community  
28 Custody, RCW 72.09.310, count only prior escape convictions in the  
29 offender score. Count adult prior escape convictions as one point and  
30 juvenile prior escape convictions as 1/2 point.

31 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or  
32 Escape 2, RCW 9A.76.120, count adult prior convictions as one point  
33 and juvenile prior convictions as 1/2 point.

34 (16) If the present conviction is for Burglary 2 or residential  
35 burglary, count priors as in subsection (7) of this section; however,  
36 count two points for each adult and juvenile prior Burglary 1  
37 conviction, two points for each adult prior Burglary 2 or residential  
38 burglary conviction, and one point for each juvenile prior Burglary 2  
39 or residential burglary conviction.

1 (17) If the present conviction is for a sex offense, count priors  
2 as in subsections (7) through (11) and (13) through (16) of this  
3 section; however count three points for each adult and juvenile prior  
4 sex offense conviction.

5 (18) If the present conviction is for failure to register as a  
6 sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in  
7 subsections (7) through (11) and (13) through (16) of this section;  
8 however count three points for each adult and juvenile prior sex  
9 offense conviction, excluding prior convictions for failure to  
10 register as a sex offender under RCW 9A.44.130 or 9A.44.132, which  
11 shall count as one point.

12 (19) If the present conviction is for an offense committed while  
13 the offender was under community custody, add one point. For purposes  
14 of this subsection, community custody includes community placement or  
15 postrelease supervision, as defined in chapter 9.94B RCW.

16 (20) If the present conviction is for Theft of a Motor Vehicle,  
17 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without  
18 Permission 1, or Taking a Motor Vehicle Without Permission 2, count  
19 priors as in subsections (7) through (18) of this section; however  
20 count one point for prior convictions of Vehicle Prowling 2, and  
21 three points for each adult and juvenile prior Theft 1 (of a motor  
22 vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property  
23 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor  
24 vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle,  
25 Taking a Motor Vehicle Without Permission 1, or Taking a Motor  
26 Vehicle Without Permission 2 conviction.

27 (21) If the present conviction is for a felony domestic violence  
28 offense where domestic violence as defined in RCW 9.94A.030 was  
29 pleaded and proven, count priors as in subsections (7) through (20)  
30 of this section; however, count points as follows:

31 (a) Count two points for each adult prior conviction where  
32 domestic violence as defined in RCW 9.94A.030 was pleaded and proven  
33 after August 1, 2011, for any of the following offenses: A felony  
34 violation of a no-contact or protection order (section 56 of this act  
35 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)),  
36 felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),  
37 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful  
38 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2  
39 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW

1 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or  
2 Arson 2 (RCW 9A.48.030);

3 (b) Count two points for each adult prior conviction where  
4 domestic violence as defined in RCW 9.94A.030 was pleaded and proven  
5 after July 23, 2017, for any of the following offenses: Assault of a  
6 child in the first degree, RCW 9A.36.120; Assault of a child in the  
7 second degree, RCW 9A.36.130; Assault of a child in the third degree,  
8 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW  
9 9A.42.020; or Criminal Mistreatment in the second degree, RCW  
10 9A.42.030;

11 (c) Count one point for each second and subsequent juvenile  
12 conviction where domestic violence as defined in RCW 9.94A.030 was  
13 pleaded and proven after August 1, 2011, for the offenses listed in  
14 (a) of this subsection; and

15 (d) Count one point for each adult prior conviction for a  
16 repetitive domestic violence offense as defined in RCW 9.94A.030,  
17 where domestic violence as defined in RCW 9.94A.030, was pleaded and  
18 proven after August 1, 2011.

19 (22) The fact that a prior conviction was not included in an  
20 offender's offender score or criminal history at a previous  
21 sentencing shall have no bearing on whether it is included in the  
22 criminal history or offender score for the current offense. Prior  
23 convictions that were not counted in the offender score or included  
24 in criminal history under repealed or previous versions of the  
25 sentencing reform act shall be included in criminal history and shall  
26 count in the offender score if the current version of the sentencing  
27 reform act requires including or counting those convictions. Prior  
28 convictions that were not included in criminal history or in the  
29 offender score shall be included upon any resentencing to ensure  
30 imposition of an accurate sentence.

31 **Sec. 101.** RCW 9.94A.637 and 2019 c 331 s 2 are each amended to  
32 read as follows:

33 (1) When an offender has completed all requirements of the  
34 sentence, including any and all legal financial obligations, and  
35 while under the custody or supervision of the department, the  
36 secretary or the secretary's designee shall notify the sentencing  
37 court, which shall discharge the offender and provide the offender  
38 with a certificate of discharge by issuing the certificate to the  
39 offender in person or by mailing the certificate to the offender's

1 last known address. A certificate of discharge issued under this  
2 subsection (1) is effective on the date the offender completed all  
3 conditions of his or her sentence.

4 (2) (a) When an offender has reached the end of his or her  
5 supervision with the department and has completed all the  
6 requirements of the sentence except his or her legal financial  
7 obligations, the secretary's designee shall provide the county clerk  
8 with a notice that the offender has completed all nonfinancial  
9 requirements of the sentence. The notice must list the specific  
10 sentence requirements that have been completed, so that it is clear  
11 to the sentencing court that the offender is entitled to discharge  
12 upon completion of the legal financial obligations of the sentence.

13 (b) When the department has provided the county clerk with notice  
14 under (a) of this subsection showing that an offender has completed  
15 all the requirements of the sentence and the offender subsequently  
16 satisfies all legal financial obligations under the sentence, the  
17 county clerk shall promptly notify the sentencing court. Upon receipt  
18 of the notice under this subsection (2) (b), the court shall discharge  
19 the offender and provide the offender with a certificate of  
20 discharge. A certificate of discharge issued under this subsection  
21 (2) is effective on the date the offender completed all conditions of  
22 his or her sentence.

23 (3) In the absence of a certificate of discharge issued under  
24 subsection (1) or (2) of this section, the offender may file a motion  
25 with the sentencing court for a certificate of discharge. The  
26 sentencing court shall issue a certificate of discharge upon  
27 verification of completion of all sentencing conditions, including  
28 any and all legal financial obligations. A certificate of discharge  
29 issued under this subsection (3) is effective on the date the  
30 offender completed all conditions of his or her sentence.

31 (4) In the absence of a certificate of discharge issued under  
32 subsection (1), (2), or (3) of this section, the offender may file a  
33 motion with the sentencing court for a certificate of discharge and  
34 shall provide verification of completion of all nonfinancial  
35 conditions of his or her sentence, unless the court finds good cause  
36 to waive this requirement. A certificate of discharge issued under  
37 this subsection (4) is effective on the later of: (a) Five years  
38 after completion of community custody, or if the offender was not  
39 required to serve community custody, after the completion of full and



1 partial confinement; or (b) the date any and all legal financial  
2 obligations were satisfied.

3 (5) The court shall issue a certificate of discharge by issuing  
4 the certificate to the offender in person or by mailing the  
5 certificate to the offender's last known address.

6 (6) (a) A no-contact order is not a requirement of the offender's  
7 sentence. An offender who has completed all requirements of the  
8 sentence, including any and all legal financial obligations, is  
9 eligible for a certificate of discharge even if the offender has an  
10 existing no-contact order that excludes or prohibits the offender  
11 from having contact with a specified person or entity or coming  
12 within a set distance of any specified location.

13 In the case of an eligible offender who has a no-contact order as  
14 part of the judgment and sentence, the offender may petition the  
15 sentencing court to issue a certificate of discharge and a separate  
16 no-contact order, which must include paying the appropriate filing  
17 fee for the separate no-contact order. This filing fee does not apply  
18 to an offender seeking a certificate of discharge when the offender  
19 has a no-contact order separate from the judgment and sentence.

20 The court shall reissue the no-contact order separately under a  
21 new civil cause number for the remaining term and under the same  
22 conditions as contained in the judgment and sentence.

23 (b) The clerk of the court shall send a copy of the new no-  
24 contact order to the individuals or entities protected by the no-  
25 contact order, along with an explanation of the reason for the  
26 change, if there is an address available in the court file. If no  
27 address is available, the clerk of the court shall forward a copy of  
28 the order to the prosecutor, who shall send a copy of the no-contact  
29 order with an explanation of the reason for the change to the last  
30 known address of the protected individuals or entities.

31 (c) The clerk of the court shall forward a copy of the order to  
32 the appropriate law enforcement agency specified in the order on or  
33 before the next judicial day. The clerk shall also include a cover  
34 sheet that indicates the case number of the judgment and sentence  
35 that has been discharged. Upon receipt of the copy of the order and  
36 cover sheet, the law enforcement agency shall enter the order into  
37 any computer-based criminal intelligence information system available  
38 in this state used by law enforcement agencies to list outstanding  
39 warrants. The order shall remain in this system until it expires. The  
40 new order, and case number of the discharged judgment and sentence,

1 shall be linked in the criminal intelligence information system for  
2 purposes of enforcing the no-contact order.

3 (d) A separately issued no-contact order may be enforced under  
4 chapter ((26.50)) 7.--- RCW (the new chapter created in section 78 of  
5 this act).

6 (e) A separate no-contact order issued under this subsection (6)  
7 is not a modification of the offender's sentence.

8 (7) Every signed certificate and order of discharge shall be  
9 filed with the county clerk of the sentencing county. In addition,  
10 the court shall send to the department a copy of every signed  
11 certificate and order of discharge for offender sentences under the  
12 authority of the department. The county clerk shall enter into a  
13 database maintained by the administrator for the courts the names of  
14 all felons who have been issued certificates of discharge, the date  
15 of discharge, and the date of conviction and offense.

16 (8) An offender who is not convicted of a violent offense or a  
17 sex offense and is sentenced to a term involving community  
18 supervision may be considered for a discharge of sentence by the  
19 sentencing court prior to the completion of community supervision,  
20 provided that the offender has completed at least one-half of the  
21 term of community supervision and has met all other sentence  
22 requirements.

23 (9) The discharge shall have the effect of restoring all civil  
24 rights not already restored by RCW 29A.08.520, and the certificate of  
25 discharge shall so state. Nothing in this section prohibits the use  
26 of an offender's prior record for purposes of determining sentences  
27 for later offenses as provided in this chapter. Nothing in this  
28 section affects or prevents use of the offender's prior conviction in  
29 a later criminal prosecution either as an element of an offense or  
30 for impeachment purposes. A certificate of discharge is not based on  
31 a finding of rehabilitation.

32 (10) Unless otherwise ordered by the sentencing court, a  
33 certificate of discharge shall not terminate the offender's  
34 obligation to comply with an order that excludes or prohibits the  
35 offender from having contact with a specified person or coming within  
36 a set distance of any specified location that was contained in the  
37 judgment and sentence. An offender who violates such an order after a  
38 certificate of discharge has been issued shall be subject to  
39 prosecution according to the chapter under which the order was  
40 originally issued.

1 (11) Upon release from custody, the offender may apply to the  
2 department for counseling and help in adjusting to the community.  
3 This voluntary help may be provided for up to one year following the  
4 release from custody.

5 **Sec. 102.** RCW 9.94A.660 and 2020 c 252 s 1 are each amended to  
6 read as follows:

7 (1) An offender is eligible for the special drug offender  
8 sentencing alternative if:

9 (a) The offender is convicted of a felony that is not a violent  
10 offense and the violation does not involve a sentence enhancement  
11 under RCW 9.94A.533 (3) or (4);

12 (b) The offender is convicted of a felony that is not a felony  
13 driving while under the influence of intoxicating liquor or any drug  
14 under RCW 46.61.502(6) or felony physical control of a vehicle while  
15 under the influence of intoxicating liquor or any drug under RCW  
16 46.61.504(6);

17 (c) The offender has no current or prior convictions for a sex  
18 offense for which the offender is currently or may be required to  
19 register pursuant to RCW 9A.44.130;

20 (d) The offender has no prior convictions in this state, and no  
21 prior convictions for an equivalent out-of-state or federal offense,  
22 for the following offenses during the following time frames:

23 (i) Robbery in the second degree that did not involve the use of  
24 a firearm and was not reduced from robbery in the first degree within  
25 seven years before conviction of the current offense; or

26 (ii) Any other violent offense within ten years before conviction  
27 of the current offense;

28 (e) For a violation of the uniform controlled substances act  
29 under chapter 69.50 RCW or a criminal solicitation to commit such a  
30 violation under chapter 9A.28 RCW, the offense involved only a small  
31 quantity of the particular controlled substance as determined by the  
32 judge upon consideration of such factors as the weight, purity,  
33 packaging, sale price, and street value of the controlled substance;

34 (f) The offender has not been found by the United States attorney  
35 general to be subject to a deportation detainer or order and does not  
36 become subject to a deportation order during the period of the  
37 sentence; and

1 (g) The offender has not received a drug offender sentencing  
2 alternative more than once in the prior ten years before the current  
3 offense.

4 (2) A motion for a special drug offender sentencing alternative  
5 may be made by the court, the offender, or the state.

6 (3) If the sentencing court determines that the offender is  
7 eligible for an alternative sentence under this section and that the  
8 alternative sentence is appropriate, the court shall waive imposition  
9 of a sentence within the standard sentence range and impose a  
10 sentence consisting of either a prison-based alternative under RCW  
11 9.94A.662 or a residential substance use disorder treatment-based  
12 alternative under RCW 9.94A.664. The residential substance use  
13 disorder treatment-based alternative is only available if the  
14 midpoint of the standard range is twenty-six months or less.

15 (4) (a) To assist the court in making its determination, the court  
16 may order the department to complete either or both a risk assessment  
17 report and a substance use disorder screening report as provided in  
18 RCW 9.94A.500.

19 (b) To assist the court in making its determination in domestic  
20 violence cases, the court shall order the department to complete a  
21 presentence investigation and a chemical dependency screening report  
22 as provided in RCW 9.94A.500, unless otherwise specifically waived by  
23 the court.

24 (5) If the court is considering imposing a sentence under the  
25 residential substance use disorder treatment-based alternative, the  
26 court may order an examination of the offender by the department. The  
27 examination must be performed by an agency certified by the  
28 department of health to provide substance use disorder services. The  
29 examination shall, at a minimum, address the following issues:

30 (a) Whether the offender suffers from a substance use disorder;

31 (b) Whether the substance use disorder is such that there is a  
32 probability that criminal behavior will occur in the future;

33 (c) Whether effective treatment for the offender's substance use  
34 disorder is available from a provider that has been licensed or  
35 certified by the department of health, and where applicable, whether  
36 effective domestic violence perpetrator treatment is available from a  
37 state-certified domestic violence treatment provider pursuant to  
38 (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this act); and

39 (d) Whether the offender and the community will benefit from the  
40 use of the alternative.

1 (6) When a court imposes a sentence of community custody under  
2 this section:

3 (a) The court may impose conditions as provided in RCW 9.94A.703  
4 and may impose other affirmative conditions as the court considers  
5 appropriate. In addition, an offender may be required to pay thirty  
6 dollars per month while on community custody to offset the cost of  
7 monitoring for alcohol or controlled substances, or in cases of  
8 domestic violence for monitoring with global positioning system  
9 technology for compliance with a no-contact order.

10 (b) The department may impose conditions and sanctions as  
11 authorized in RCW 9.94A.704 and 9.94A.737.

12 (7)(a) The court may bring any offender sentenced under this  
13 section back into court at any time on its own initiative to evaluate  
14 the offender's progress in treatment or to determine if any  
15 violations of the conditions of the sentence have occurred.

16 (b) If the offender is brought back to court, the court may  
17 modify the conditions of the community custody or impose sanctions  
18 under (c) of this subsection.

19 (c) The court may order the offender to serve a term of total  
20 confinement within the standard range of the offender's current  
21 offense at any time during the period of community custody if the  
22 offender violates the conditions or requirements of the sentence or  
23 if the offender is failing to make satisfactory progress in  
24 treatment.

25 (d) An offender ordered to serve a term of total confinement  
26 under (c) of this subsection shall receive credit for time previously  
27 served in total or partial confinement and inpatient treatment under  
28 this section, and shall receive fifty percent credit for time  
29 previously served in community custody under this section.

30 (8) In serving a term of community custody imposed upon failure  
31 to complete, or administrative termination from, the special drug  
32 offender sentencing alternative program, the offender shall receive  
33 no credit for time served in community custody prior to termination  
34 of the offender's participation in the program.

35 (9) An offender sentenced under this section shall be subject to  
36 all rules relating to earned release time with respect to any period  
37 served in total confinement.

38 (10) The Washington state institute for public policy shall  
39 submit a report to the governor and the appropriate committees of the  
40 legislature by November 1, 2022, analyzing the effectiveness of the

1 drug offender sentencing alternative in reducing recidivism among  
2 various offender populations. An additional report is due November 1,  
3 2028, and every five years thereafter. The Washington state institute  
4 for public policy may coordinate with the department and the caseload  
5 forecast council in tracking data and preparing the report.

6 **Sec. 103.** RCW 9.94A.662 and 2020 c 252 s 2 are each amended to  
7 read as follows:

8 (1) The court may only order a prison-based special drug offender  
9 sentencing alternative if the high end of the standard sentence range  
10 for the current offense is greater than one year.

11 (2) A sentence for a prison-based special drug offender  
12 sentencing alternative shall include:

13 (a) A period of total confinement in a state facility for one-  
14 half the midpoint of the standard sentence range or twelve months,  
15 whichever is greater;

16 (b) One-half the midpoint of the standard sentence range as a  
17 term of community custody, which must include appropriate substance  
18 use disorder treatment in a program that has been approved by the  
19 department of health, and for co-occurring drug and domestic violence  
20 cases, must also include an appropriate domestic violence treatment  
21 program by a state-certified domestic violence treatment provider  
22 pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this  
23 act);

24 (c) Crime-related prohibitions, including a condition not to use  
25 illegal controlled substances;

26 (d) A requirement to submit to urinalysis or other testing to  
27 monitor that status; and

28 (e) A term of community custody pursuant to RCW 9.94A.701 to be  
29 imposed upon the failure to complete or administrative termination  
30 from the special drug offender sentencing alternative program.

31 (3)(a) During incarceration in the state facility, offenders  
32 sentenced under this section shall undergo a comprehensive substance  
33 use disorder assessment and receive, within available resources,  
34 treatment services appropriate for the offender. The substance use  
35 disorder treatment services shall be licensed by the department of  
36 health.

37 (b) When applicable for cases involving domestic violence,  
38 domestic violence treatment must be provided by a state-certified  
39 domestic violence treatment provider pursuant to (~~chapter 26.50~~)

1 RCW 26.50.150 (as recodified by this act) during the term of  
2 community custody.

3 (4) If the department finds that conditions of community custody  
4 have been willfully violated, the offender may be reclassified to  
5 serve the remaining balance of the original sentence. An offender who  
6 fails to complete the program or who is administratively terminated  
7 from the program shall be reclassified to serve the unexpired term of  
8 his or her sentence as ordered by the sentencing court.

9 (5) If an offender sentenced to the prison-based alternative  
10 under this section is found by the United States attorney general to  
11 be subject to a deportation order, a hearing shall be held by the  
12 department unless waived by the offender, and, if the department  
13 finds that the offender is subject to a valid deportation order, the  
14 department may administratively terminate the offender from the  
15 program and reclassify the offender to serve the remaining balance of  
16 the original sentence.

17 **Sec. 104.** RCW 9.94A.703 and 2018 c 201 s 9004 are each amended  
18 to read as follows:

19 When a court sentences a person to a term of community custody,  
20 the court shall impose conditions of community custody as provided in  
21 this section.

22 (1) **Mandatory conditions.** As part of any term of community  
23 custody, the court shall:

24 (a) Require the offender to inform the department of court-  
25 ordered treatment upon request by the department;

26 (b) Require the offender to comply with any conditions imposed by  
27 the department under RCW 9.94A.704;

28 (c) If the offender was sentenced under RCW 9.94A.507 for an  
29 offense listed in RCW 9.94A.507(1)(a), and the victim of the offense  
30 was under eighteen years of age at the time of the offense, prohibit  
31 the offender from residing in a community protection zone;

32 (d) If the offender was sentenced under RCW 9A.36.120, prohibit  
33 the offender from serving in any paid or volunteer capacity where he  
34 or she has control or supervision of minors under the age of  
35 thirteen.

36 (2) **Waivable conditions.** Unless waived by the court, as part of  
37 any term of community custody, the court shall order an offender to:

38 (a) Report to and be available for contact with the assigned  
39 community corrections officer as directed;

1 (b) Work at department-approved education, employment, or  
2 community restitution, or any combination thereof;

3 (c) Refrain from possessing or consuming controlled substances  
4 except pursuant to lawfully issued prescriptions;

5 (d) Pay supervision fees as determined by the department; and

6 (e) Obtain prior approval of the department for the offender's  
7 residence location and living arrangements.

8 (3) **Discretionary conditions.** As part of any term of community  
9 custody, the court may order an offender to:

10 (a) Remain within, or outside of, a specified geographical  
11 boundary;

12 (b) Refrain from direct or indirect contact with the victim of  
13 the crime or a specified class of individuals;

14 (c) Participate in crime-related treatment or counseling  
15 services;

16 (d) Participate in rehabilitative programs or otherwise perform  
17 affirmative conduct reasonably related to the circumstances of the  
18 offense, the offender's risk of reoffending, or the safety of the  
19 community;

20 (e) Refrain from possessing or consuming alcohol; or

21 (f) Comply with any crime-related prohibitions.

22 (4) **Special conditions.**

23 (a) In sentencing an offender convicted of a crime of domestic  
24 violence, as defined in RCW 10.99.020, if the offender has a minor  
25 child, or if the victim of the offense for which the offender was  
26 convicted has a minor child, the court may order the offender to  
27 participate in a domestic violence perpetrator program approved under  
28 RCW 26.50.150 (as recodified by this act).

29 (b) (i) In sentencing an offender convicted of an alcohol or drug-  
30 related traffic offense, the court shall require the offender to  
31 complete a diagnostic evaluation by a substance use disorder  
32 treatment program approved by the department of social and health  
33 services or a qualified probation department, defined under RCW  
34 46.61.516, that has been approved by the department of social and  
35 health services. If the offense was pursuant to chapter 46.61 RCW,  
36 the report shall be forwarded to the department of licensing. If the  
37 offender is found to have an alcohol or drug problem that requires  
38 treatment, the offender shall complete treatment in an approved  
39 substance use disorder treatment program as defined in chapter 71.24  
40 RCW. If the offender is found not to have an alcohol or drug problem



1 that requires treatment, the offender shall complete a course in an  
2 alcohol and drug information school licensed or certified by the  
3 department of health under chapter 70.96A RCW. The offender shall pay  
4 all costs for any evaluation, education, or treatment required by  
5 this section, unless the offender is eligible for an existing program  
6 offered or approved by the department of social and health services.

7 (ii) For purposes of this section, "alcohol or drug-related  
8 traffic offense" means the following: Driving while under the  
9 influence as defined by RCW 46.61.502, actual physical control while  
10 under the influence as defined by RCW 46.61.504, vehicular homicide  
11 as defined by RCW 46.61.520(1)(a), vehicular assault as defined by  
12 RCW 46.61.522(1)(b), homicide by watercraft as defined by RCW  
13 79A.60.050, or assault by watercraft as defined by RCW 79A.60.060.

14 (iii) This subsection (4)(b) does not require the department of  
15 social and health services to add new treatment or assessment  
16 facilities nor affect its use of existing programs and facilities  
17 authorized by law.

18 **Sec. 105.** RCW 9.96.060 and 2020 c 29 s 18 are each amended to  
19 read as follows:

20 (1) When vacating a conviction under this section, the court  
21 effectuates the vacation by: (a)(i) Permitting the applicant to  
22 withdraw the applicant's plea of guilty and to enter a plea of not  
23 guilty; or (ii) if the applicant has been convicted after a plea of  
24 not guilty, the court setting aside the verdict of guilty; and (b)  
25 the court dismissing the information, indictment, complaint, or  
26 citation against the applicant and vacating the judgment and  
27 sentence.

28 (2) Every person convicted of a misdemeanor or gross misdemeanor  
29 offense may apply to the sentencing court for a vacation of the  
30 applicant's record of conviction for the offense. If the court finds  
31 the applicant meets the requirements of this subsection, the court  
32 may in its discretion vacate the record of conviction. Except as  
33 provided in subsections (3), (4), and (5) of this section, an  
34 applicant may not have the record of conviction for a misdemeanor or  
35 gross misdemeanor offense vacated if any one of the following is  
36 present:

37 (a) The applicant has not completed all of the terms of the  
38 sentence for the offense;

1 (b) There are any criminal charges against the applicant pending  
2 in any court of this state or another state, or in any federal or  
3 tribal court, at the time of application;

4 (c) The offense was a violent offense as defined in RCW 9.94A.030  
5 or an attempt to commit a violent offense;

6 (d) The offense was a violation of RCW 46.61.502 (driving while  
7 under the influence), 46.61.504 (actual physical control while under  
8 the influence), 9.91.020 (operating a railroad, etc. while  
9 intoxicated), or the offense is considered a "prior offense" under  
10 RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug  
11 violation within ten years of the date of arrest for the prior  
12 offense or less than ten years has elapsed since the date of the  
13 arrest for the prior offense;

14 (e) The offense was any misdemeanor or gross misdemeanor  
15 violation, including attempt, of chapter 9.68 RCW (obscenity and  
16 pornography), chapter 9.68A RCW (sexual exploitation of children), or  
17 chapter 9A.44 RCW (sex offenses), except for failure to register as a  
18 sex offender under RCW 9A.44.132;

19 (f) The applicant was convicted of a misdemeanor or gross  
20 misdemeanor offense as defined in RCW 10.99.020, or the court  
21 determines after a review of the court file that the offense was  
22 committed by one family or household member against another or by one  
23 intimate partner against another, or the court, after considering the  
24 damage to person or property that resulted in the conviction, any  
25 prior convictions for crimes defined in RCW 10.99.020, or for  
26 comparable offenses in another state or in federal court, and the  
27 totality of the records under review by the court regarding the  
28 conviction being considered for vacation, determines that the offense  
29 involved domestic violence, and any one of the following factors  
30 exist:

31 (i) The applicant has not provided written notification of the  
32 vacation petition to the prosecuting attorney's office that  
33 prosecuted the offense for which vacation is sought, or has not  
34 provided that notification to the court;

35 (ii) The applicant has two or more domestic violence convictions  
36 stemming from different incidents. For purposes of this subsection,  
37 however, if the current application is for more than one conviction  
38 that arose out of a single incident, none of those convictions counts  
39 as a previous conviction;

1 (iii) The applicant has signed an affidavit under penalty of  
2 perjury affirming that the applicant has not previously had a  
3 conviction for a domestic violence offense, and a criminal history  
4 check reveals that the applicant has had such a conviction; or

5 (iv) Less than five years have elapsed since the person completed  
6 the terms of the original conditions of the sentence, including any  
7 financial obligations and successful completion of any treatment  
8 ordered as a condition of sentencing;

9 (g) For any offense other than those described in (f) of this  
10 subsection, less than three years have passed since the person  
11 completed the terms of the sentence, including any financial  
12 obligations;

13 (h) The offender has been convicted of a new crime in this state,  
14 another state, or federal or tribal court in the three years prior to  
15 the vacation application; or

16 (i) The applicant is currently restrained by a domestic violence  
17 protection order, a no-contact order, an antiharassment order, or a  
18 civil restraining order which restrains one party from contacting the  
19 other party or was previously restrained by such an order and was  
20 found to have committed one or more violations of the order in the  
21 five years prior to the vacation application.

22 (3) Subject to RCW 9.96.070, every person convicted of  
23 prostitution under RCW 9A.88.030 who committed the offense as a  
24 result of being a victim of trafficking, RCW 9A.40.100, promoting  
25 prostitution in the first degree, RCW 9A.88.070, promoting commercial  
26 sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons  
27 under the trafficking victims protection act of 2000, 22 U.S.C. Sec.  
28 7101 et seq. may apply to the sentencing court for vacation of the  
29 applicant's record of conviction for the prostitution offense. An  
30 applicant may not have the record of conviction for prostitution  
31 vacated if any one of the following is present:

32 (a) There are any criminal charges against the applicant pending  
33 in any court of this state or another state, or in any federal court,  
34 for any crime other than prostitution; or

35 (b) The offender has been convicted of another crime, except  
36 prostitution, in this state, another state, or federal court since  
37 the date of conviction. The limitation in this subsection (3)(b) does  
38 not apply to convictions where the offender proves by a preponderance  
39 of the evidence that he or she committed the crime as a result of  
40 being a victim of trafficking, RCW 9A.40.100, promoting prostitution

1 in the first degree, RCW 9A.88.070, promoting commercial sexual abuse  
2 of a minor, RCW 9.68A.101, or trafficking in persons under the  
3 trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et  
4 seq., according to the requirements provided in RCW 9.96.070 for each  
5 respective conviction.

6 (4) Every person convicted prior to January 1, 1975, of violating  
7 any statute or rule regarding the regulation of fishing activities,  
8 including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070,  
9 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240  
10 who claimed to be exercising a treaty Indian fishing right, may apply  
11 to the sentencing court for vacation of the applicant's record of the  
12 misdemeanor, gross misdemeanor, or felony conviction for the offense.  
13 If the person is deceased, a member of the person's family or an  
14 official representative of the tribe of which the person was a member  
15 may apply to the court on behalf of the deceased person.  
16 Notwithstanding the requirements of RCW 9.94A.640, the court shall  
17 vacate the record of conviction if:

18 (a) The applicant is a member of a tribe that may exercise treaty  
19 Indian fishing rights at the location where the offense occurred; and

20 (b) The state has been enjoined from taking enforcement action of  
21 the statute or rule to the extent that it interferes with a treaty  
22 Indian fishing right as determined under *United States v. Washington*,  
23 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp.  
24 899 (D. Oregon 1969), and any posttrial orders of those courts, or  
25 any other state supreme court or federal court decision.

26 (5) Every person convicted of a misdemeanor marijuana offense,  
27 who was twenty-one years of age or older at the time of the offense,  
28 may apply to the sentencing court for a vacation of the applicant's  
29 record of conviction for the offense. A misdemeanor marijuana offense  
30 includes, but is not limited to: Any offense under RCW 69.50.4014,  
31 from July 1, 2004, onward, and its predecessor statutes, including  
32 RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW  
33 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense  
34 under an equivalent municipal ordinance. If an applicant qualifies  
35 under this subsection, the court shall vacate the record of  
36 conviction.

37 (6)(a) Except as provided in (c) of this subsection, once the  
38 court vacates a record of conviction under this section, the person  
39 shall be released from all penalties and disabilities resulting from  
40 the offense and the fact that the person has been convicted of the

1 offense shall not be included in the person's criminal history for  
2 purposes of determining a sentence in any subsequent conviction. For  
3 all purposes, including responding to questions on employment or  
4 housing applications, a person whose conviction has been vacated  
5 under this section may state that he or she has never been convicted  
6 of that crime. However, nothing in this section affects the  
7 requirements for restoring a right to possess a firearm under RCW  
8 9.41.040. Except as provided in (b) of this subsection, nothing in  
9 this section affects or prevents the use of an offender's prior  
10 conviction in a later criminal prosecution.

11 (b) When a court vacates a record of domestic violence as defined  
12 in RCW 10.99.020 under this section, the state may not use the  
13 vacated conviction in a later criminal prosecution unless the  
14 conviction was for: (i) Violating the provisions of a restraining  
15 order, no-contact order, or protection order restraining or enjoining  
16 the person or restraining the person from going on to the grounds of  
17 or entering a residence, workplace, school, or day care, or  
18 prohibiting the person from knowingly coming within, or knowingly  
19 remaining within, a specified distance of a location, a protected  
20 party's person, or a protected party's vehicle (RCW 10.99.040,  
21 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150,  
22 ~~((26.50.060, 26.50.070, 26.50.130,))~~ or 26.52.070 ~~((~~or~~ 74.34.145))~~,  
23 or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and  
24 74.34.145); ~~((~~or~~))~~ (ii) stalking (RCW 9A.46.110); or (iii) a domestic  
25 violence protection order or vulnerable adult protection order  
26 entered under chapter 7.--- RCW (the new chapter created in section  
27 78 of this act). A vacated conviction under this section is not  
28 considered a conviction of such an offense for the purposes of 27  
29 C.F.R. 478.11.

30 (c) A conviction vacated on or after July 28, 2019, qualifies as  
31 a prior conviction for the purpose of charging a present recidivist  
32 offense as defined in RCW 9.94A.030 occurring on or after July 28,  
33 2019.

34 (7) The clerk of the court in which the vacation order is entered  
35 shall immediately transmit the order vacating the conviction to the  
36 Washington state patrol identification section and to the local  
37 police agency, if any, which holds criminal history information for  
38 the person who is the subject of the conviction. The Washington state  
39 patrol and any such local police agency shall immediately update  
40 their records to reflect the vacation of the conviction, and shall

1 transmit the order vacating the conviction to the federal bureau of  
2 investigation. A conviction that has been vacated under this section  
3 may not be disseminated or disclosed by the state patrol or local law  
4 enforcement agency to any person, except other criminal justice  
5 enforcement agencies.

6 **Sec. 106.** RCW 9A.36.041 and 2020 c 29 s 7 are each amended to  
7 read as follows:

8 (1) A person is guilty of assault in the fourth degree if, under  
9 circumstances not amounting to assault in the first, second, or third  
10 degree, or custodial assault, he or she assaults another.

11 (2) Assault in the fourth degree is a gross misdemeanor, except  
12 as provided in subsection (3) of this section.

13 (3)(a) Assault in the fourth degree occurring after July 23,  
14 2017, and before March 18, 2020, where domestic violence is pleaded  
15 and proven, is a class C felony if the person has two or more prior  
16 adult convictions within ten years for any of the following offenses  
17 occurring after July 23, 2017, where domestic violence was pleaded  
18 and proven:

19 (i) Repetitive domestic violence offense as defined in RCW  
20 9.94A.030;

21 (ii) Crime of harassment as defined by RCW 9A.46.060;

22 (iii) Assault in the third degree;

23 (iv) Assault in the second degree;

24 (v) Assault in the first degree; or

25 (vi) A municipal, tribal, federal, or out-of-state offense  
26 comparable to any offense under (a)(i) through (v) of this  
27 subsection.

28 For purposes of this subsection (3)(a), "family or household  
29 members" for purposes of the definition of "domestic violence" means  
30 spouses, domestic partners, former spouses, former domestic partners,  
31 persons who have a child in common regardless of whether they have  
32 been married or have lived together at any time, persons sixteen  
33 years of age or older who are presently residing together or who have  
34 resided together in the past and who have or have had a dating  
35 relationship, and persons sixteen years of age or older with whom a  
36 person sixteen years of age or older has or has had a dating  
37 relationship. "Family or household member" also includes an "intimate  
38 partner" as defined in RCW (~~26.50.010~~) 10.99.020.

1 (b) Assault in the fourth degree occurring on or after March 18,  
2 2020, where domestic violence against an "intimate partner" as  
3 defined in RCW ((~~26.50.010~~)) 10.99.020 is pleaded and proven, is a  
4 class C felony if the person has two or more prior adult convictions  
5 within ten years for any of the following offenses occurring after  
6 July 23, 2017, where domestic violence against an "intimate partner"  
7 as defined in RCW ((~~26.50.010~~)) 10.99.020 or domestic violence  
8 against a "family or household member" as defined in (a) of this  
9 subsection was pleaded and proven:

10 (i) Repetitive domestic violence offense as defined in RCW  
11 9.94A.030;

12 (ii) Crime of harassment as defined by RCW 9A.46.060;

13 (iii) Assault in the third degree;

14 (iv) Assault in the second degree;

15 (v) Assault in the first degree; or

16 (vi) A municipal, tribal, federal, or out-of-state offense  
17 comparable to any offense under (b)(i) through (v) of this  
18 subsection.

19 **Sec. 107.** RCW 9A.40.104 and 2017 c 230 s 3 are each amended to  
20 read as follows:

21 (1) Because of the likelihood of repeated harassment and  
22 intimidation directed at those who have been victims of trafficking  
23 as described in RCW 9A.40.100, before any defendant charged with or  
24 arrested, for a crime involving trafficking, is released from  
25 custody, or at any time the case remains unresolved, the court may  
26 prohibit that person from having any contact with the victim whether  
27 directly or through third parties.

28 At the initial preliminary appearance, the court shall determine  
29 whether to extend any existing prohibition on the defendant's contact  
30 with the victim. If there is no outstanding restraining or protective  
31 order prohibiting that person from having contact with the victim,  
32 the court may issue, by telephone, a no-contact order prohibiting the  
33 person charged or arrested from having contact with the victim or  
34 from knowingly coming within, or knowingly remaining within, a  
35 specified distance of a location. The court may also consider the  
36 provisions of RCW 9.41.800 or other conditions of pretrial release  
37 according to the procedures established by court rule for preliminary  
38 appearance or an arraignment.

1 (2) At the time of arraignment the court shall determine whether  
2 a no-contact order shall be issued or extended. So long as the court  
3 finds probable cause, the court may issue or extend a no-contact  
4 order. The no-contact order shall terminate if the defendant is  
5 acquitted or the charges are dismissed.

6 (3)(a) Willful violation of a court order issued under this  
7 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

8 (b) The written order shall contain the court's directives and  
9 shall bear the legend: Violation of this order is a criminal offense  
10 under chapter (~~26.50~~) 7.--- RCW (the new chapter created in section  
11 78 of this act) and the violator is subject to arrest; any assault,  
12 drive-by shooting, or reckless endangerment that is a violation of  
13 this order is a felony.

14 (4) Upon a motion with notice to all parties and after a hearing,  
15 the court may terminate or modify the terms of an existing no-contact  
16 order, including terms entered pursuant to RCW 9.41.800 related to  
17 firearms or other dangerous weapons or to concealed pistol licenses.

18 (5)(a) A defendant's motion to terminate or modify a no-contact  
19 order must include a declaration setting forth facts supporting the  
20 requested order for termination or modification. The court shall deny  
21 the motion unless it finds that adequate cause for hearing the motion  
22 is established by the declarations. If the court finds that the  
23 defendant established adequate cause, the court shall set a date for  
24 hearing the defendant's motion.

25 (b) The court may terminate or modify the terms of a no-contact  
26 order, including terms entered pursuant to RCW 9.41.800 related to  
27 firearms or other dangerous weapons or to concealed pistol licenses,  
28 if the defendant proves by a preponderance of the evidence that there  
29 has been a material change in circumstances such that the defendant  
30 is not likely to engage in or attempt to engage in physical or  
31 nonphysical contact with the victim if the order is terminated or  
32 modified. The victim bears no burden of proving that he or she has a  
33 current reasonable fear of harm by the defendant.

34 (c) A defendant may file a motion to terminate or modify pursuant  
35 to this section no more than once in every twelve-month period that  
36 the order is in effect, starting from the date of the order and  
37 continuing through any renewal.

38 (6) Whenever a no-contact order is issued, modified, or  
39 terminated under this section, the clerk of the court shall forward a  
40 copy of the order on or before the next judicial day to the



1 appropriate law enforcement agency specified in the order. Upon  
2 receipt of the copy of the order the law enforcement agency shall  
3 enter the order for one year or until the expiration date specified  
4 on the order into any computer-based criminal intelligence  
5 information system available in this state used by law enforcement  
6 agencies to list outstanding warrants. Entry into the computer-based  
7 criminal intelligence information system constitutes notice to all  
8 law enforcement agencies of the existence of the order. The order is  
9 fully enforceable in any jurisdiction in the state. Upon receipt of  
10 notice that an order has been terminated, the law enforcement agency  
11 shall remove the order from the computer-based criminal intelligence  
12 information system.

13 **Sec. 108.** RCW 9A.46.040 and 2013 c 84 s 27 are each amended to  
14 read as follows:

15 (1) Because of the likelihood of repeated harassment directed at  
16 those who have been victims of harassment in the past, when any  
17 defendant charged with a crime involving harassment is released from  
18 custody before trial on bail or personal recognizance, the court  
19 authorizing the release may issue an order pursuant to this chapter  
20 and require that the defendant:

21 (a) Stay away from the home, school, business, or place of  
22 employment of the victim or victims of the alleged offense or other  
23 location, as shall be specifically named by the court in the order;

24 (b) Refrain from contacting, intimidating, threatening, or  
25 otherwise interfering with the victim or victims of the alleged  
26 offense and such other persons, including but not limited to members  
27 of the family or household of the victim, as shall be specifically  
28 named by the court in the order.

29 (2) Willful violation of a court order issued under this section  
30 or an equivalent local ordinance is a gross misdemeanor. The written  
31 order releasing the defendant shall contain the court's directives  
32 and shall bear the legend: Violation of this order is a criminal  
33 offense under this chapter (~~(9A.46—RCW)~~). A certified copy of the  
34 order shall be provided to the victim by the clerk of the court.

35 (3) If the defendant is charged with the crime of stalking or any  
36 other stalking-related offense under RCW 9A.46.060, and the court  
37 issues an order protecting the victim, the court shall issue a  
38 stalking no-contact order pursuant to (~~chapter 7.92~~) RCW 7.92.160  
39 (as recodified by this act).

1       **Sec. 109.** RCW 9A.46.060 and 2019 c 271 s 8 are each amended to  
2 read as follows:

3       As used in this chapter, "harassment" may include but is not  
4 limited to any of the following crimes:

- 5       (1) Harassment (RCW 9A.46.020);
- 6       (2) Hate crime (RCW 9A.36.080);
- 7       (3) Telephone harassment (RCW 9.61.230);
- 8       (4) Assault in the first degree (RCW 9A.36.011);
- 9       (5) Assault of a child in the first degree (RCW 9A.36.120);
- 10       (6) Assault in the second degree (RCW 9A.36.021);
- 11       (7) Assault of a child in the second degree (RCW 9A.36.130);
- 12       (8) Assault in the fourth degree (RCW 9A.36.041);
- 13       (9) Reckless endangerment (RCW 9A.36.050);
- 14       (10) Extortion in the first degree (RCW 9A.56.120);
- 15       (11) Extortion in the second degree (RCW 9A.56.130);
- 16       (12) Coercion (RCW 9A.36.070);
- 17       (13) Burglary in the first degree (RCW 9A.52.020);
- 18       (14) Burglary in the second degree (RCW 9A.52.030);
- 19       (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 20       (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 21       (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 22       (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 23       (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 24       (20) Kidnapping in the first degree (RCW 9A.40.020);
- 25       (21) Kidnapping in the second degree (RCW 9A.40.030);
- 26       (22) Unlawful imprisonment (RCW 9A.40.040);
- 27       (23) Rape in the first degree (RCW 9A.44.040);
- 28       (24) Rape in the second degree (RCW 9A.44.050);
- 29       (25) Rape in the third degree (RCW 9A.44.060);
- 30       (26) Indecent liberties (RCW 9A.44.100);
- 31       (27) Rape of a child in the first degree (RCW 9A.44.073);
- 32       (28) Rape of a child in the second degree (RCW 9A.44.076);
- 33       (29) Rape of a child in the third degree (RCW 9A.44.079);
- 34       (30) Child molestation in the first degree (RCW 9A.44.083);
- 35       (31) Child molestation in the second degree (RCW 9A.44.086);
- 36       (32) Child molestation in the third degree (RCW 9A.44.089);
- 37       (33) Stalking (RCW 9A.46.110);
- 38       (34) Cyberstalking (RCW 9.61.260);
- 39       (35) Residential burglary (RCW 9A.52.025);

1 (36) Violation of a temporary, permanent, or final protective  
2 order issued pursuant to chapter ~~((7.90))~~ 9A.44, 9A.46, ~~((10.14,))~~  
3 10.99, or 26.09~~((, or 26.50))~~ RCW or any of the former chapters 7.90,  
4 10.14, and 26.50 RCW, or violation of a domestic violence protection  
5 order, sexual assault protection order, or antiharassment protection  
6 order issued under chapter 7.--- RCW (the new chapter created in  
7 section 78 of this act);

8 (37) Unlawful discharge of a laser in the first degree (RCW  
9 9A.49.020); and

10 (38) Unlawful discharge of a laser in the second degree (RCW  
11 9A.49.030).

12 **Sec. 110.** RCW 9A.46.085 and 2013 c 84 s 28 are each amended to  
13 read as follows:

14 (1) A defendant arrested for stalking as defined by RCW 9A.46.110  
15 shall be required to appear in person before a magistrate within one  
16 judicial day after the arrest.

17 (2) At the time of appearance provided in subsection (1) of this  
18 section the court shall determine the necessity of imposing a  
19 stalking no-contact order under this chapter ~~((7.92-RCW))~~.

20 (3) Appearances required pursuant to this section are mandatory  
21 and cannot be waived.

22 (4) The stalking no-contact order shall be issued and entered  
23 with the appropriate law enforcement agency pursuant to the  
24 procedures outlined in this chapter ~~((7.92-RCW))~~.

25 **Sec. 111.** RCW 9A.46.110 and 2013 c 84 s 29 are each amended to  
26 read as follows:

27 (1) A person commits the crime of stalking if, without lawful  
28 authority and under circumstances not amounting to a felony attempt  
29 of another crime:

30 (a) He or she intentionally and repeatedly harasses or repeatedly  
31 follows another person; and

32 (b) The person being harassed or followed is placed in fear that  
33 the stalker intends to injure the person, another person, or property  
34 of the person or of another person. The feeling of fear must be one  
35 that a reasonable person in the same situation would experience under  
36 all the circumstances; and

37 (c) The stalker either:

38 (i) Intends to frighten, intimidate, or harass the person; or

1 (ii) Knows or reasonably should know that the person is afraid,  
2 intimidated, or harassed even if the stalker did not intend to place  
3 the person in fear or intimidate or harass the person.

4 (2)(a) It is not a defense to the crime of stalking under  
5 subsection (1)(c)(i) of this section that the stalker was not given  
6 actual notice that the person did not want the stalker to contact or  
7 follow the person; and

8 (b) It is not a defense to the crime of stalking under subsection  
9 (1)(c)(ii) of this section that the stalker did not intend to  
10 frighten, intimidate, or harass the person.

11 (3) It shall be a defense to the crime of stalking that the  
12 defendant is a licensed private investigator acting within the  
13 capacity of his or her license as provided by chapter 18.165 RCW.

14 (4) Attempts to contact or follow the person after being given  
15 actual notice that the person does not want to be contacted or  
16 followed constitutes prima facie evidence that the stalker intends to  
17 intimidate or harass the person. "Contact" includes, in addition to  
18 any other form of contact or communication, the sending of an  
19 electronic communication to the person.

20 (5)(a) Except as provided in (b) of this subsection, a person who  
21 stalks another person is guilty of a gross misdemeanor.

22 (b) A person who stalks another is guilty of a class B felony if  
23 any of the following applies: (i) The stalker has previously been  
24 convicted in this state or any other state of any crime of  
25 harassment, as defined in RCW 9A.46.060, of the same victim or  
26 members of the victim's family or household or any person  
27 specifically named in a protective order; (ii) the stalking violates  
28 any protective order protecting the person being stalked; (iii) the  
29 stalker has previously been convicted of a gross misdemeanor or  
30 felony stalking offense under this section for stalking another  
31 person; (iv) the stalker was armed with a deadly weapon, as defined  
32 in RCW 9.94A.825, while stalking the person; (v)(A) the stalker's  
33 victim is or was a law enforcement officer; judge; juror; attorney;  
34 victim advocate; legislator; community corrections' officer; an  
35 employee, contract staff person, or volunteer of a correctional  
36 agency; court employee, court clerk, or courthouse facilitator; or an  
37 employee of the child protective, child welfare, or adult protective  
38 services division within the department of social and health  
39 services; and (B) the stalker stalked the victim to retaliate against  
40 the victim for an act the victim performed during the course of

1 official duties or to influence the victim's performance of official  
2 duties; or (vi) the stalker's victim is a current, former, or  
3 prospective witness in an adjudicative proceeding, and the stalker  
4 stalked the victim to retaliate against the victim as a result of the  
5 victim's testimony or potential testimony.

6 (6) As used in this section:

7 (a) "Correctional agency" means a person working for the  
8 department of natural resources in a correctional setting or any  
9 state, county, or municipally operated agency with the authority to  
10 direct the release of a person serving a sentence or term of  
11 confinement and includes but is not limited to the department of  
12 corrections, the indeterminate sentence review board, and the  
13 department of social and health services.

14 (b) "Course of conduct" means a pattern of conduct composed of a  
15 series of acts over a period of time, however short, evidencing a  
16 continuity of purpose. "Course of conduct" includes, in addition to  
17 any other form of communication, contact, or conduct, the sending of  
18 an electronic communication, but does not include constitutionally  
19 protected free speech. Constitutionally protected activity is not  
20 included within the meaning of "course of conduct."

21 (c) "Follows" means deliberately maintaining visual or physical  
22 proximity to a specific person over a period of time. A finding that  
23 the alleged stalker repeatedly and deliberately appears at the  
24 person's home, school, place of employment, business, or any other  
25 location to maintain visual or physical proximity to the person is  
26 sufficient to find that the alleged stalker follows the person. It is  
27 not necessary to establish that the alleged stalker follows the  
28 person while in transit from one location to another.

29 ~~((e))~~ (d) "Harasses" means ((unlawful harassment as defined in  
30 RCW 10.14.020)) a knowing and willful course of conduct directed at a  
31 specific person which seriously alarms, annoys, harasses, or is  
32 detrimental to such person, and which serves no legitimate or lawful  
33 purpose. The course of conduct shall be such as would cause a  
34 reasonable person to suffer substantial emotional distress, and shall  
35 actually cause substantial emotional distress to the petitioner, or  
36 when the course of conduct would cause a reasonable parent to fear  
37 for the well-being of his or her child.

38 ~~((d))~~ (e) "Protective order" means any temporary or permanent  
39 court order prohibiting or limiting violence against, harassment of,

1 contact or communication with, or physical proximity to another  
2 person.

3 ((~~e~~)) (f) "Repeatedly" means on two or more separate occasions.

4 **Sec. 112.** RCW 9A.88.170 and 2017 c 230 s 7 are each amended to  
5 read as follows:

6 (1) Because of the likelihood of repeated harassment and  
7 intimidation directed at those who have been victims of promoting  
8 prostitution in the first degree under RCW 9A.88.070 or promoting  
9 prostitution in the second degree under RCW 9A.88.080, before any  
10 defendant charged with or arrested, for a crime involving promoting  
11 prostitution is released from custody, or at any time the case  
12 remains unresolved, the court may prohibit that person from having  
13 any contact with the victim whether directly or through third  
14 parties. If there is no outstanding restraining or protective order  
15 prohibiting that person from having contact with the victim, the  
16 court may issue, by telephone, a no-contact order prohibiting the  
17 person charged or arrested from having contact with the victim or  
18 from knowingly coming within, or knowingly remaining within, a  
19 specified distance of a location. The court may also consider the  
20 provisions of RCW 9.41.800 or other conditions of pretrial release  
21 according to the procedures established by court rule for preliminary  
22 appearance or an arraignment.

23 (2) At the time of arraignment, the court shall determine whether  
24 a no-contact order shall be issued or extended. So long as the court  
25 finds probable cause, the court may issue or extend a no-contact  
26 order. The no-contact order shall terminate if the defendant is  
27 acquitted or the charges are dismissed.

28 (3)(a) Willful violation of a court order issued under this  
29 section is punishable under ((~~RCW 26.50.110~~)) section 56 of this act.

30 (b) The written order shall contain the court's directives and  
31 shall bear the legend: Violation of this order is a criminal offense  
32 under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section  
33 78 of this act) and the violator is subject to arrest; any assault,  
34 drive-by shooting, or reckless endangerment that is a violation of  
35 this order is a felony.

36 (4) Upon a motion with notice to all parties and after a hearing,  
37 the court may terminate or modify the terms of an existing no-contact  
38 order, including terms entered pursuant to RCW 9.41.800 related to  
39 firearms or other dangerous weapons or to concealed pistol licenses.

1 (5) (a) A defendant's motion to terminate or modify a no-contact  
2 order must include a declaration setting forth facts supporting the  
3 requested order for termination or modification. The court shall deny  
4 the motion unless it finds that adequate cause for hearing the motion  
5 is established by the declarations. If the court finds that the  
6 defendant established adequate cause, the court shall set a date for  
7 hearing the defendant's motion.

8 (b) The court may terminate or modify the terms of a no-contact  
9 order, including terms entered pursuant to RCW 9.41.800 related to  
10 firearms or other dangerous weapons or to concealed pistol licenses,  
11 if the defendant proves by a preponderance of the evidence that there  
12 has been a material change in circumstances such that the defendant  
13 is not likely to engage in or attempt to engage in physical or  
14 nonphysical contact with the victim if the order is terminated or  
15 modified. The victim bears no burden of proving that he or she has a  
16 current reasonable fear of harm by the defendant.

17 (c) A defendant may file a motion to terminate or modify pursuant  
18 to this section no more than once in every twelve-month period that  
19 the order is in effect, starting from the date of the order and  
20 continuing through any renewal.

21 (6) Whenever a no-contact order is issued, modified, or  
22 terminated under this section, the clerk of the court shall forward a  
23 copy of the order on or before the next judicial day to the  
24 appropriate law enforcement agency specified in the order. Upon  
25 receipt of the copy of the order the law enforcement agency shall  
26 enter the order for one year or until the expiration date specified  
27 on the order into any computer-based criminal intelligence  
28 information system available in this state used by law enforcement  
29 agencies to list outstanding warrants. Entry into the computer-based  
30 criminal intelligence information system constitutes notice to all  
31 law enforcement agencies of the existence of the order. The order is  
32 fully enforceable in any jurisdiction in the state. Upon receipt of  
33 notice that an order has been terminated, the law enforcement agency  
34 shall remove the order from the computer-based criminal intelligence  
35 information system.

36 **Sec. 113.** RCW 9A.88.180 and 2017 c 230 s 8 are each amended to  
37 read as follows:

38 (1) If a defendant is found guilty of the crime of promoting  
39 prostitution in the first degree under RCW 9A.88.070 or promoting

1 prostitution in the second degree under RCW 9A.88.080, and a  
2 condition of the sentence restricts the defendant's ability to have  
3 contact with the victim or witnesses, the condition must be recorded  
4 and a written certified copy of that order must be provided to the  
5 victim or witnesses by the clerk of the court. Willful violation of a  
6 court order issued under this section is punishable under ((RCW  
7 ~~26.50.110~~)) section 56 of this act. The written order must contain  
8 the court's directives and shall bear the legend: Violation of this  
9 order is a criminal offense under chapter ((26.50)) 7.--- RCW (the  
10 new chapter created in section 78 of this act) and the violator is  
11 subject to arrest; any assault, drive-by shooting, or reckless  
12 endangerment that is a violation of this order is a felony.

13 (2) Whenever a no-contact order is issued under this section, the  
14 clerk of the court shall forward a copy of the order on or before the  
15 next judicial day to the appropriate law enforcement agency specified  
16 in the order. Upon receipt of the copy of the order, the law  
17 enforcement agency shall enter the order for one year or until the  
18 expiration date specified on the order into any computer-based  
19 criminal intelligence information system available in this state used  
20 by law enforcement agencies to list outstanding warrants. Entry into  
21 the computer-based criminal intelligence information system  
22 constitutes notice to all law enforcement agencies of the existence  
23 of the order. The order is fully enforceable in any jurisdiction in  
24 the state. Upon receipt of notice that an order has been terminated,  
25 the law enforcement agency shall remove the order from the computer-  
26 based criminal intelligence information system.

27 **Sec. 114.** RCW 10.01.240 and 2019 c 263 s 202 are each amended to  
28 read as follows:

29 Whenever a prosecutor, or the attorney general or assistants  
30 acting pursuant to RCW 10.01.190, institutes or conducts a criminal  
31 proceeding involving domestic violence as defined in RCW 10.99.020,  
32 the prosecutor, or attorney general or assistants, shall specify  
33 whether the victim and defendant are intimate partners or family or  
34 household members within the meaning of ((RCW 26.50.010)) section 2  
35 of this act.

36 **Sec. 115.** RCW 10.05.020 and 2019 c 263 s 703 are each amended to  
37 read as follows:



1 (1) Except as provided in subsection (2) of this section, the  
2 petitioner shall allege under oath in the petition that the wrongful  
3 conduct charged is the result of or caused by substance use disorders  
4 or mental problems or domestic violence behavior problems for which  
5 the person is in need of treatment and unless treated the probability  
6 of future recurrence is great, along with a statement that the person  
7 agrees to pay the cost of a diagnosis and treatment of the alleged  
8 problem or problems if financially able to do so. The petition shall  
9 also contain a case history and written assessment prepared by an  
10 approved substance use disorder treatment program as designated in  
11 chapter 71.24 RCW if the petition alleges a substance use disorder,  
12 by an approved mental health center if the petition alleges a mental  
13 problem, or by a state-certified domestic violence treatment provider  
14 pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified by this  
15 act) if the petition alleges a domestic violence behavior problem.

16 (2) In the case of a petitioner charged with a misdemeanor or  
17 gross misdemeanor under chapter 9A.42 RCW, the petitioner shall  
18 allege under oath in the petition that the petitioner is the natural  
19 or adoptive parent of the alleged victim; that the wrongful conduct  
20 charged is the result of parenting problems for which the petitioner  
21 is in need of services; that the petitioner is in need of child  
22 welfare services under chapter 74.13 RCW to improve his or her  
23 parenting skills in order to better provide his or her child or  
24 children with the basic necessities of life; that the petitioner  
25 wants to correct his or her conduct to reduce the likelihood of harm  
26 to his or her minor children; that in the absence of child welfare  
27 services the petitioner may be unable to reduce the likelihood of  
28 harm to his or her minor children; and that the petitioner has  
29 cooperated with the department of social and health services to  
30 develop a plan to receive appropriate child welfare services; along  
31 with a statement that the person agrees to pay the cost of the  
32 services if he or she is financially able to do so. The petition  
33 shall also contain a case history and a written service plan from the  
34 department of social and health services.

35 (3) Before entry of an order deferring prosecution, a petitioner  
36 shall be advised of his or her rights as an accused and execute, as a  
37 condition of receiving treatment, a statement that contains: (a) An  
38 acknowledgment of his or her rights; (b) an acknowledgment and waiver  
39 of the right to testify, the right to a speedy trial, the right to  
40 call witnesses to testify, the right to present evidence in his or

1 her defense, and the right to a jury trial; (c) a stipulation to the  
2 admissibility and sufficiency of the facts contained in the written  
3 police report; and (d) an acknowledgment that the statement will be  
4 entered and used to support a finding of guilty if the court finds  
5 cause to revoke the order granting deferred prosecution. The  
6 petitioner shall also be advised that he or she may, if he or she  
7 proceeds to trial and is found guilty, be allowed to seek suspension  
8 of some or all of the fines and incarceration that may be ordered  
9 upon the condition that he or she seek treatment and, further, that  
10 he or she may seek treatment from public and private agencies at any  
11 time without regard to whether or not he or she is found guilty of  
12 the offense charged. He or she shall also be advised that the court  
13 will not accept a petition for deferred prosecution from a person  
14 who: (i) Sincerely believes that he or she is innocent of the  
15 charges; (ii) sincerely believes that he or she does not, in fact,  
16 suffer from alcoholism, drug addiction, mental problems, or domestic  
17 violence behavior problems; or (iii) in the case of a petitioner  
18 charged under chapter 9A.42 RCW, sincerely believes that he or she  
19 does not need child welfare services.

20 (4) Before entering an order deferring prosecution, the court  
21 shall make specific findings that: (a) The petitioner has stipulated  
22 to the admissibility and sufficiency of the facts as contained in the  
23 written police report; (b) the petitioner has acknowledged the  
24 admissibility of the stipulated facts in any criminal hearing on the  
25 underlying offense or offenses held subsequent to revocation of the  
26 order granting deferred prosecution; (c) the petitioner has  
27 acknowledged and waived the right to testify, the right to a speedy  
28 trial, the right to call witnesses to testify, the right to present  
29 evidence in his or her defense, and the right to a jury trial; and  
30 (d) the petitioner's statements were made knowingly and voluntarily.  
31 Such findings shall be included in the order granting deferred  
32 prosecution.

33 **Sec. 116.** RCW 10.05.030 and 2019 c 263 s 704 are each amended to  
34 read as follows:

35 The arraigining judge upon consideration of the petition and with  
36 the concurrence of the prosecuting attorney may continue the  
37 arraignment and refer such person for a diagnostic investigation and  
38 evaluation to:

1 (1) An approved substance use disorder treatment program as  
2 designated in chapter 71.24 RCW if the petition alleges a substance  
3 use disorder;

4 (2) An approved mental health center if the petition alleges a  
5 mental problem;

6 (3) The department of social and health services if the petition  
7 is brought under RCW 10.05.020(2); or

8 (4) An approved state-certified domestic violence treatment  
9 provider pursuant to (~~chapter 26.50~~) RCW 26.50.150 (as recodified  
10 by this act) if the petition alleges a domestic violence behavior  
11 problem.

12 **Sec. 117.** RCW 10.22.010 and 2020 c 29 s 9 are each amended to  
13 read as follows:

14 When a defendant is prosecuted in a criminal action for a  
15 misdemeanor, other than a violation of RCW 9A.48.105, for which the  
16 person injured by the act constituting the offense has a remedy by a  
17 civil action, the offense may be compromised as provided in RCW  
18 10.22.020, except when it was committed:

19 (1) By or upon an officer while in the execution of the duties of  
20 his or her office;

21 (2) Riotously;

22 (3) With an intent to commit a felony; or

23 (4) By one family or household member against another or by one  
24 intimate partner against another as defined in RCW (~~26.50.010~~)  
25 10.99.020 and was a crime of domestic violence as defined in RCW  
26 10.99.020.

27 **Sec. 118.** RCW 10.31.100 and 2020 c 29 s 10 are each amended to  
28 read as follows:

29 A police officer having probable cause to believe that a person  
30 has committed or is committing a felony shall have the authority to  
31 arrest the person without a warrant. A police officer may arrest a  
32 person without a warrant for committing a misdemeanor or gross  
33 misdemeanor only when the offense is committed in the presence of an  
34 officer, except as provided in subsections (1) through (11) of this  
35 section.

36 (1) Any police officer having probable cause to believe that a  
37 person has committed or is committing a misdemeanor or gross  
38 misdemeanor, involving physical harm or threats of harm to any person

1 or property or the unlawful taking of property or involving the use  
2 or possession of cannabis, or involving the acquisition, possession,  
3 or consumption of alcohol by a person under the age of twenty-one  
4 years under RCW 66.44.270, or involving criminal trespass under RCW  
5 9A.52.070 or 9A.52.080, shall have the authority to arrest the  
6 person.

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

11 (a) ~~((An))~~ A domestic violence protection order, a sexual assault  
12 protection order, a stalking protection order, or a vulnerable adult  
13 protection order has been issued, of which the person has knowledge,  
14 under chapter 7.--- RCW (the new chapter created in section 78 of  
15 this act), or an order has been issued, of which the person has  
16 knowledge, under RCW 26.44.063, or chapter ((7.92, 7.90,)) 9A.40,  
17 9A.46, 9A.88, 10.99, 26.09, 26.10, 26.26A, 26.26B, ((26.50,)) or  
18 74.34 RCW, or any of the former chapters 7.90, 7.92, and 26.50 RCW,  
19 restraining the person and the person has violated the terms of the  
20 order restraining the person from acts or threats of violence, or  
21 restraining the person from going onto the grounds of, or entering, a  
22 residence, workplace, school, or day care, or prohibiting the person  
23 from knowingly coming within, or knowingly remaining within, a  
24 specified distance of a location, a protected party's person, or a  
25 protected party's vehicle, or, in the case of an order issued under  
26 RCW 26.44.063, imposing any other restrictions or conditions upon the  
27 person;

28 (b) An extreme risk protection order has been issued against the  
29 person under chapter 7.--- RCW (the new chapter created in section 78  
30 of this act) or former RCW 7.94.040, the person has knowledge of the  
31 order, and the person has violated the terms of the order prohibiting  
32 the person from having in his or her custody or control, purchasing,  
33 possessing, accessing, or receiving a firearm or concealed pistol  
34 license;

35 (c) A foreign protection order, as defined in RCW 26.52.010, or a  
36 Canadian domestic violence protection order, as defined in RCW  
37 26.55.010, has been issued of which the person under restraint has  
38 knowledge and the person under restraint has violated a provision of  
39 the foreign protection order or the Canadian domestic violence  
40 protection order prohibiting the person under restraint from

1 contacting or communicating with another person, or excluding the  
2 person under restraint from a residence, workplace, school, or day  
3 care, or prohibiting the person from knowingly coming within, or  
4 knowingly remaining within, a specified distance of a location, a  
5 protected party's person, or a protected party's vehicle, or a  
6 violation of any provision for which the foreign protection order or  
7 the Canadian domestic violence protection order specifically  
8 indicates that a violation will be a crime; or

9 (d) The person is eighteen years or older and within the  
10 preceding four hours has assaulted a family or household member or  
11 intimate partner as defined in RCW (~~(26.50.010)~~) 10.99.020 and the  
12 officer believes: (i) A felonious assault has occurred; (ii) an  
13 assault has occurred which has resulted in bodily injury to the  
14 victim, whether the injury is observable by the responding officer or  
15 not; or (iii) that any physical action has occurred which was  
16 intended to cause another person reasonably to fear imminent serious  
17 bodily injury or death. Bodily injury means physical pain, illness,  
18 or an impairment of physical condition. When the officer has probable  
19 cause to believe that family or household members or intimate  
20 partners have assaulted each other, the officer is not required to  
21 arrest both persons. The officer shall arrest the person whom the  
22 officer believes to be the primary physical aggressor. In making this  
23 determination, the officer shall make every reasonable effort to  
24 consider: (A) The intent to protect victims of domestic violence  
25 under RCW 10.99.010; (B) the comparative extent of injuries inflicted  
26 or serious threats creating fear of physical injury; and (C) the  
27 history of domestic violence of each person involved, including  
28 whether the conduct was part of an ongoing pattern of abuse.

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

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

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

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

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

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

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

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

7 (4) A law enforcement officer investigating at the scene of a  
8 motor vehicle accident may arrest the driver of a motor vehicle  
9 involved in the accident if the officer has probable cause to believe  
10 that the driver has committed, in connection with the accident, a  
11 violation of any traffic law or regulation.

12 (5) (a) A law enforcement officer investigating at the scene of a  
13 motor vessel accident may arrest the operator of a motor vessel  
14 involved in the accident if the officer has probable cause to believe  
15 that the operator has committed, in connection with the accident, a  
16 criminal violation of chapter 79A.60 RCW.

17 (b) A law enforcement officer investigating at the scene of a  
18 motor vessel accident may issue a citation for an infraction to the  
19 operator of a motor vessel involved in the accident if the officer  
20 has probable cause to believe that the operator has committed, in  
21 connection with the accident, a violation of any boating safety law  
22 of chapter 79A.60 RCW.

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

26 (7) An officer may act upon the request of a law enforcement  
27 officer, in whose presence a traffic infraction was committed, to  
28 stop, detain, arrest, or issue a notice of traffic infraction to the  
29 driver who is believed to have committed the infraction. The request  
30 by the witnessing officer shall give an officer the authority to take  
31 appropriate action under the laws of the state of Washington.

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

35 (9) A police officer may arrest and take into custody, pending  
36 release on bail, personal recognizance, or court order, a person  
37 without a warrant when the officer has probable cause to believe that  
38 an antiharassment protection order has been issued of which the  
39 person has knowledge under chapter 7.--- RCW (the new chapter created

1 in section 78 of this act) or former chapter 10.14 RCW and the person  
2 has violated the terms of that order.

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

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

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

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

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

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

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

26 (16)(a) Except as provided in (b) of this subsection, a police  
27 officer shall arrest and keep in custody, until release by a judicial  
28 officer on bail, personal recognizance, or court order, a person  
29 without a warrant when the officer has probable cause to believe that  
30 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent  
31 local ordinance and the police officer: (i) Has knowledge that the  
32 person has a prior offense as defined in RCW 46.61.5055 within ten  
33 years; or (ii) has knowledge, based on a review of the information  
34 available to the officer at the time of arrest, that the person is  
35 charged with or is awaiting arraignment for an offense that would  
36 qualify as a prior offense as defined in RCW 46.61.5055 if it were a  
37 conviction.

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

1       **Sec. 119.** RCW 10.66.010 and 2020 c 29 s 11 are each amended to  
2 read as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter:

5       (1) "Applicant" means any person who owns, occupies, or has a  
6 substantial interest in property, or who is a neighbor to property  
7 which is adversely affected by drug trafficking, including:

8       (a) A "family or household member" or "intimate partner" as  
9 defined (~~by RCW 26.50.010~~) in section 2 of this act, who has a  
10 possessory interest in a residence as an owner or tenant, at least as  
11 great as a known drug trafficker's interest;

12       (b) An owner or lessor;

13       (c) An owner, tenant, or resident who lives or works in a  
14 designated PADT area; or

15       (d) A city or prosecuting attorney for any jurisdiction in this  
16 state where drug trafficking is occurring.

17       (2) "Drug" or "drugs" means a controlled substance as defined in  
18 chapter 69.50 RCW or an "imitation controlled substance" as defined  
19 in RCW 69.52.020.

20       (3) "Known drug trafficker" means any person who has been  
21 convicted of a drug offense in this state, another state, or federal  
22 court who subsequently has been arrested for a drug offense in this  
23 state. For purposes of this definition, "drug offense" means a felony  
24 violation of chapter 69.50 or 69.52 RCW or equivalent law in another  
25 jurisdiction that involves the manufacture, distribution, or  
26 possession with intent to manufacture or distribute of a controlled  
27 substance or imitation controlled substance.

28       (4) "Off-limits orders" means an order issued by a superior or  
29 district court in the state of Washington that enjoins known drug  
30 traffickers from entering or remaining in a designated PADT area.

31       (5) "Protected against drug trafficking area" or "PADT area"  
32 means any specifically described area, public or private, contained  
33 in an off-limits order. The perimeters of a PADT area shall be  
34 defined using street names and numbers and shall include all real  
35 property contained therein, where drug sales, possession of drugs,  
36 pedestrian or vehicular traffic attendant to drug activity, or other  
37 activity associated with drug offenses confirms a pattern associated  
38 with drug trafficking. The area may include the full width of  
39 streets, alleys and sidewalks on the perimeter, common areas,



1 planting strips, or parks and parking areas within the area described  
2 using the streets as boundaries.

3 **Sec. 120.** RCW 10.95.020 and 2020 c 29 s 12 are each amended to  
4 read as follows:

5 A person is guilty of aggravated first degree murder, a class A  
6 felony, if he or she commits first degree murder as defined by RCW  
7 9A.32.030(1)(a), as now or hereafter amended, and one or more of the  
8 following aggravating circumstances exist:

9 (1) The victim was a law enforcement officer, corrections  
10 officer, or firefighter who was performing his or her official duties  
11 at the time of the act resulting in death and the victim was known or  
12 reasonably should have been known by the person to be such at the  
13 time of the killing;

14 (2) At the time of the act resulting in the death, the person was  
15 serving a term of imprisonment, had escaped, or was on authorized or  
16 unauthorized leave in or from a state facility or program for the  
17 incarceration or treatment of persons adjudicated guilty of crimes;

18 (3) At the time of the act resulting in death, the person was in  
19 custody in a county or county-city jail as a consequence of having  
20 been adjudicated guilty of a felony;

21 (4) The person committed the murder pursuant to an agreement that  
22 he or she would receive money or any other thing of value for  
23 committing the murder;

24 (5) The person solicited another person to commit the murder and  
25 had paid or had agreed to pay money or any other thing of value for  
26 committing the murder;

27 (6) The person committed the murder to obtain or maintain his or  
28 her membership or to advance his or her position in the hierarchy of  
29 an organization, association, or identifiable group;

30 (7) The murder was committed during the course of or as a result  
31 of a shooting where the discharge of the firearm, as defined in RCW  
32 9.41.010, is either from a motor vehicle or from the immediate area  
33 of a motor vehicle that was used to transport the shooter or the  
34 firearm, or both, to the scene of the discharge;

35 (8) The victim was:

36 (a) A judge; juror or former juror; prospective, current, or  
37 former witness in an adjudicative proceeding; prosecuting attorney;  
38 deputy prosecuting attorney; defense attorney; a member of the

1 indeterminate sentence review board; or a probation or parole  
2 officer; and

3 (b) The murder was related to the exercise of official duties  
4 performed or to be performed by the victim;

5 (9) The person committed the murder to conceal the commission of  
6 a crime or to protect or conceal the identity of any person  
7 committing a crime, including, but specifically not limited to, any  
8 attempt to avoid prosecution as a persistent offender as defined in  
9 RCW 9.94A.030;

10 (10) There was more than one victim and the murders were part of  
11 a common scheme or plan or the result of a single act of the person;

12 (11) The murder was committed in the course of, in furtherance  
13 of, or in immediate flight from one of the following crimes:

14 (a) Robbery in the first or second degree;

15 (b) Rape in the first or second degree;

16 (c) Burglary in the first or second degree or residential  
17 burglary;

18 (d) Kidnapping in the first degree; or

19 (e) Arson in the first degree;

20 (12) The victim was regularly employed or self-employed as a  
21 newsreporter and the murder was committed to obstruct or hinder the  
22 investigative, research, or reporting activities of the victim;

23 (13) At the time the person committed the murder, there existed a  
24 court order, issued in this or any other state, which prohibited the  
25 person from either contacting the victim, molesting the victim, or  
26 disturbing the peace of the victim, and the person had knowledge of  
27 the existence of that order;

28 (14) At the time the person committed the murder, the person and  
29 the victim were "family or household members" or "intimate partners"  
30 as defined in RCW (~~26.50.010~~) 10.99.020, and the person had  
31 previously engaged in a pattern or practice of three or more of the  
32 following crimes committed upon the victim within a five-year period,  
33 regardless of whether a conviction resulted:

34 (a) Harassment as defined in RCW 9A.46.020; or

35 (b) Any criminal assault.

36 **Sec. 121.** RCW 10.99.020 and 2020 c 296 s 5 are each reenacted  
37 and amended to read as follows:

38 Unless the context clearly requires otherwise, the definitions in  
39 this section apply throughout this chapter.

1 (1) "Agency" means a general authority Washington law enforcement  
2 agency as defined in RCW 10.93.020.

3 (2) "Association" means the Washington association of sheriffs  
4 and police chiefs.

5 (3) "Dating relationship" has the same meaning as in ((RCW  
6 ~~26.50.010~~) section 2 of this act.

7 (4) "Domestic violence" includes but is not limited to any of the  
8 following crimes when committed either by (a) one family or household  
9 member against another family or household member, or (b) one  
10 intimate partner against another intimate partner:

11 (i) Assault in the first degree (RCW 9A.36.011);

12 (ii) Assault in the second degree (RCW 9A.36.021);

13 (iii) Assault in the third degree (RCW 9A.36.031);

14 (iv) Assault in the fourth degree (RCW 9A.36.041);

15 (v) Drive-by shooting (RCW 9A.36.045);

16 (vi) Reckless endangerment (RCW 9A.36.050);

17 (vii) Coercion (RCW 9A.36.070);

18 (viii) Burglary in the first degree (RCW 9A.52.020);

19 (ix) Burglary in the second degree (RCW 9A.52.030);

20 (x) Criminal trespass in the first degree (RCW 9A.52.070);

21 (xi) Criminal trespass in the second degree (RCW 9A.52.080);

22 (xii) Malicious mischief in the first degree (RCW 9A.48.070);

23 (xiii) Malicious mischief in the second degree (RCW 9A.48.080);

24 (xiv) Malicious mischief in the third degree (RCW 9A.48.090);

25 (xv) Kidnapping in the first degree (RCW 9A.40.020);

26 (xvi) Kidnapping in the second degree (RCW 9A.40.030);

27 (xvii) Unlawful imprisonment (RCW 9A.40.040);

28 (xviii) Violation of the provisions of a restraining order, no-  
29 contact order, or protection order restraining or enjoining the  
30 person or restraining the person from going onto the grounds of or  
31 entering a residence, workplace, school, or day care, or prohibiting  
32 the person from knowingly coming within, or knowingly remaining  
33 within, a specified distance of a location, a protected party's  
34 person, or a protected party's vehicle (chapter 7.--- RCW (the new  
35 chapter created in section 78 of this act), or RCW 10.99.040,  
36 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150,  
37 ((~~26.50.060, 26.50.070, 26.50.130,~~) or 26.52.070(~~(, or 74.34.145)~~),  
38 or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and  
39 74.34.145);

40 (xix) Rape in the first degree (RCW 9A.44.040);

1 (xx) Rape in the second degree (RCW 9A.44.050);  
2 (xxi) Residential burglary (RCW 9A.52.025);  
3 (xxii) Stalking (RCW 9A.46.110); and  
4 (xxiii) Interference with the reporting of domestic violence (RCW  
5 9A.36.150).

6 (5) "Electronic monitoring" means the same as in RCW 9.94A.030.

7 (6) "Employee" means any person currently employed with an  
8 agency.

9 (7) "Family or household members" means (~~the same as in RCW~~  
10 ~~26.50.010~~): (a) Adult persons related by blood or marriage; (b)  
11 adult persons who are presently residing together or who have resided  
12 together in the past; and (c) persons who have a biological or legal  
13 parent-child relationship, including stepparents and stepchildren and  
14 grandparents and grandchildren.

15 (8) "Intimate partners" means (~~the same as in RCW 26.50.010~~):  
16 (a) Spouses or domestic partners; (b) former spouses or former  
17 domestic partners; (c) persons who have a child in common regardless  
18 of whether they have been married or have lived together at any time;  
19 (d) adult persons presently or previously residing together who have  
20 or have had a dating relationship; (e) persons 16 years of age or  
21 older who are presently residing together or who have resided  
22 together in the past and who have or have had a dating relationship;  
23 or (f) persons 16 years of age or older with whom a person 16 years  
24 of age or older has or has had a dating relationship.

25 (9) "Sworn employee" means a general authority Washington peace  
26 officer as defined in RCW 10.93.020, any person appointed under RCW  
27 35.21.333, and any person appointed or elected to carry out the  
28 duties of the sheriff under chapter 36.28 RCW.

29 (10) "Victim" means a family or household member or an intimate  
30 partner who has been subjected to domestic violence.

31 **Sec. 122.** RCW 10.99.040 and 2019 c 367 s 4 are each amended to  
32 read as follows:

33 (1) Because of the serious nature of domestic violence, the court  
34 in domestic violence actions:

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

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

1 (c) Shall waive any requirement that the victim's location be  
2 disclosed to any person, other than the attorney of a criminal  
3 defendant, upon a showing that there is a possibility of further  
4 violence: PROVIDED, That the court may order a criminal defense  
5 attorney not to disclose to his or her client the victim's location;  
6 and

7 (d) Shall identify by any reasonable means on docket sheets those  
8 criminal actions arising from acts of domestic violence.

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

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

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

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

1 (b) In issuing the order, the court shall consider all  
2 information documented in the incident report concerning the person's  
3 possession of and access to firearms and whether law enforcement took  
4 temporary custody of firearms at the time of the arrest. The court  
5 may as a condition of release prohibit the defendant from possessing  
6 or accessing firearms and order the defendant to immediately  
7 surrender all firearms and any concealed pistol license to a law  
8 enforcement agency upon release.

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

18 (4)(a) Willful violation of a court order issued under subsection  
19 (2), (3), or (7) of this section is punishable under ((RCW  
20 ~~26.50.110~~) section 56 of this act.

21 (b) The written order releasing the person charged or arrested  
22 shall contain the court's directives and shall bear the legend:  
23 "Violation of this order is a criminal offense under chapter  
24 ((~~26.50~~) 7.--- RCW (the new chapter created in section 78 of this  
25 act) and will subject a violator to arrest; any assault, drive-by  
26 shooting, or reckless endangerment that is a violation of this order  
27 is a felony. You can be arrested even if any person protected by the  
28 order invites or allows you to violate the order's prohibitions. You  
29 have the sole responsibility to avoid or refrain from violating the  
30 order's provisions. Only the court can change the order."

31 (c) A certified copy of the order shall be provided to the  
32 victim.

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

36 (6) Whenever a no-contact order is issued, modified, or  
37 terminated under subsection (2) or (3) of this section, the clerk of  
38 the court shall forward a copy of the order on or before the next  
39 judicial day to the appropriate law enforcement agency specified in  
40 the order. Upon receipt of the copy of the order the law enforcement

1 agency shall enter the order for one year or until the expiration  
2 date specified on the order into any computer-based criminal  
3 intelligence information system available in this state used by law  
4 enforcement agencies to list outstanding warrants. Entry into the  
5 computer-based criminal intelligence information system constitutes  
6 notice to all law enforcement agencies of the existence of the order.  
7 The order is fully enforceable in any jurisdiction in the state. Upon  
8 receipt of notice that an order has been terminated under subsection  
9 (3) of this section, the law enforcement agency shall remove the  
10 order from the computer-based criminal intelligence information  
11 system.

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

17 **Sec. 123.** RCW 10.99.050 and 2019 c 263 s 303 are each amended to  
18 read as follows:

19 (1) When a defendant is found guilty of a crime and a condition  
20 of the sentence restricts the defendant's ability to have contact  
21 with the victim, such condition shall be recorded and a written  
22 certified copy of that order shall be provided to the victim.

23 (2)(a) Willful violation of a court order issued under this  
24 section is punishable under (~~RCW 26.50.110~~) section 56 of this act.

25 (b) The written order shall contain the court's directives and  
26 shall bear the legend: Violation of this order is a criminal offense  
27 under chapter (~~26.50~~) 7.--- RCW (the new chapter created in section  
28 78 of this act) and will subject a violator to arrest; any assault,  
29 drive-by shooting, or reckless endangerment that is a violation of  
30 this order is a felony.

31 (c) An order issued pursuant to this section in conjunction with  
32 a misdemeanor or gross misdemeanor sentence or juvenile disposition  
33 remains in effect for a fixed period of time determined by the court,  
34 which may not exceed five years from the date of sentencing or  
35 disposition.

36 (d) An order issued pursuant to this section in conjunction with  
37 a felony sentence or juvenile disposition remains in effect for a  
38 fixed period of time determined by the court, which may not exceed  
39 the adult maximum sentence established in RCW 9A.20.021.

1 (3) Whenever an order prohibiting contact is issued pursuant to  
2 this section, the clerk of the court shall forward a copy of the  
3 order on or before the next judicial day to the appropriate law  
4 enforcement agency specified in the order. Upon receipt of the copy  
5 of the order the law enforcement agency shall enter the order for one  
6 year or until the expiration date specified on the order into any  
7 computer-based criminal intelligence information system available in  
8 this state used by law enforcement agencies to list outstanding  
9 warrants. Entry into the computer-based criminal intelligence  
10 information system constitutes notice to all law enforcement agencies  
11 of the existence of the order. The order is fully enforceable in any  
12 jurisdiction in the state.

13 (4) If an order prohibiting contact issued pursuant to this  
14 section is modified or terminated, the clerk of the court shall  
15 notify the law enforcement agency specified in the order on or before  
16 the next judicial day. Upon receipt of notice that an order has been  
17 terminated, the law enforcement agency shall remove the order from  
18 any computer-based criminal intelligence system.

19 **Sec. 124.** RCW 10.99.090 and 2005 c 274 s 209 are each amended to  
20 read as follows:

21 (1) By December 1, 2004, the association shall develop a written  
22 model policy on domestic violence committed or allegedly committed by  
23 sworn employees of agencies. In developing the policy, the  
24 association shall convene a work group consisting of representatives  
25 from the following entities and professions:

26 (a) Statewide organizations representing state and local  
27 enforcement officers;

28 (b) A statewide organization providing training and education for  
29 agencies having the primary responsibility of serving victims of  
30 domestic violence with emergency shelter and other services; and

31 (c) Any other organization or profession the association  
32 determines to be appropriate.

33 (2) Members of the work group shall serve without compensation.

34 (3) The model policy shall provide due process for employees and,  
35 at a minimum, meet the following standards:

36 (a) Provide prehire screening procedures reasonably calculated to  
37 disclose whether an applicant for a sworn employee position:

38 (i) Has committed or, based on credible sources, has been accused  
39 of committing an act of domestic violence;



1 (ii) Is currently being investigated for an allegation of child  
2 abuse or neglect or has previously been investigated for founded  
3 allegations of child abuse or neglect; or

4 (iii) Is currently or has previously been subject to any order  
5 under RCW 26.44.063, this chapter, former chapter 10.14 RCW or former  
6 chapter 26.50 RCW, or to a domestic violence protection order or  
7 antiharassment protection order under chapter 7.--- RCW (the new  
8 chapter created in section 78 of this act), or any equivalent order  
9 issued by another state or tribal court;

10 (b) Provide for the mandatory, immediate response to acts or  
11 allegations of domestic violence committed or allegedly committed by  
12 a sworn employee of an agency;

13 (c) Provide to a sworn employee, upon the request of the sworn  
14 employee or when the sworn employee has been alleged to have  
15 committed an act of domestic violence, information on programs under  
16 RCW 26.50.150 (as recodified by this act);

17 (d) Provide for the mandatory, immediate reporting by employees  
18 when an employee becomes aware of an allegation of domestic violence  
19 committed or allegedly committed by a sworn employee of the agency  
20 employing the sworn employee;

21 (e) Provide procedures to address reporting by an employee who is  
22 the victim of domestic violence committed or allegedly committed by a  
23 sworn employee of an agency;

24 (f) Provide for the mandatory, immediate self-reporting by a  
25 sworn employee to his or her employing agency when an agency in any  
26 jurisdiction has responded to a domestic violence call in which the  
27 sworn employee committed or allegedly committed an act of domestic  
28 violence;

29 (g) Provide for the mandatory, immediate self-reporting by a  
30 sworn employee to his or her employing agency if the employee is  
31 currently being investigated for an allegation of child abuse or  
32 neglect or has previously been investigated for founded allegations  
33 of child abuse or neglect, or is currently or has previously been  
34 subject to any order under RCW 26.44.063, this chapter, former  
35 chapter 10.14 RCW or former chapter 26.50 RCW, or to a domestic  
36 violence protection order or antiharassment protection order under  
37 chapter 7.--- RCW (the new chapter created in section 78 of this  
38 act), or any equivalent order issued by another state or tribal  
39 court;

1 (h) Provide for the performance of prompt separate and impartial  
2 administrative and criminal investigations of acts or allegations of  
3 domestic violence committed or allegedly committed by a sworn  
4 employee of an agency;

5 (i) Provide for appropriate action to be taken during an  
6 administrative or criminal investigation of acts or allegations of  
7 domestic violence committed or allegedly committed by a sworn  
8 employee of an agency. The policy shall provide procedures to  
9 address, in a manner consistent with applicable law and the agency's  
10 ability to maintain public safety within its jurisdiction, whether to  
11 relieve the sworn employee of agency-issued weapons and other agency-  
12 issued property and whether to suspend the sworn employee's power of  
13 arrest or other police powers pending resolution of any  
14 investigation;

15 (j) Provide for prompt and appropriate discipline or sanctions  
16 when, after an agency investigation, it is determined that a sworn  
17 employee has committed an act of domestic violence;

18 (k) Provide that, when there has been an allegation of domestic  
19 violence committed or allegedly committed by a sworn employee, the  
20 agency immediately make available to the alleged victim the following  
21 information:

22 (i) The agency's written policy on domestic violence committed or  
23 allegedly committed by sworn employees;

24 (ii) Information, including but not limited to contact  
25 information, about public and private nonprofit domestic violence  
26 advocates and services; and

27 (iii) Information regarding relevant confidentiality policies  
28 related to the victim's information;

29 (l) Provide procedures for the timely response, consistent with  
30 chapters 42.56 and 10.97 RCW, to an alleged victim's inquiries into  
31 the status of the administrative investigation and the procedures the  
32 agency will follow in an investigation of domestic violence committed  
33 or allegedly committed by a sworn employee;

34 (m) Provide procedures requiring an agency to immediately notify  
35 the employing agency of a sworn employee when the notifying agency  
36 becomes aware of acts or allegations of domestic violence committed  
37 or allegedly committed by the sworn employee within the jurisdiction  
38 of the notifying agency; and

1 (n) Provide procedures for agencies to access and share domestic  
2 violence training within their jurisdiction and with other  
3 jurisdictions.

4 (4) By June 1, 2005, every agency shall adopt and implement a  
5 written policy on domestic violence committed or allegedly committed  
6 by sworn employees of the agency that meet the minimum standards  
7 specified in this section. In lieu of developing its own policy, the  
8 agency may adopt the model policy developed by the association under  
9 this section. In developing its own policy, or before adopting the  
10 model policy, the agency shall consult public and private nonprofit  
11 domestic violence advocates and any other organizations and  
12 professions the agency finds appropriate.

13 (5) (a) Except as provided in this section, not later than June  
14 30, 2006, every sworn employee of an agency shall be trained by the  
15 agency on the agency's policy required under this section.

16 (b) Sworn employees hired by an agency on or after March 1, 2006,  
17 shall, within six months of beginning employment, be trained by the  
18 agency on the agency's policy required under this section.

19 (6) (a) By June 1, 2005, every agency shall provide a copy of its  
20 policy developed under this section to the association and shall  
21 provide a statement notifying the association of whether the agency  
22 has complied with the training required under this section. The copy  
23 and statement shall be provided in electronic format unless the  
24 agency is unable to do so. The agency shall provide the association  
25 with any revisions to the policy upon adoption.

26 (b) The association shall maintain a copy of each agency's policy  
27 and shall provide to the governor and legislature not later than  
28 January 1, 2006, a list of those agencies that have not developed and  
29 submitted policies and those agencies that have not stated their  
30 compliance with the training required under this section.

31 (c) The association shall, upon request and within its resources,  
32 provide technical assistance to agencies in developing their  
33 policies.

34 **Sec. 125.** RCW 11.130.257 and 2020 c 312 s 112 are each amended  
35 to read as follows:

36 (1) In a proceeding under this chapter either party may file a  
37 motion for temporary support of children entitled to support. The  
38 motion shall be accompanied by an affidavit setting forth the factual  
39 basis for the motion and the amount requested.

1 (2) In a proceeding under this chapter either party may file a  
2 motion for a temporary restraining order or preliminary injunction,  
3 providing relief proper in the circumstances, and restraining or  
4 enjoining another party from:

5 (a) Molesting or disturbing the peace of the other party or of  
6 any child;

7 (b) Entering the family home or the home of the other party upon  
8 a showing of the necessity therefor;

9 (c) Knowingly coming within, or knowingly remaining within, a  
10 specified distance from a specified location; and

11 (d) Removing a child from the jurisdiction of the court.

12 (3) Either party may request a domestic violence protection order  
13 (~~under chapter 26.50 RCW~~) or an antiharassment protection order  
14 under chapter (~~10.14~~) 7.--- RCW (the new chapter created in section  
15 78 of this act) on a temporary basis by filing an appropriate  
16 separate civil cause of action. The petitioner shall inform the court  
17 of the existence of the action under this title. The court shall set  
18 all future protection hearings on the guardianship calendar to be  
19 heard concurrent with the action under this title and the clerk shall  
20 relate the cases in the case management system. The court may grant  
21 any of the relief provided in (~~RCW 26.50.060~~) section 39 of this  
22 act except relief pertaining to residential provisions for the  
23 children which provisions shall be provided for under this chapter(~~7~~  
24 ~~and any of the relief provided in RCW 10.14.080~~). Ex parte orders  
25 issued under this subsection shall be effective for a fixed period  
26 not to exceed fourteen days, or upon court order, not to exceed  
27 twenty-four days if necessary to ensure that all temporary motions in  
28 the case can be heard at the same time.

29 (4) In issuing the order, the court shall consider the provisions  
30 of RCW 9.41.800, and shall order the respondent to surrender, and  
31 prohibit the respondent from possessing, all firearms, dangerous  
32 weapons, and any concealed pistol license as required in RCW  
33 9.41.800. Such orders may only be made in the civil protection case  
34 related to the action under this title.

35 (5) The court may issue a temporary restraining order without  
36 requiring notice to the other party only if it finds on the basis of  
37 the moving affidavit or other evidence that irreparable injury could  
38 result if an order is not issued until the time for responding has  
39 elapsed.

1 (6) The court may issue a temporary restraining order or  
2 preliminary injunction and an order for temporary support in such  
3 amounts and on such terms as are just and proper in the  
4 circumstances.

5 (7) A temporary order, temporary restraining order, or  
6 preliminary injunction:

7 (a) Does not prejudice the rights of a party or any child which  
8 are to be adjudicated at subsequent hearings in the proceeding;

9 (b) May be revoked or modified;

10 (c) Terminates when the final order is entered or when the motion  
11 is dismissed;

12 (d) May be entered in a proceeding for the modification of an  
13 existing order.

14 (8) A support debt owed to the state for public assistance  
15 expenditures which has been charged against a party pursuant to RCW  
16 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise  
17 extinguished by, the final decree or order, unless the office of  
18 support enforcement has been given notice of the final proceeding and  
19 an opportunity to present its claim for the support debt to the court  
20 and has failed to file an affidavit as provided in this subsection.  
21 Notice of the proceeding shall be served upon the office of support  
22 enforcement personally, or by certified mail, and shall be given no  
23 fewer than thirty days prior to the date of the final proceeding. An  
24 original copy of the notice shall be filed with the court either  
25 before service or within a reasonable time thereafter. The office of  
26 support enforcement may present its claim, and thereby preserve the  
27 support debt, by filing an affidavit setting forth the amount of the  
28 debt with the court, and by mailing a copy of the affidavit to the  
29 parties or their attorney prior to the date of the final proceeding.

30 **Sec. 126.** RCW 11.130.335 and 2020 c 312 s 206 are each amended  
31 to read as follows:

32 (1) A guardian for an adult does not have the power to revoke or  
33 amend a power of attorney for health care or power of attorney for  
34 finances executed by the adult. If a power of attorney for health  
35 care is in effect, unless there is a court order to the contrary, a  
36 health care decision of an agent takes precedence over that of the  
37 guardian and the guardian shall cooperate with the agent to the  
38 extent feasible. If a power of attorney for finances is in effect,  
39 unless there is a court order to the contrary, a decision by the

1 agent which the agent is authorized to make under the power of  
2 attorney for finances takes precedence over that of the guardian and  
3 the guardian shall cooperate with the agent to the extent feasible.  
4 The court has authority to revoke or amend any power of attorney  
5 executed by the adult.

6 (2) A guardian for an adult shall not initiate the commitment of  
7 the adult to an evaluation and treatment facility except in  
8 accordance with the provisions of chapter 10.77, 71.05, or 72.23 RCW.

9 (3) Unless authorized by the court in accordance with subsection  
10 (4) of this section within the past thirty days, a guardian for an  
11 adult may not consent to any of the following procedures for the  
12 adult:

13 (a) Therapy or other procedure to induce convulsion;

14 (b) Surgery solely for the purpose of psychosurgery; or

15 (c) Other psychiatric or mental health procedures that restrict  
16 physical freedom of movement or the rights set forth in RCW  
17 71.05.217.

18 (4) The court may order a procedure listed in subsection (3) of  
19 this section only after giving notice to the adult's attorney and  
20 holding a hearing. If the adult does not have an attorney, the court  
21 must appoint an attorney for the adult prior to entering an order  
22 under this subsection.

23 (5) Persons under a guardianship, conservatorship, or other  
24 protective arrangements—Right to associate with persons of their  
25 choosing.

26 (a) Except as otherwise provided in this section, an adult  
27 subject to a guardianship, conservatorship, or other protective  
28 arrangement retains the right to associate with other persons of the  
29 adult's choosing. This right includes, but is not limited to, the  
30 right to freely communicate and interact with other persons, whether  
31 through in-person visits, telephone calls, electronic communication,  
32 personal mail, or other means. If the adult subject to a  
33 guardianship, conservatorship, or other protective arrangement is  
34 unable to express consent for communication, visitation, or  
35 interaction with another person, or is otherwise unable to make a  
36 decision regarding association with another person, the guardian,  
37 conservator, or person acting under a protective arrangement, whether  
38 full or limited, must:

39 (i) Personally inform the adult subject to a guardianship,  
40 conservatorship, or other protective arrangement of the decision

1 under consideration, using plain language, in a manner calculated to  
2 maximize the understanding of the adult;

3 (ii) Maximize the adult's participation in the decision-making  
4 process to the greatest extent possible, consistent with the adult's  
5 abilities; and

6 (iii) Give substantial weight to the adult's preferences, both  
7 expressed and historical.

8 (b) A guardian or limited guardian, a conservator or limited  
9 conservator, or a person acting under a protective arrangement may  
10 not restrict an adult's right to communicate, visit, interact, or  
11 otherwise associate with persons of the adult's choosing, unless:

12 (i) The restriction is specifically authorized by the court in  
13 the court order establishing or modifying the guardianship or limited  
14 guardianship, the conservatorship or limited conservatorship, or the  
15 protective arrangement under this chapter;

16 (ii) The restriction is pursuant to a protection order issued  
17 under chapter (~~74.34 or 26.50~~) 7.--- RCW (the new chapter created  
18 in section 78 of this act), or other law, that limits contact between  
19 the adult under a guardianship, conservatorship, or other protective  
20 arrangement and other persons;

21 (iii)(A) The guardian or limited guardian, the conservator or  
22 limited conservator, or the person acting under the protective  
23 arrangement has good cause to believe that there is an immediate need  
24 to restrict the adult's right to communicate, visit, interact, or  
25 otherwise associate with persons of the adult's choosing in order to  
26 protect the adult from abuse, neglect, abandonment, or financial  
27 exploitation, as those terms are defined in RCW 74.34.020, or to  
28 protect the adult from activities that unnecessarily impose  
29 significant distress on the adult; and

30 (B) Within fourteen calendar days of imposing the restriction  
31 under (b)(iii)(A) of this subsection, the guardian or limited  
32 guardian, the conservator or limited conservator, or (~~the~~) the  
33 person acting under the protective arrangement files a petition for a  
34 vulnerable adult protection order under chapter (~~74.34~~) 7.--- RCW  
35 (the new chapter created in section 78 of this act). The immediate  
36 need restriction may remain in place until the court has heard and  
37 issued an order or decision on the petition; or

38 (iv) The restriction is pursuant to participation in the  
39 community protection program under chapter 71A.12 RCW.

1 (6) A vulnerable adult protection order under chapter (~~74.34~~)  
2 ~~7.---~~ RCW (the new chapter created in section 78 of this act) issued  
3 to protect the adult under a guardianship, conservatorship, or other  
4 protective arrangement as described in subsection (5)(b)(iii)(B) of  
5 this section:

6 (a) Must include written findings of fact and conclusions of law;

7 (b) May not be more restrictive than necessary to protect the  
8 adult from abuse, neglect, abandonment, or financial exploitation as  
9 those terms are defined in (~~RCW 74.34.020~~) section 2 of this act;  
10 and

11 (c) May not deny communication, visitation, interaction, or other  
12 association between the adult and another person unless the court  
13 finds that placing reasonable time, place, or manner restrictions is  
14 unlikely to sufficiently protect the adult from abuse, neglect,  
15 abandonment, or financial exploitation as those terms are defined in  
16 (~~RCW 74.34.020~~) section 2 of this act.

17 **Sec. 127.** RCW 12.04.140 and 1992 c 111 s 10 are each amended to  
18 read as follows:

19 Except as provided under (~~RCW 26.50.020~~) section 14 of this  
20 act, no action shall be commenced by any person under the age of  
21 eighteen years, except by his guardian, or until a next friend for  
22 such a person shall have been appointed. Whenever requested, the  
23 justice shall appoint some suitable person, who shall consent thereto  
24 in writing, to be named by such plaintiff, to act as his or her next  
25 friend in such action, who shall be responsible for the costs  
26 therein.

27 **Sec. 128.** RCW 12.04.150 and 1992 c 111 s 11 are each amended to  
28 read as follows:

29 After service and return of process against a defendant under the  
30 age of eighteen years, the action shall not be further prosecuted,  
31 until a guardian for such defendant shall have been appointed, except  
32 as provided under (~~RCW 26.50.020~~) section 14 of this act. Upon the  
33 request of such defendant, the justice shall appoint some person who  
34 shall consent thereto in writing, to be guardian of the defendant in  
35 defense of the action; and if the defendant shall not appear on the  
36 return day of the process, or if he or she neglect or refuse to  
37 nominate such guardian, the justice may, at the request of the  
38 plaintiff, appoint any discreet person as such guardian. The consent



1 of the guardian or next friend shall be filed with the justice; and  
2 such guardian for the defendant shall not be liable for any costs in  
3 the action.

4 **Sec. 129.** RCW 19.220.010 and 2006 c 138 s 24 are each amended to  
5 read as follows:

6 (1) Each international matchmaking organization doing business in  
7 Washington state shall disseminate to a recruit, upon request, state  
8 background check information and personal history information  
9 relating to any Washington state resident about whom any information  
10 is provided to the recruit, in the recruit's native language. The  
11 organization shall notify all recruits that background check and  
12 personal history information is available upon request. The notice  
13 that background check and personal history information is available  
14 upon request shall be in the recruit's native language and shall be  
15 displayed in a manner that separates it from other information, is  
16 highly noticeable, and in lettering not less than one-quarter of an  
17 inch high.

18 (2) If an international matchmaking organization receives a  
19 request for information from a recruit pursuant to subsection (1) of  
20 this section, the organization shall notify the Washington state  
21 resident of the request. Upon receiving notification, the Washington  
22 state resident shall obtain from the state patrol and provide to the  
23 organization the complete transcript of any background check  
24 information provided pursuant to RCW 43.43.760 based on a submission  
25 of fingerprint impressions and provided pursuant to RCW 43.43.838 and  
26 shall provide to the organization his or her personal history  
27 information. The organization shall require the resident to affirm  
28 that personal history information is complete and accurate. The  
29 organization shall refrain from knowingly providing any further  
30 services to the recruit or the Washington state resident in regards  
31 to facilitating future interaction between the recruit and the  
32 Washington state resident until the organization has obtained the  
33 requested information and provided it to the recruit.

34 (3) This section does not apply to a traditional matchmaking  
35 organization of a religious nature that otherwise operates in  
36 compliance with the laws of the countries of the recruits of such  
37 organization and the laws of the United States nor to any  
38 organization that does not charge a fee to any party for the service  
39 provided.

1 (4) As used in this section:

2 (a) "International matchmaking organization" means a corporation,  
3 partnership, business, or other legal entity, whether or not  
4 organized under the laws of the United States or any state, that does  
5 business in the United States and for profit offers to Washington  
6 state residents, including aliens lawfully admitted for permanent  
7 residence and residing in Washington state, dating, matrimonial, or  
8 social referral services involving citizens of a foreign country or  
9 countries who are not residing in the United States, by: (i) An  
10 exchange of names, telephone numbers, addresses, or statistics; (ii)  
11 selection of photographs; or (iii) a social environment provided by  
12 the organization in a country other than the United States.

13 (b) "Personal history information" means a declaration of the  
14 person's current marital status, the number of previous marriages,  
15 annulments, and dissolutions for the person, and whether any previous  
16 marriages occurred as a result of receiving services from an  
17 international matchmaking organization; founded allegations of child  
18 abuse or neglect; and any existing orders under chapter (~~7.90,~~  
19 ~~10.14,~~) 7.--- (the new chapter created in section 78 of this act) or  
20 10.99 RCW, or any of the former chapters 7.90, 10.14, and 26.50 RCW.  
21 Personal history information shall include information from the state  
22 of Washington and any information from other states or countries.

23 (c) "Recruit" means a noncitizen, nonresident person, recruited  
24 by an international matchmaking organization for the purpose of  
25 providing dating, matrimonial, or social referral services.

26 **Sec. 130.** RCW 26.09.003 and 2007 c 496 s 102 are each amended to  
27 read as follows:

28 The legislature reaffirms the intent of the current law as  
29 expressed in RCW 26.09.002. However, after review, the legislature  
30 finds that there are certain components of the existing law which do  
31 not support the original legislative intent. In order to better  
32 implement the existing legislative intent the legislature finds that  
33 incentives for parties to reduce family conflict and additional  
34 alternative dispute resolution options can assist in reducing the  
35 number of contested trials. Furthermore, the legislature finds that  
36 the identification of domestic violence as defined in (~~RCW~~  
37 ~~26.50.010~~) section 2 of this act and the treatment needs of the  
38 parties to dissolutions are necessary to improve outcomes for  
39 children. When judicial officers have the discretion to tailor

1 individualized resolutions, the legislative intent expressed in RCW  
2 26.09.002 can more readily be achieved. Judicial officers should have  
3 the discretion and flexibility to assess each case based on the  
4 merits of the individual cases before them.

5 **Sec. 131.** RCW 26.09.015 and 2020 c 29 s 13 are each amended to  
6 read as follows:

7 (1) In any proceeding under this chapter, the matter may be set  
8 for mediation of the contested issues before, or concurrent with, the  
9 setting of the matter for hearing. The purpose of the mediation  
10 proceeding shall be to reduce acrimony which may exist between the  
11 parties and to develop an agreement assuring the child's close and  
12 continuing contact with both parents after the marriage or the  
13 domestic partnership is dissolved. The mediator shall use his or her  
14 best efforts to effect a settlement of the dispute.

15 (2)(a) Each superior court may make available a mediator. The  
16 court shall use the most cost-effective mediation services that are  
17 readily available unless there is good cause to access alternative  
18 providers. The mediator may be a member of the professional staff of  
19 a family court or mental health services agency, or may be any other  
20 person or agency designated by the court. In order to provide  
21 mediation services, the court is not required to institute a family  
22 court.

23 (b) In any proceeding involving issues relating to residential  
24 time or other matters governed by a parenting plan, the matter may be  
25 set for mediation of the contested issues before, or concurrent with,  
26 the setting of the matter for hearing. Counties may, and to the  
27 extent state funding is provided therefor counties shall, provide  
28 both predecree and postdecree mediation at reduced or waived fee to  
29 the parties within one year of the filing of the dissolution  
30 petition.

31 (3)(a) Mediation proceedings under this chapter shall be governed  
32 in all respects by chapter 7.07 RCW, except as follows:

33 (i) Mediation communications in postdecree mediations mandated by  
34 a parenting plan are admissible in subsequent proceedings for the  
35 limited purpose of proving:

36 (A) Abuse, neglect, abandonment, exploitation, or unlawful  
37 harassment, as defined in RCW 9A.46.020(1), of a child;

1 (B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1),  
2 of a family or household member or intimate partner, each as defined  
3 in RCW (~~26.50.010~~) 10.99.020; or

4 (C) That a parent used or frustrated the dispute resolution  
5 process without good reason for purposes of RCW 26.09.184(4)(d).

6 (ii) If a postdecree mediation-arbitration proceeding is required  
7 pursuant to a parenting plan and the same person acts as both  
8 mediator and arbitrator, mediation communications in the mediation  
9 phase of such a proceeding may be admitted during the arbitration  
10 phase, and shall be admissible in the judicial review of such a  
11 proceeding under RCW 26.09.184(4)(e) to the extent necessary for such  
12 review to be effective.

13 (b) None of the exceptions under (a)(i) and (ii) of this  
14 subsection shall subject a mediator to compulsory process to testify  
15 except by court order for good cause shown, taking into consideration  
16 the need for the mediator's testimony and the interest in the  
17 mediator maintaining an appearance of impartiality. If a mediation  
18 communication is not privileged under (a)(i) of this subsection or  
19 that portion of (a)(ii) of this subsection pertaining to judicial  
20 review, only the portion of the communication necessary for the  
21 application of the exception may be admitted, and such admission of  
22 evidence shall not render any other mediation communication  
23 discoverable or admissible except as may be provided in chapter 7.07  
24 RCW.

25 (4) The mediator shall assess the needs and interests of the  
26 child or children involved in the controversy and may interview the  
27 child or children if the mediator deems such interview appropriate or  
28 necessary.

29 (5) Any agreement reached by the parties as a result of mediation  
30 shall be reported to the court and to counsel for the parties by the  
31 mediator on the day set for mediation or any time thereafter  
32 designated by the court.

33 **Sec. 132.** RCW 26.09.050 and 2008 c 6 s 1008 are each amended to  
34 read as follows:

35 (1) In entering a decree of dissolution of marriage or domestic  
36 partnership, legal separation, or declaration of invalidity, the  
37 court shall determine the marital or domestic partnership status of  
38 the parties, make provision for a parenting plan for any minor child  
39 of the marriage or domestic partnership, make provision for the

1 support of any child of the marriage or domestic partnership entitled  
2 to support, consider or approve provision for the maintenance of  
3 either spouse or either domestic partner, make provision for the  
4 disposition of property and liabilities of the parties, make  
5 provision for the allocation of the children as federal tax  
6 exemptions, make provision for any necessary continuing restraining  
7 orders including the provisions contained in RCW 9.41.800, make  
8 provision for the issuance within this action of the restraint  
9 provisions of a domestic violence protection order (~~under chapter~~  
10 ~~26.50~~ RCW)) or an antiharassment protection order under chapter  
11 ((10.14)) 7.--- RCW (the new chapter created in section 78 of this  
12 act), and make provision for the change of name of any party.

13 (2) Restraining orders issued under this section restraining or  
14 enjoining the person from molesting or disturbing another party, or  
15 from going onto the grounds of or entering the home, workplace, or  
16 school of the other party or the day care or school of any child, or  
17 prohibiting the person from knowingly coming within, or knowingly  
18 remaining within, a specified distance of a location, a protected  
19 party's person, or a protected party's vehicle, shall prominently  
20 bear on the front page of the order the legend: VIOLATION OF THIS  
21 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
22 CHAPTER ((26.50)) 7.--- RCW (the new chapter created in section 78 of  
23 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

24 (3) The court shall order that any restraining order bearing a  
25 criminal offense legend, any domestic violence protection order, or  
26 any antiharassment protection order granted under this section, in  
27 addition to the law enforcement information sheet or proof of service  
28 of the order, be forwarded by the clerk of the court on or before the  
29 next judicial day to the appropriate law enforcement agency specified  
30 in the order. Upon receipt of the order, the law enforcement agency  
31 shall enter the order into any computer-based criminal intelligence  
32 information system available in this state used by law enforcement  
33 agencies to list outstanding warrants. The order is fully enforceable  
34 in any county in the state.

35 (4) If a restraining order issued pursuant to this section is  
36 modified or terminated, the clerk of the court shall notify the law  
37 enforcement agency specified in the order on or before the next  
38 judicial day. Upon receipt of notice that an order has been  
39 terminated, the law enforcement agency shall remove the order from  
40 any computer-based criminal intelligence system.

1       **Sec. 133.** RCW 26.09.060 and 2019 c 245 s 17 are each amended to  
2 read as follows:

3       (1) In a proceeding for:

4       (a) Dissolution of marriage or domestic partnership, legal  
5 separation, or a declaration of invalidity; or

6       (b) Disposition of property or liabilities, maintenance, or  
7 support following dissolution of the marriage or the domestic  
8 partnership by a court which lacked personal jurisdiction over the  
9 absent spouse or absent domestic partner; either party may move for  
10 temporary maintenance or for temporary support of children entitled  
11 to support. The motion shall be accompanied by an affidavit setting  
12 forth the factual basis for the motion and the amounts requested.

13       (2) As a part of a motion for temporary maintenance or support or  
14 by independent motion accompanied by affidavit, either party may  
15 request the court to issue a temporary restraining order or  
16 preliminary injunction, providing relief proper in the circumstances,  
17 and restraining or enjoining any person from:

18       (a) Transferring, removing, encumbering, concealing, or in any  
19 way disposing of any property except in the usual course of business  
20 or for the necessities of life, and, if so restrained or enjoined,  
21 requiring him or her to notify the moving party of any proposed  
22 extraordinary expenditures made after the order is issued;

23       (b) Molesting or disturbing the peace of the other party or of  
24 any child;

25       (c) Going onto the grounds of or entering the home, workplace, or  
26 school of the other party or the day care or school of any child upon  
27 a showing of the necessity therefor;

28       (d) Knowingly coming within, or knowingly remaining within, a  
29 specified distance from a specified location, a protected party's  
30 person, or a protected party's vehicle; and

31       (e) Removing a child from the jurisdiction of the court.

32       (3) Either party may request a domestic violence protection order  
33 (~~(under chapter 26.50 RCW)~~) or an antiharassment protection order  
34 under chapter ~~((10.14))~~ 7.--- RCW (the new chapter created in section  
35 78 of this act) on a temporary basis. The court may grant any of the  
36 relief provided in ~~((RCW 26.50.060))~~ section 39 of this act except  
37 relief pertaining to residential provisions for the children which  
38 provisions shall be provided for under this chapter ~~((, and any of the~~  
39 ~~relief provided in RCW 10.14.080))~~. Ex parte orders issued under this  
40 subsection shall be effective for a fixed period not to exceed

1 fourteen days, or upon court order, not to exceed twenty-four days if  
2 necessary to ensure that all temporary motions in the case can be  
3 heard at the same time.

4 (4) In issuing the order, the court shall consider the provisions  
5 of RCW 9.41.800, and shall order the respondent to surrender, and  
6 prohibit the respondent from possessing, all firearms, dangerous  
7 weapons, and any concealed pistol license as required in RCW  
8 9.41.800.

9 (5) The court may issue a temporary restraining order without  
10 requiring notice to the other party only if it finds on the basis of  
11 the moving affidavit or other evidence that irreparable injury could  
12 result if an order is not issued until the time for responding has  
13 elapsed.

14 (6) The court may issue a temporary restraining order or  
15 preliminary injunction and an order for temporary maintenance or  
16 support in such amounts and on such terms as are just and proper in  
17 the circumstances. The court may in its discretion waive the filing  
18 of the bond or the posting of security.

19 (7) Restraining orders issued under this section restraining the  
20 person from molesting or disturbing another party, or from going onto  
21 the grounds of or entering the home, workplace, or school of the  
22 other party or the day care or school of any child, or prohibiting  
23 the person from knowingly coming within, or knowingly remaining  
24 within, a specified distance of a location, a protected party's  
25 person, or a protected party's vehicle, shall prominently bear on the  
26 front page of the order the legend: VIOLATION OF THIS ORDER WITH  
27 ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER  
28 ~~((26.50))~~ 7.--- RCW (the new chapter created in section 78 of this  
29 act) AND WILL SUBJECT A VIOLATOR TO ARREST.

30 (8) The court shall order that any temporary restraining order  
31 bearing a criminal offense legend, any domestic violence protection  
32 order, or any antiharassment protection order granted under this  
33 section be forwarded by the clerk of the court on or before the next  
34 judicial day to the appropriate law enforcement agency specified in  
35 the order. Upon receipt of the order, the law enforcement agency  
36 shall enter the order into any computer-based criminal intelligence  
37 information system available in this state used by law enforcement  
38 agencies to list outstanding warrants. Entry into the computer-based  
39 criminal intelligence information system constitutes notice to all

1 law enforcement agencies of the existence of the order. The order is  
2 fully enforceable in any county in the state.

3 (9) If a restraining order issued pursuant to this section is  
4 modified or terminated, the clerk of the court shall notify the law  
5 enforcement agency specified in the order on or before the next  
6 judicial day. Upon receipt of notice that an order has been  
7 terminated, the law enforcement agency shall remove the order from  
8 any computer-based criminal intelligence system.

9 (10) A temporary order, temporary restraining order, or  
10 preliminary injunction:

11 (a) Does not prejudice the rights of a party or any child which  
12 are to be adjudicated at subsequent hearings in the proceeding;

13 (b) May be revoked or modified;

14 (c) Terminates when the final decree is entered, except as  
15 provided under subsection (11) of this section, or when the petition  
16 for dissolution, legal separation, or declaration of invalidity is  
17 dismissed;

18 (d) May be entered in a proceeding for the modification of an  
19 existing decree.

20 (11) Delinquent support payments accrued under an order for  
21 temporary support remain collectible and are not extinguished when a  
22 final decree is entered unless the decree contains specific language  
23 to the contrary. A support debt under a temporary order owed to the  
24 state for public assistance expenditures shall not be extinguished by  
25 the final decree if:

26 (a) The obligor was given notice of the state's interest under  
27 chapter 74.20A RCW; or

28 (b) The temporary order directs the obligor to make support  
29 payments to the office of support enforcement or the Washington state  
30 support registry.

31 **Sec. 134.** RCW 26.09.191 and 2020 c 311 s 8 are each amended to  
32 read as follows:

33 (1) The permanent parenting plan shall not require mutual  
34 decision-making or designation of a dispute resolution process other  
35 than court action if it is found that a parent has engaged in any of  
36 the following conduct: (a) Willful abandonment that continues for an  
37 extended period of time or substantial refusal to perform parenting  
38 functions; (b) physical, sexual, or a pattern of emotional abuse of a  
39 child; or (c) a history of acts of domestic violence as defined in



1 (~~RCW 26.50.010(3)~~) section 2 of this act or an assault or sexual  
2 assault that causes grievous bodily harm or the fear of such harm or  
3 that results in a pregnancy.

4 (2)(a) The parent's residential time with the child shall be  
5 limited if it is found that the parent has engaged in any of the  
6 following conduct: (i) Willful abandonment that continues for an  
7 extended period of time or substantial refusal to perform parenting  
8 functions; (ii) physical, sexual, or a pattern of emotional abuse of  
9 a child; (iii) a history of acts of domestic violence as defined in  
10 (~~RCW 26.50.010(3)~~) section 2 of this act or an assault or sexual  
11 assault that causes grievous bodily harm or the fear of such harm or  
12 that results in a pregnancy; or (iv) the parent has been convicted as  
13 an adult of a sex offense under:

14 (A) RCW 9A.44.076 if, because of the difference in age between  
15 the offender and the victim, no rebuttable presumption exists under  
16 (d) of this subsection;

17 (B) RCW 9A.44.079 if, because of the difference in age between  
18 the offender and the victim, no rebuttable presumption exists under  
19 (d) of this subsection;

20 (C) RCW 9A.44.086 if, because of the difference in age between  
21 the offender and the victim, no rebuttable presumption exists under  
22 (d) of this subsection;

23 (D) RCW 9A.44.089;

24 (E) RCW 9A.44.093;

25 (F) RCW 9A.44.096;

26 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
27 between the offender and the victim, no rebuttable presumption exists  
28 under (d) of this subsection;

29 (H) Chapter 9.68A RCW;

30 (I) Any predecessor or antecedent statute for the offenses listed  
31 in (a)(iv)(A) through (H) of this subsection;

32 (J) Any statute from any other jurisdiction that describes an  
33 offense analogous to the offenses listed in (a)(iv)(A) through (H) of  
34 this subsection.

35 This subsection (2)(a) shall not apply when (c) or (d) of this  
36 subsection applies.

37 (b) The parent's residential time with the child shall be limited  
38 if it is found that the parent resides with a person who has engaged  
39 in any of the following conduct: (i) Physical, sexual, or a pattern  
40 of emotional abuse of a child; (ii) a history of acts of domestic

1 violence as defined in (~~RCW 26.50.010(3)~~) section 2 of this act or  
2 an assault or sexual assault that causes grievous bodily harm or the  
3 fear of such harm or that results in a pregnancy; or (iii) the person  
4 has been convicted as an adult or as a juvenile has been adjudicated  
5 of a sex offense under:

6 (A) RCW 9A.44.076 if, because of the difference in age between  
7 the offender and the victim, no rebuttable presumption exists under  
8 (e) of this subsection;

9 (B) RCW 9A.44.079 if, because of the difference in age between  
10 the offender and the victim, no rebuttable presumption exists under  
11 (e) of this subsection;

12 (C) RCW 9A.44.086 if, because of the difference in age between  
13 the offender and the victim, no rebuttable presumption exists under  
14 (e) of this subsection;

15 (D) RCW 9A.44.089;

16 (E) RCW 9A.44.093;

17 (F) RCW 9A.44.096;

18 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
19 between the offender and the victim, no rebuttable presumption exists  
20 under (e) of this subsection;

21 (H) Chapter 9.68A RCW;

22 (I) Any predecessor or antecedent statute for the offenses listed  
23 in (b)(iii)(A) through (H) of this subsection;

24 (J) Any statute from any other jurisdiction that describes an  
25 offense analogous to the offenses listed in (b)(iii)(A) through (H)  
26 of this subsection.

27 This subsection (2)(b) shall not apply when (c) or (e) of this  
28 subsection applies.

29 (c) If a parent has been found to be a sexual predator under  
30 chapter 71.09 RCW or under an analogous statute of any other  
31 jurisdiction, the court shall restrain the parent from contact with a  
32 child that would otherwise be allowed under this chapter. If a parent  
33 resides with an adult or a juvenile who has been found to be a sexual  
34 predator under chapter 71.09 RCW or under an analogous statute of any  
35 other jurisdiction, the court shall restrain the parent from contact  
36 with the parent's child except contact that occurs outside that  
37 person's presence.

38 (d) There is a rebuttable presumption that a parent who has been  
39 convicted as an adult of a sex offense listed in (d)(i) through (ix)  
40 of this subsection poses a present danger to a child. Unless the

1 parent rebuts this presumption, the court shall restrain the parent  
2 from contact with a child that would otherwise be allowed under this  
3 chapter:

4 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
5 was at least five years older than the other person;

6 (ii) RCW 9A.44.073;

7 (iii) RCW 9A.44.076, provided that the person convicted was at  
8 least eight years older than the victim;

9 (iv) RCW 9A.44.079, provided that the person convicted was at  
10 least eight years older than the victim;

11 (v) RCW 9A.44.083;

12 (vi) RCW 9A.44.086, provided that the person convicted was at  
13 least eight years older than the victim;

14 (vii) RCW 9A.44.100;

15 (viii) Any predecessor or antecedent statute for the offenses  
16 listed in (d)(i) through (vii) of this subsection;

17 (ix) Any statute from any other jurisdiction that describes an  
18 offense analogous to the offenses listed in (d)(i) through (vii) of  
19 this subsection.

20 (e) There is a rebuttable presumption that a parent who resides  
21 with a person who, as an adult, has been convicted, or as a juvenile  
22 has been adjudicated, of the sex offenses listed in (e)(i) through  
23 (ix) of this subsection places a child at risk of abuse or harm when  
24 that parent exercises residential time in the presence of the  
25 convicted or adjudicated person. Unless the parent rebuts the  
26 presumption, the court shall restrain the parent from contact with  
27 the parent's child except for contact that occurs outside of the  
28 convicted or adjudicated person's presence:

29 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
30 was at least five years older than the other person;

31 (ii) RCW 9A.44.073;

32 (iii) RCW 9A.44.076, provided that the person convicted was at  
33 least eight years older than the victim;

34 (iv) RCW 9A.44.079, provided that the person convicted was at  
35 least eight years older than the victim;

36 (v) RCW 9A.44.083;

37 (vi) RCW 9A.44.086, provided that the person convicted was at  
38 least eight years older than the victim;

39 (vii) RCW 9A.44.100;

1 (viii) Any predecessor or antecedent statute for the offenses  
2 listed in (e)(i) through (vii) of this subsection;

3 (ix) Any statute from any other jurisdiction that describes an  
4 offense analogous to the offenses listed in (e)(i) through (vii) of  
5 this subsection.

6 (f) The presumption established in (d) of this subsection may be  
7 rebutted only after a written finding that the child was not  
8 conceived and subsequently born as a result of a sexual assault  
9 committed by the parent requesting residential time and that:

10 (i) If the child was not the victim of the sex offense committed  
11 by the parent requesting residential time, (A) contact between the  
12 child and the offending parent is appropriate and poses minimal risk  
13 to the child, and (B) the offending parent has successfully engaged  
14 in treatment for sex offenders or is engaged in and making progress  
15 in such treatment, if any was ordered by a court, and the treatment  
16 provider believes such contact is appropriate and poses minimal risk  
17 to the child; or

18 (ii) If the child was the victim of the sex offense committed by  
19 the parent requesting residential time, (A) contact between the child  
20 and the offending parent is appropriate and poses minimal risk to the  
21 child, (B) if the child is in or has been in therapy for victims of  
22 sexual abuse, the child's counselor believes such contact between the  
23 child and the offending parent is in the child's best interest, and  
24 (C) the offending parent has successfully engaged in treatment for  
25 sex offenders or is engaged in and making progress in such treatment,  
26 if any was ordered by a court, and the treatment provider believes  
27 such contact is appropriate and poses minimal risk to the child.

28 (g) The presumption established in (e) of this subsection may be  
29 rebutted only after a written finding that the child was not  
30 conceived and subsequently born as a result of a sexual assault  
31 committed by the parent requesting residential time and that:

32 (i) If the child was not the victim of the sex offense committed  
33 by the person who is residing with the parent requesting residential  
34 time, (A) contact between the child and the parent residing with the  
35 convicted or adjudicated person is appropriate and that parent is  
36 able to protect the child in the presence of the convicted or  
37 adjudicated person, and (B) the convicted or adjudicated person has  
38 successfully engaged in treatment for sex offenders or is engaged in  
39 and making progress in such treatment, if any was ordered by a court,

1 and the treatment provider believes such contact is appropriate and  
2 poses minimal risk to the child; or

3 (ii) If the child was the victim of the sex offense committed by  
4 the person who is residing with the parent requesting residential  
5 time, (A) contact between the child and the parent in the presence of  
6 the convicted or adjudicated person is appropriate and poses minimal  
7 risk to the child, (B) if the child is in or has been in therapy for  
8 victims of sexual abuse, the child's counselor believes such contact  
9 between the child and the parent residing with the convicted or  
10 adjudicated person in the presence of the convicted or adjudicated  
11 person is in the child's best interest, and (C) the convicted or  
12 adjudicated person has successfully engaged in treatment for sex  
13 offenders or is engaged in and making progress in such treatment, if  
14 any was ordered by a court, and the treatment provider believes  
15 contact between the parent and child in the presence of the convicted  
16 or adjudicated person is appropriate and poses minimal risk to the  
17 child.

18 (h) If the court finds that the parent has met the burden of  
19 rebutting the presumption under (f) of this subsection, the court may  
20 allow a parent who has been convicted as an adult of a sex offense  
21 listed in (d)(i) through (ix) of this subsection to have residential  
22 time with the child supervised by a neutral and independent adult and  
23 pursuant to an adequate plan for supervision of such residential  
24 time. The court shall not approve of a supervisor for contact between  
25 the child and the parent unless the court finds, based on the  
26 evidence, that the supervisor is willing and capable of protecting  
27 the child from harm. The court shall revoke court approval of the  
28 supervisor upon finding, based on the evidence, that the supervisor  
29 has failed to protect the child or is no longer willing or capable of  
30 protecting the child.

31 (i) If the court finds that the parent has met the burden of  
32 rebutting the presumption under (g) of this subsection, the court may  
33 allow a parent residing with a person who has been adjudicated as a  
34 juvenile of a sex offense listed in (e)(i) through (ix) of this  
35 subsection to have residential time with the child in the presence of  
36 the person adjudicated as a juvenile, supervised by a neutral and  
37 independent adult and pursuant to an adequate plan for supervision of  
38 such residential time. The court shall not approve of a supervisor  
39 for contact between the child and the parent unless the court finds,  
40 based on the evidence, that the supervisor is willing and capable of

1 protecting the child from harm. The court shall revoke court approval  
2 of the supervisor upon finding, based on the evidence, that the  
3 supervisor has failed to protect the child or is no longer willing or  
4 capable of protecting the child.

5 (j) If the court finds that the parent has met the burden of  
6 rebutting the presumption under (g) of this subsection, the court may  
7 allow a parent residing with a person who, as an adult, has been  
8 convicted of a sex offense listed in (e)(i) through (ix) of this  
9 subsection to have residential time with the child in the presence of  
10 the convicted person supervised by a neutral and independent adult  
11 and pursuant to an adequate plan for supervision of such residential  
12 time. The court shall not approve of a supervisor for contact between  
13 the child and the parent unless the court finds, based on the  
14 evidence, that the supervisor is willing and capable of protecting  
15 the child from harm. The court shall revoke court approval of the  
16 supervisor upon finding, based on the evidence, that the supervisor  
17 has failed to protect the child or is no longer willing or capable of  
18 protecting the child.

19 (k) A court shall not order unsupervised contact between the  
20 offending parent and a child of the offending parent who was sexually  
21 abused by that parent. A court may order unsupervised contact between  
22 the offending parent and a child who was not sexually abused by the  
23 parent after the presumption under (d) of this subsection has been  
24 rebutted and supervised residential time has occurred for at least  
25 two years with no further arrests or convictions of sex offenses  
26 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter  
27 9.68A RCW and (i) the sex offense of the offending parent was not  
28 committed against a child of the offending parent, and (ii) the court  
29 finds that unsupervised contact between the child and the offending  
30 parent is appropriate and poses minimal risk to the child, after  
31 consideration of the testimony of a state-certified therapist, mental  
32 health counselor, or social worker with expertise in treating child  
33 sexual abuse victims who has supervised at least one period of  
34 residential time between the parent and the child, and after  
35 consideration of evidence of the offending parent's compliance with  
36 community supervision requirements, if any. If the offending parent  
37 was not ordered by a court to participate in treatment for sex  
38 offenders, then the parent shall obtain a psychosexual evaluation  
39 conducted by a certified sex offender treatment provider or a  
40 certified affiliate sex offender treatment provider indicating that

1 the offender has the lowest likelihood of risk to reoffend before the  
2 court grants unsupervised contact between the parent and a child.

3 (l) A court may order unsupervised contact between the parent and  
4 a child which may occur in the presence of a juvenile adjudicated of  
5 a sex offense listed in (e)(i) through (ix) of this subsection who  
6 resides with the parent after the presumption under (e) of this  
7 subsection has been rebutted and supervised residential time has  
8 occurred for at least two years during which time the adjudicated  
9 juvenile has had no further arrests, adjudications, or convictions of  
10 sex offenses involving children under chapter 9A.44 RCW, RCW  
11 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that  
12 unsupervised contact between the child and the parent that may occur  
13 in the presence of the adjudicated juvenile is appropriate and poses  
14 minimal risk to the child, after consideration of the testimony of a  
15 state-certified therapist, mental health counselor, or social worker  
16 with expertise in treatment of child sexual abuse victims who has  
17 supervised at least one period of residential time between the parent  
18 and the child in the presence of the adjudicated juvenile, and after  
19 consideration of evidence of the adjudicated juvenile's compliance  
20 with community supervision or parole requirements, if any. If the  
21 adjudicated juvenile was not ordered by a court to participate in  
22 treatment for sex offenders, then the adjudicated juvenile shall  
23 obtain a psychosexual evaluation conducted by a certified sex  
24 offender treatment provider or a certified affiliate sex offender  
25 treatment provider indicating that the adjudicated juvenile has the  
26 lowest likelihood of risk to reoffend before the court grants  
27 unsupervised contact between the parent and a child which may occur  
28 in the presence of the adjudicated juvenile who is residing with the  
29 parent.

30 (m)(i) The limitations imposed by the court under (a) or (b) of  
31 this subsection shall be reasonably calculated to protect the child  
32 from the physical, sexual, or emotional abuse or harm that could  
33 result if the child has contact with the parent requesting  
34 residential time. The limitations shall also be reasonably calculated  
35 to provide for the safety of the parent who may be at risk of  
36 physical, sexual, or emotional abuse or harm that could result if the  
37 parent has contact with the parent requesting residential time. The  
38 limitations the court may impose include, but are not limited to:  
39 Supervised contact between the child and the parent or completion of  
40 relevant counseling or treatment. If the court expressly finds based

1 on the evidence that limitations on the residential time with the  
2 child will not adequately protect the child from the harm or abuse  
3 that could result if the child has contact with the parent requesting  
4 residential time, the court shall restrain the parent requesting  
5 residential time from all contact with the child.

6 (ii) The court shall not enter an order under (a) of this  
7 subsection allowing a parent to have contact with a child if the  
8 parent has been found by clear and convincing evidence in a civil  
9 action or by a preponderance of the evidence in a dependency action  
10 to have sexually abused the child, except upon recommendation by an  
11 evaluator or therapist for the child that the child is ready for  
12 contact with the parent and will not be harmed by the contact. The  
13 court shall not enter an order allowing a parent to have contact with  
14 the child in the offender's presence if the parent resides with a  
15 person who has been found by clear and convincing evidence in a civil  
16 action or by a preponderance of the evidence in a dependency action  
17 to have sexually abused a child, unless the court finds that the  
18 parent accepts that the person engaged in the harmful conduct and the  
19 parent is willing to and capable of protecting the child from harm  
20 from the person.

21 (iii) The court shall not enter an order under (a) of this  
22 subsection allowing a parent to have contact with a child if the  
23 parent has been found by clear and convincing evidence pursuant to  
24 RCW 26.26A.465 to have committed sexual assault, as defined in RCW  
25 26.26A.465, against the child's parent, and that the child was born  
26 within three hundred twenty days of the sexual assault.

27 (iv) If the court limits residential time under (a) or (b) of  
28 this subsection to require supervised contact between the child and  
29 the parent, the court shall not approve of a supervisor for contact  
30 between a child and a parent who has engaged in physical, sexual, or  
31 a pattern of emotional abuse of the child unless the court finds  
32 based upon the evidence that the supervisor accepts that the harmful  
33 conduct occurred and is willing to and capable of protecting the  
34 child from harm. The court shall revoke court approval of the  
35 supervisor upon finding, based on the evidence, that the supervisor  
36 has failed to protect the child or is no longer willing to or capable  
37 of protecting the child.

38 (n) If the court expressly finds based on the evidence that  
39 contact between the parent and the child will not cause physical,  
40 sexual, or emotional abuse or harm to the child and that the



1 probability that the parent's or other person's harmful or abusive  
2 conduct will recur is so remote that it would not be in the child's  
3 best interests to apply the limitations of (a), (b), and (m)(i) and  
4 (iv) of this subsection, or if the court expressly finds that the  
5 parent's conduct did not have an impact on the child, then the court  
6 need not apply the limitations of (a), (b), and (m)(i) and (iv) of  
7 this subsection. The weight given to the existence of a protection  
8 order issued under chapter 7.--- RCW (the new chapter created in  
9 section 78 of this act) or former chapter 26.50 RCW as to domestic  
10 violence is within the discretion of the court. This subsection shall  
11 not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and  
12 (m)(ii) of this subsection apply.

13 (3) A parent's involvement or conduct may have an adverse effect  
14 on the child's best interests, and the court may preclude or limit  
15 any provisions of the parenting plan, if any of the following factors  
16 exist:

17 (a) A parent's neglect or substantial nonperformance of parenting  
18 functions;

19 (b) A long-term emotional or physical impairment which interferes  
20 with the parent's performance of parenting functions as defined in  
21 RCW 26.09.004;

22 (c) A long-term impairment resulting from drug, alcohol, or other  
23 substance abuse that interferes with the performance of parenting  
24 functions;

25 (d) The absence or substantial impairment of emotional ties  
26 between the parent and the child;

27 (e) The abusive use of conflict by the parent which creates the  
28 danger of serious damage to the child's psychological development.  
29 Abusive use of conflict includes, but is not limited to, abusive  
30 litigation as defined in RCW 26.51.020. If the court finds a parent  
31 has engaged in abusive litigation, the court may impose any  
32 restrictions or remedies set forth in chapter 26.51 RCW in addition  
33 to including a finding in the parenting plan. Litigation that is  
34 aggressive or improper but that does not meet the definition of  
35 abusive litigation shall not constitute a basis for a finding under  
36 this section. A report made in good faith to law enforcement, a  
37 medical professional, or child protective services of sexual,  
38 physical, or mental abuse of a child shall not constitute a basis for  
39 a finding of abusive use of conflict;

1 (f) A parent has withheld from the other parent access to the  
2 child for a protracted period without good cause; or

3 (g) Such other factors or conduct as the court expressly finds  
4 adverse to the best interests of the child.

5 (4) In cases involving allegations of limiting factors under  
6 subsection (2)(a)(ii) and (iii) of this section, both parties shall  
7 be screened to determine the appropriateness of a comprehensive  
8 assessment regarding the impact of the limiting factor on the child  
9 and the parties.

10 (5) In entering a permanent parenting plan, the court shall not  
11 draw any presumptions from the provisions of the temporary parenting  
12 plan.

13 (6) In determining whether any of the conduct described in this  
14 section has occurred, the court shall apply the civil rules of  
15 evidence, proof, and procedure.

16 (7) For the purposes of this section:

17 (a) "A parent's child" means that parent's natural child, adopted  
18 child, or stepchild; and

19 (b) "Social worker" means a person with a master's or further  
20 advanced degree from a social work educational program accredited and  
21 approved as provided in RCW 18.320.010.

22 **Sec. 135.** RCW 26.09.300 and 2000 c 119 s 21 are each amended to  
23 read as follows:

24 (1) Whenever a restraining order is issued under this chapter,  
25 and the person to be restrained knows of the order, a violation of  
26 the provisions restricting the person from acts or threats of  
27 violence or of a provision restraining the person from going onto the  
28 grounds of or entering the residence, workplace, school, or day care  
29 of another, or prohibiting the person from knowingly coming within,  
30 or knowingly remaining within, a specified distance of a location, a  
31 protected party's person, or a protected party's vehicle, is  
32 punishable under (~~RCW 26.50.110~~) section 56 of this act.

33 (2) A person is deemed to have notice of a restraining order if:

34 (a) The person to be restrained or the person's attorney signed  
35 the order;

36 (b) The order recites that the person to be restrained or the  
37 person's attorney appeared in person before the court;

38 (c) The order was served upon the person to be restrained; or

1 (d) The peace officer gives the person oral or written evidence  
2 of the order by reading from it or handing to the person a certified  
3 copy of the original order, certified to be an accurate copy of the  
4 original by a notary public or by the clerk of the court.

5 (3) A peace officer shall verify the existence of a restraining  
6 order by:

7 (a) Obtaining information confirming the existence and terms of  
8 the order from a law enforcement agency; or

9 (b) Obtaining a certified copy of the order, certified to be an  
10 accurate copy of the original by a notary public or by the clerk of  
11 the court.

12 (4) A peace officer shall arrest and take into custody, pending  
13 release on bail, personal recognizance, or court order, a person  
14 without a warrant when the officer has probable cause to believe  
15 that:

16 (a) A restraining order has been issued under this chapter;

17 (b) The respondent or person to be restrained knows of the order;

18 and

19 (c) The person to be arrested has violated the terms of the order  
20 restraining the person from acts or threats of violence or  
21 restraining the person from going onto the grounds of or entering the  
22 residence, workplace, school, or day care of another, or prohibiting  
23 the person from knowingly coming within, or knowingly remaining  
24 within, a specified distance of a location.

25 (5) It is a defense to prosecution under subsection (1) of this  
26 section that the court order was issued contrary to law or court  
27 rule.

28 (6) No peace officer may be held criminally or civilly liable for  
29 making an arrest under subsection (4) of this section if the officer  
30 acts in good faith and without malice.

31 **Sec. 136.** RCW 26.12.260 and 2008 c 6 s 1047 are each amended to  
32 read as follows:

33 (1) After July 1, 2009, but no later than November 1, 2009, a  
34 county may, and to the extent state funding is provided to meet the  
35 minimum requirements of the program a county shall, create a program  
36 to provide services to all parties involved in proceedings under  
37 chapter 26.09 RCW. Minimum components of this program shall include:

38 (a) An individual to serve as an initial point of contact for parties  
39 filing petitions for dissolutions or legal separations under chapter

1 26.09 RCW; (b) informing parties about courthouse facilitation  
2 programs and orientations; (c) informing parties of alternatives to  
3 filing a dissolution petition, such as marriage or domestic  
4 partnership counseling; (d) informing parties of alternatives to  
5 litigation including counseling, legal separation, and mediation  
6 services if appropriate; (e) informing parties of supportive family  
7 services available in the community; (f) screening for referral for  
8 services in the areas of domestic violence as defined in ((RCW  
9 ~~26.50.010~~) section 2 of this act, child abuse, substance abuse, and  
10 mental health; and (g) assistance to the court in superior court  
11 cases filed under chapter 26.09 RCW.

12 (2) This program shall not provide legal advice. No attorney-  
13 client relationship or privilege is created, by implication or by  
14 inference, between persons providing basic information under this  
15 section and the participants in the program.

16 (3) The legislative authority of any county may impose user fees  
17 or may impose a surcharge of up to twenty dollars on only those  
18 superior court cases filed under this title, or both, to pay for the  
19 expenses of this program. Fees collected under this section shall be  
20 collected and deposited in the same manner as other county funds are  
21 collected and deposited, and shall be maintained in a separate  
22 account to be used as provided in this section. The program shall  
23 provide services to indigent persons at no expense.

24 (4) Persons who implement the program shall be appointed in the  
25 same manner as investigators, stenographers, and clerks as described  
26 in RCW 26.12.050.

27 (5) If the county has a program under this section, any petition  
28 under RCW 26.09.020 must allege that the moving party met and  
29 conferred with the program prior to the filing of the petition.

30 (6) If the county has a program under this section, parties shall  
31 meet and confer with the program prior to participation in mediation  
32 under RCW 26.09.016.

33 **Sec. 137.** RCW 26.12.802 and 2019 c 46 s 5023 are each amended to  
34 read as follows:

35 The administrative office of the courts shall conduct a unified  
36 family court pilot program.

37 (1) Pilot program sites shall be selected through a request for  
38 proposal process, and shall be established in no more than three  
39 superior court judicial districts.

1 (2) To be eligible for consideration as a pilot project site,  
2 judicial districts must have a statutorily authorized judicial  
3 complement of at least five judges.

4 (3) The administrative office of the courts shall develop  
5 criteria for the unified family court pilot program. The pilot  
6 program shall include:

7 (a) All case types under Title 13 RCW, chapters 26.09, (~~(26.10,)~~)  
8 26.12, 26.18, 26.19, 26.20, 26.26A, 26.26B, (~~(26.50,)~~) 26.27, and  
9 28A.225 RCW, and domestic violence protection order cases under  
10 chapter 7.--- RCW (the new chapter created in section 78 of this  
11 act);

12 (b) Unified family court judicial officers, who volunteer for the  
13 program, and meet training requirements established by local court  
14 rule;

15 (c) Case management practices that provide a flexible response to  
16 the diverse court-related needs of families involved in multiple  
17 areas of the justice system. Case management practices should result  
18 in a reduction in process redundancies and an efficient use of time  
19 and resources, and create a system enabling multiple case type  
20 resolution by one judicial officer or judicial team;

21 (d) A court facilitator to provide assistance to parties with  
22 matters before the unified family court; and

23 (e) An emphasis on providing nonadversarial methods of dispute  
24 resolution such as a settlement conference, evaluative mediation by  
25 attorney mediators, and facilitative mediation by nonattorney  
26 mediators.

27 (4) The administrative office of the courts shall publish and  
28 disseminate a state-approved listing of definitions of nonadversarial  
29 methods of dispute resolution so that court officials, practitioners,  
30 and users can choose the most appropriate process for the matter at  
31 hand.

32 (5) The administrative office of the courts shall provide to the  
33 judicial districts selected for the pilot program the computer  
34 resources needed by each judicial district to implement the unified  
35 family court pilot program.

36 (6) The administrative office of the courts shall conduct a study  
37 of the pilot program measuring improvements in the judicial system's  
38 response to family involvement in the judicial system. The  
39 administrator for the courts shall report preliminary findings and  
40 final results of the study to the governor, the chief justice of the

1 supreme court, and the legislature on a biennial basis. The initial  
2 report is due by July 1, 2000, and the final report is due by  
3 December 1, 2004.

4 **Sec. 138.** RCW 26.26A.470 and 2019 c 46 s 1002 are each amended  
5 to read as follows:

6 (1) In a proceeding under RCW 26.26A.400 through 26.26A.515, the  
7 court may issue a temporary order for child support if the order is  
8 consistent with law of this state other than this chapter and the  
9 individual ordered to pay support is:

- 10 (a) A presumed parent of the child;
- 11 (b) Petitioning to be adjudicated a parent;
- 12 (c) Identified as a genetic parent through genetic testing under  
13 RCW 26.26A.325;
- 14 (d) An alleged genetic parent who has declined to submit to  
15 genetic testing;
- 16 (e) Shown by clear and convincing evidence to be a parent of the  
17 child; or
- 18 (f) A parent under this chapter.

19 (2) A temporary order may include a provision for parenting time  
20 and visitation under law of this state other than this chapter.

21 (3) Any party may request the court to issue a temporary  
22 restraining order or preliminary injunction, providing relief proper  
23 in the circumstances, and restraining or enjoining any party from:

- 24 (a) Molesting or disturbing the peace of another party;
- 25 (b) Going onto the grounds of or entering the home, workplace, or  
26 school of another party or the day care or school of any child;
- 27 (c) Knowingly coming within, or knowingly remaining within, a  
28 specified distance from a specified location, a protected party's  
29 person, or a protected party's vehicle; and

30 (d) Removing a child from the jurisdiction of the court.

31 (4) Either party may request a domestic violence protection order  
32 (~~under chapter 26.50 RCW~~) or an antiharassment protection order  
33 under chapter (~~10.14~~) 7.--- RCW (the new chapter created in section  
34 78 of this act) on a temporary basis. The court may grant any of the  
35 relief provided in (~~RCW 26.50.060~~) section 39 of this act except  
36 relief pertaining to residential provisions for the children which  
37 provisions shall be provided for under this chapter(~~, and any of the~~  
38 ~~relief provided in RCW 10.14.080~~). Ex parte orders issued under this  
39 subsection shall be effective for a fixed period not to exceed

1 fourteen days, or upon court order, not to exceed twenty-four days if  
2 necessary to ensure that all temporary motions in the case can be  
3 heard at the same time.

4 (5) Restraining orders issued under this section restraining or  
5 enjoining the person from molesting or disturbing another party, or  
6 from going onto the grounds of or entering the home, workplace, or  
7 school of the other party or the day care or school of any child, or  
8 prohibiting the person from knowingly coming within, or knowingly  
9 remaining within, a specified distance of a location, a protected  
10 party's person, or a protected party's vehicle, shall prominently  
11 bear on the front page of the order the legend: VIOLATION OF THIS  
12 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
13 CHAPTER ((26.50)) 7.--- RCW (the new chapter created in section 78 of  
14 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

15 (6) The court shall order that any temporary restraining order  
16 bearing a criminal offense legend, any domestic violence protection  
17 order, or any antiharassment protection order granted under this  
18 section be forwarded by the clerk of the court on or before the next  
19 judicial day to the appropriate law enforcement agency specified in  
20 the order. Upon receipt of the order, the law enforcement agency  
21 shall enter the order into any computer-based criminal intelligence  
22 information system available in this state used by law enforcement  
23 agencies to list outstanding warrants. The order is fully enforceable  
24 in any county in the state.

25 (7) If a restraining order issued pursuant to this section is  
26 modified or terminated, the clerk of the court shall notify the law  
27 enforcement agency specified in the order on or before the next  
28 judicial day. Upon receipt of notice that an order has been  
29 terminated, the law enforcement agency shall remove the order from  
30 any computer-based criminal intelligence information system.

31 (8) The court may issue a temporary restraining order without  
32 requiring notice to the other party only if it finds on the basis of  
33 the moving affidavit or other evidence that irreparable injury could  
34 result if an order is not issued until the time for responding has  
35 elapsed.

36 (9) The court may issue a temporary restraining order or  
37 preliminary injunction and an order for temporary support in such  
38 amounts and on such terms as are just and proper in the  
39 circumstances. In issuing the order, the court shall consider the  
40 provisions of RCW 9.41.800.

1 (10) A temporary order, temporary restraining order, or  
2 preliminary injunction:

3 (a) Does not prejudice the rights of a party or any child which  
4 are to be adjudicated at subsequent hearings in the proceeding;

5 (b) May be revoked or modified;

6 (c) Terminates when the final order is entered or when the  
7 petition is dismissed; and

8 (d) May be entered in a proceeding for the modification of an  
9 existing order.

10 (11) A support debt owed to the state for public assistance  
11 expenditures which has been charged against a party pursuant to RCW  
12 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise  
13 extinguished by, the final decree or order, unless the office of  
14 support enforcement has been given notice of the final proceeding and  
15 an opportunity to present its claim for the support debt to the court  
16 and has failed to file an affidavit as provided in this subsection.  
17 Notice of the proceeding shall be served upon the office of support  
18 enforcement personally, or by certified mail, and shall be given no  
19 fewer than thirty days prior to the date of the final proceeding. An  
20 original copy of the notice shall be filed with the court either  
21 before service or within a reasonable time thereafter. The office of  
22 support enforcement may present its claim, and thereby preserve the  
23 support debt, by filing an affidavit setting forth the amount of the  
24 debt with the court, and by mailing a copy of the affidavit to the  
25 parties or their attorney prior to the date of the final proceeding.

26 (12) Any party may request the court to issue any order  
27 referenced by RCW 9.41.800.

28 **Sec. 139.** RCW 26.26B.020 and 2019 c 46 s 5028 are each amended  
29 to read as follows:

30 (1) The judgment and order of the court determining the existence  
31 or nonexistence of the parent and child relationship shall be  
32 determinative for all purposes.

33 (2) If the judgment and order of the court is at variance with  
34 the child's birth certificate, the court shall order that an amended  
35 birth certificate be issued.

36 (3) The judgment and order shall contain other appropriate  
37 provisions directed to the appropriate parties to the proceeding,  
38 concerning the duty of current and future support, the extent of any  
39 liability for past support furnished to the child if that issue is



1 before the court, the furnishing of bond or other security for the  
2 payment of the judgment, or any other matter in the best interest of  
3 the child. The judgment and order may direct one parent to pay the  
4 reasonable expenses of the mother's pregnancy and childbirth. The  
5 judgment and order may include a continuing restraining order or  
6 injunction. In issuing the order, the court shall consider the  
7 provisions of RCW 9.41.800.

8 (4) The judgment and order shall contain a provision that each  
9 party must file with the court and the Washington state child support  
10 registry and update as necessary the information required in the  
11 confidential information form required by RCW 26.23.050.

12 (5) Support judgment and orders shall be for periodic payments  
13 which may vary in amount. The court may limit the parent's liability  
14 for the past support to the child to the proportion of the expenses  
15 already incurred as the court deems just. The court shall not limit  
16 or affect in any manner the right of nonparties including the state  
17 of Washington to seek reimbursement for support and other services  
18 previously furnished to the child.

19 (6) After considering all relevant factors, the court shall order  
20 either or both parents to pay an amount determined pursuant to the  
21 schedule and standards contained in chapter 26.19 RCW.

22 (7) On the same basis as provided in chapter 26.09 RCW, the court  
23 shall make residential provisions with regard to minor children of  
24 the parties, except that a parenting plan shall not be required  
25 unless requested by a party. If a parenting plan or residential  
26 schedule was not entered at the time the order establishing parentage  
27 was entered, a parent may move the court for entry of a parenting  
28 plan or residential schedule:

29 (a) By filing a motion and proposed parenting plan or residential  
30 schedule and providing notice to the other parent and other persons  
31 who have residential time with the child pursuant to a court order:  
32 PROVIDED, That at the time of filing the motion less than twenty-four  
33 months have passed since entry of the order establishing parentage  
34 and that the proposed parenting plan or residential schedule does not  
35 change the designation of the parent with whom the child spends the  
36 majority of time; or

37 (b) By filing a petition for modification under RCW 26.09.260 or  
38 petition to establish a parenting plan, residential schedule, or  
39 residential provisions.

1 (8) In any dispute between the persons claiming parentage of a  
2 child and a person or persons who have (a) commenced adoption  
3 proceedings or who have been granted an order of adoption, and (b)  
4 pursuant to a court order, or placement by the department of social  
5 and health services or by a licensed agency, have had actual custody  
6 of the child for a period of one year or more before court action is  
7 commenced by the persons claiming parentage, the court shall consider  
8 the best welfare and interests of the child, including the child's  
9 need for situation stability, in determining the matter of custody,  
10 and the parent or person who is more fit shall have the superior  
11 right to custody.

12 (9) In entering an order under this chapter or chapter 26.26A  
13 RCW, the court may issue any necessary continuing restraining orders,  
14 including the restraint provisions of domestic violence protection  
15 orders (~~(under chapter 26.50 RCW)~~) or antiharassment protection  
16 orders under chapter (~~(10.14)~~) 7.--- RCW (the new chapter created in  
17 section 78 of this act).

18 (10) Restraining orders issued under this section restraining or  
19 enjoining the person from molesting or disturbing another party, from  
20 going onto the grounds of or entering the home, workplace, or school  
21 of the other party or the day care or school of any child, or  
22 prohibiting the person from knowingly coming within, or knowingly  
23 remaining within, a specified distance of a location, a protected  
24 party's person, or a protected party's vehicle, shall prominently  
25 bear on the front page of the order the legend: VIOLATION OF THIS  
26 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER  
27 CHAPTER (~~(26.50)~~) 7.--- RCW (the new chapter created in section 78 of  
28 this act) AND WILL SUBJECT A VIOLATOR TO ARREST.

29 (11) The court shall order that any restraining order bearing a  
30 criminal offense legend, any domestic violence protection order, or  
31 any antiharassment protection order granted under this section be  
32 forwarded by the clerk of the court on or before the next judicial  
33 day to the appropriate law enforcement agency specified in the order.  
34 Upon receipt of the order, the law enforcement agency shall forthwith  
35 enter the order into any computer-based criminal intelligence  
36 information system available in this state used by law enforcement  
37 agencies to list outstanding warrants. The order is fully enforceable  
38 in any county in the state.

39 (12) If a restraining order issued pursuant to this section is  
40 modified or terminated, the clerk of the court shall notify the law

1 enforcement agency specified in the order on or before the next  
2 judicial day. Upon receipt of notice that an order has been  
3 terminated, the law enforcement agency shall remove the order from  
4 any computer-based criminal intelligence system.

5 **Sec. 140.** RCW 26.26B.050 and 2019 c 46 s 5030 are each amended  
6 to read as follows:

7 (1) Whenever a restraining order is issued under this chapter or  
8 chapter 26.26A RCW, and the person to be restrained knows of the  
9 order, a violation of the provisions restricting the person from acts  
10 or threats of violence or of a provision restraining the person from  
11 going onto the grounds of or entering the residence, workplace,  
12 school, or day care of another, or prohibiting the person from  
13 knowingly coming within, or knowingly remaining within, a specified  
14 distance of a location, a protected party's person, or a protected  
15 party's vehicle, is punishable under ((RCW 26.50.110)) section 56 of  
16 this act.

17 (2) A person is deemed to have notice of a restraining order if:

18 (a) The person to be restrained or the person's attorney signed  
19 the order;

20 (b) The order recites that the person to be restrained or the  
21 person's attorney appeared in person before the court;

22 (c) The order was served upon the person to be restrained; or

23 (d) The peace officer gives the person oral or written evidence  
24 of the order by reading from it or handing to the person a certified  
25 copy of the original order, certified to be an accurate copy of the  
26 original by a notary public or by the clerk of the court.

27 (3) A peace officer shall verify the existence of a restraining  
28 order by:

29 (a) Obtaining information confirming the existence and terms of  
30 the order from a law enforcement agency; or

31 (b) Obtaining a certified copy of the order, certified to be an  
32 accurate copy of the original by a notary public or by the clerk of  
33 the court.

34 (4) A peace officer shall arrest and take into custody, pending  
35 release on bail, personal recognizance, or court order, a person  
36 without a warrant when the officer has probable cause to believe  
37 that:

38 (a) A restraining order has been issued under this chapter or  
39 chapter 26.26A RCW;

1 (b) The respondent or person to be restrained knows of the order;  
2 and

3 (c) The person to be arrested has violated the terms of the order  
4 restraining the person from acts or threats of violence or  
5 restraining the person from going onto the grounds of or entering the  
6 residence, workplace, school, or day care of another, or prohibiting  
7 the person from knowingly coming within, or knowingly remaining  
8 within, a specified distance of a location, a protected party's  
9 person, or a protected party's vehicle.

10 (5) It is a defense to prosecution under subsection (1) of this  
11 section that the court order was issued contrary to law or court  
12 rule.

13 (6) No peace officer may be held criminally or civilly liable for  
14 making an arrest under subsection (4) of this section if the officer  
15 acts in good faith and without malice.

16 **Sec. 141.** RCW 26.28.015 and 1992 c 111 s 12 are each amended to  
17 read as follows:

18 Notwithstanding any other provision of law, and except as  
19 provided under (~~RCW 26.50.020~~) section 14 of this act, all persons  
20 shall be deemed and taken to be of full age for the specific purposes  
21 hereafter enumerated at the age of eighteen years:

22 (1) To enter into any marriage contract without parental consent  
23 if otherwise qualified by law;

24 (2) To execute a will for the disposition of both real and  
25 personal property if otherwise qualified by law;

26 (3) To vote in any election if authorized by the Constitution and  
27 otherwise qualified by law;

28 (4) To enter into any legal contractual obligation and to be  
29 legally bound thereby to the full extent as any other adult person;

30 (5) To make decisions in regard to their own body and the body of  
31 their lawful issue whether natural born to or adopted by such person  
32 to the full extent allowed to any other adult person including but  
33 not limited to consent to surgical operations;

34 (6) To sue and be sued on any action to the full extent as any  
35 other adult person in any of the courts of this state, without the  
36 necessity for a guardian ad litem.

37 **Sec. 142.** RCW 26.44.020 and 2019 c 172 s 5 are each amended to  
38 read as follows:

1 The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

3 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,  
4 or injury of a child by any person under circumstances which cause  
5 harm to the child's health, welfare, or safety, excluding conduct  
6 permitted under RCW 9A.16.100; or the negligent treatment or  
7 maltreatment of a child by a person responsible for or providing care  
8 to the child. An abused child is a child who has been subjected to  
9 child abuse or neglect as defined in this section.

10 (2) "Child" or "children" means any person under the age of  
11 eighteen years of age.

12 (3) "Child forensic interview" means a developmentally sensitive  
13 and legally sound method of gathering factual information regarding  
14 allegations of child abuse, child neglect, or exposure to violence.  
15 This interview is conducted by a competently trained, neutral  
16 professional utilizing techniques informed by research and best  
17 practice as part of a larger investigative process.

18 (4) "Child protective services" means those services provided by  
19 the department designed to protect children from child abuse and  
20 neglect and safeguard such children from future abuse and neglect,  
21 and conduct investigations of child abuse and neglect reports.  
22 Investigations may be conducted regardless of the location of the  
23 alleged abuse or neglect. Child protective services includes referral  
24 to services to ameliorate conditions that endanger the welfare of  
25 children, the coordination of necessary programs and services  
26 relevant to the prevention, intervention, and treatment of child  
27 abuse and neglect, and services to children to ensure that each child  
28 has a permanent home. In determining whether protective services  
29 should be provided, the department shall not decline to provide such  
30 services solely because of the child's unwillingness or developmental  
31 inability to describe the nature and severity of the abuse or  
32 neglect.

33 (5) "Child protective services section" means the child  
34 protective services section of the department.

35 (6) "Child who is a candidate for foster care" means a child who  
36 the department identifies as being at imminent risk of entering  
37 foster care but who can remain safely in the child's home or in a  
38 kinship placement as long as services or programs that are necessary  
39 to prevent entry of the child into foster care are provided, and  
40 includes but is not limited to a child whose adoption or guardianship

1 arrangement is at risk of a disruption or dissolution that would  
2 result in a foster care placement. The term includes a child for whom  
3 there is reasonable cause to believe that any of the following  
4 circumstances exist:

5 (a) The child has been abandoned by the parent as defined in RCW  
6 13.34.030 and the child's health, safety, and welfare is seriously  
7 endangered as a result;

8 (b) The child has been abused or neglected as defined in this  
9 chapter (~~(26.44-RCW)~~) and the child's health, safety, and welfare is  
10 seriously endangered as a result;

11 (c) There is no parent capable of meeting the child's needs such  
12 that the child is in circumstances that constitute a serious danger  
13 to the child's development;

14 (d) The child is otherwise at imminent risk of harm.

15 (7) "Children's advocacy center" means a child-focused facility  
16 in good standing with the state chapter for children's advocacy  
17 centers and that coordinates a multidisciplinary process for the  
18 investigation, prosecution, and treatment of sexual and other types  
19 of child abuse. Children's advocacy centers provide a location for  
20 forensic interviews and coordinate access to services such as, but  
21 not limited to, medical evaluations, advocacy, therapy, and case  
22 review by multidisciplinary teams within the context of county  
23 protocols as defined in RCW 26.44.180 and 26.44.185.

24 (8) "Clergy" means any regularly licensed or ordained minister,  
25 priest, or rabbi of any church or religious denomination, whether  
26 acting in an individual capacity or as an employee or agent of any  
27 public or private organization or institution.

28 (9) "Court" means the superior court of the state of Washington,  
29 juvenile department.

30 (10) "Department" means the department of children, youth, and  
31 families.

32 (11) "Family assessment" means a comprehensive assessment of  
33 child safety, risk of subsequent child abuse or neglect, and family  
34 strengths and needs that is applied to a child abuse or neglect  
35 report. Family assessment does not include a determination as to  
36 whether child abuse or neglect occurred, but does determine the need  
37 for services to address the safety of the child and the risk of  
38 subsequent maltreatment.

39 (12) "Family assessment response" means a way of responding to  
40 certain reports of child abuse or neglect made under this chapter

1 using a differential response approach to child protective services.  
2 The family assessment response shall focus on the safety of the  
3 child, the integrity and preservation of the family, and shall assess  
4 the status of the child and the family in terms of risk of abuse and  
5 neglect including the parent's or guardian's or other caretaker's  
6 capacity and willingness to protect the child and, if necessary, plan  
7 and arrange the provision of services to reduce the risk and  
8 otherwise support the family. No one is named as a perpetrator, and  
9 no investigative finding is entered in the record as a result of a  
10 family assessment.

11 (13) "Founded" means the determination following an investigation  
12 by the department that, based on available information, it is more  
13 likely than not that child abuse or neglect did occur.

14 (14) "Inconclusive" means the determination following an  
15 investigation by the department of social and health services, prior  
16 to October 1, 2008, that based on available information a decision  
17 cannot be made that more likely than not, child abuse or neglect did  
18 or did not occur.

19 (15) "Institution" means a private or public hospital or any  
20 other facility providing medical diagnosis, treatment, or care.

21 (16) "Law enforcement agency" means the police department, the  
22 prosecuting attorney, the state patrol, the director of public  
23 safety, or the office of the sheriff.

24 (17) "Malice" or "maliciously" means an intent, wish, or design  
25 to intimidate, annoy, or injure another person. Such malice may be  
26 inferred from an act done in willful disregard of the rights of  
27 another, or an act wrongfully done without just cause or excuse, or  
28 an act or omission of duty betraying a willful disregard of social  
29 duty.

30 (18) "Negligent treatment or maltreatment" means an act or a  
31 failure to act, or the cumulative effects of a pattern of conduct,  
32 behavior, or inaction, that evidences a serious disregard of  
33 consequences of such magnitude as to constitute a clear and present  
34 danger to a child's health, welfare, or safety, including but not  
35 limited to conduct prohibited under RCW 9A.42.100. When considering  
36 whether a clear and present danger exists, evidence of a parent's  
37 substance abuse as a contributing factor to negligent treatment or  
38 maltreatment shall be given great weight. The fact that siblings  
39 share a bedroom is not, in and of itself, negligent treatment or  
40 maltreatment. Poverty, homelessness, or exposure to domestic violence

1 as defined in (~~RCW 26.50.010~~) section 2 of this act that is  
2 perpetrated against someone other than the child does not constitute  
3 negligent treatment or maltreatment in and of itself.

4 (19) "Pharmacist" means any registered pharmacist under chapter  
5 18.64 RCW, whether acting in an individual capacity or as an employee  
6 or agent of any public or private organization or institution.

7 (20) "Practitioner of the healing arts" or "practitioner" means a  
8 person licensed by this state to practice podiatric medicine and  
9 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
10 medicine and surgery, or medicine and surgery or to provide other  
11 health services. The term "practitioner" includes a duly accredited  
12 Christian Science practitioner. A person who is being furnished  
13 Christian Science treatment by a duly accredited Christian Science  
14 practitioner will not be considered, for that reason alone, a  
15 neglected person for the purposes of this chapter.

16 (21) "Prevention and family services and programs" means specific  
17 mental health prevention and treatment services, substance abuse  
18 prevention and treatment services, and in-home parent skill-based  
19 programs that qualify for federal funding under the federal family  
20 first prevention services act, P.L. 115-123. For purposes of this  
21 chapter, prevention and family services and programs are not remedial  
22 services or family reunification services as described in RCW  
23 13.34.025(2).

24 (22) "Professional school personnel" include, but are not limited  
25 to, teachers, counselors, administrators, child care facility  
26 personnel, and school nurses.

27 (23) "Psychologist" means any person licensed to practice  
28 psychology under chapter 18.83 RCW, whether acting in an individual  
29 capacity or as an employee or agent of any public or private  
30 organization or institution.

31 (24) "Screened-out report" means a report of alleged child abuse  
32 or neglect that the department has determined does not rise to the  
33 level of a credible report of abuse or neglect and is not referred  
34 for investigation.

35 (25) "Sexual exploitation" includes: (a) Allowing, permitting, or  
36 encouraging a child to engage in prostitution by any person; or (b)  
37 allowing, permitting, encouraging, or engaging in the obscene or  
38 pornographic photographing, filming, or depicting of a child by any  
39 person.



1 (26) "Sexually aggressive youth" means a child who is defined in  
2 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

3 (27) "Social service counselor" means anyone engaged in a  
4 professional capacity during the regular course of employment in  
5 encouraging or promoting the health, welfare, support, or education  
6 of children, or providing social services to adults or families,  
7 including mental health, drug and alcohol treatment, and domestic  
8 violence programs, whether in an individual capacity, or as an  
9 employee or agent of any public or private organization or  
10 institution.

11 (28) "Unfounded" means the determination following an  
12 investigation by the department that available information indicates  
13 that, more likely than not, child abuse or neglect did not occur, or  
14 that there is insufficient evidence for the department to determine  
15 whether the alleged child abuse did or did not occur.

16 **Sec. 143.** RCW 26.51.020 and 2020 c 311 s 2 are each amended to  
17 read as follows:

18 The definitions in this section apply throughout this chapter  
19 unless the context clearly requires otherwise.

20 (1) "Abusive litigation" means litigation where the following  
21 apply:

22 (a)(i) The opposing parties have a current or former intimate  
23 partner relationship;

24 (ii) The party who is filing, initiating, advancing, or  
25 continuing the litigation has been found by a court to have committed  
26 domestic violence against the other party pursuant to: (A) An order  
27 entered under (~~this~~) chapter 7.--- RCW (the new chapter created in  
28 section 78 of this act) or former chapter 26.50 RCW; (B) a parenting  
29 plan with restrictions based on RCW 26.09.191(2)(a)(iii); or (C) a  
30 restraining order entered under chapter 26.09, (~~26.26, or~~) 26.26A,  
31 or 26.26B RCW, provided that the issuing court made a specific  
32 finding that the restraining order was necessary due to domestic  
33 violence; and

34 (iii) The litigation is being initiated, advanced, or continued  
35 primarily for the purpose of harassing, intimidating, or maintaining  
36 contact with the other party; and

37 (b) At least one of the following factors apply:

38 (i) Claims, allegations, and other legal contentions made in the  
39 litigation are not warranted by existing law or by a reasonable

1 argument for the extension, modification, or reversal of existing  
2 law, or the establishment of new law;

3 (ii) Allegations and other factual contentions made in the  
4 litigation are without the existence of evidentiary support; or

5 (iii) An issue or issues that are the basis of the litigation  
6 have previously been filed in one or more other courts or  
7 jurisdictions and the actions have been litigated and disposed of  
8 unfavorably to the party filing, initiating, advancing, or continuing  
9 the litigation.

10 (2) "Intimate partner" is defined in (~~(RCW 26.50.010)~~) section 2  
11 of this act.

12 (3) "Litigation" means any kind of legal action or proceeding  
13 including, but not limited to: (~~((i) [(a)])~~) (a) Filing a summons,  
14 complaint, demand, or petition; (~~((ii) [(b)])~~) (b) serving a summons,  
15 complaint, demand, or petition, regardless of whether it has been  
16 filed; (~~((iii) [(c)])~~) (c) filing a motion, notice of court date,  
17 note for motion docket, or order to appear; (~~((iv) [(d)])~~) (d)  
18 serving a motion, notice of court date, note for motion docket, or  
19 order to appear, regardless of whether it has been filed or  
20 scheduled; (~~((v) [(e)])~~) (e) filing a subpoena, subpoena duces tecum,  
21 request for interrogatories, request for production, notice of  
22 deposition, or other discovery request; or (~~((vi) [(f)])~~) (f) serving  
23 a subpoena, subpoena duces tecum, request for interrogatories,  
24 request for production, notice of deposition, or other discovery  
25 request.

26 (4) "Perpetrator of abusive litigation" means a person who files,  
27 initiates, advances, or continues litigation in violation of an order  
28 restricting abusive litigation.

29 **Sec. 144.** RCW 26.52.010 and 1999 c 184 s 3 are each amended to  
30 read as follows:

31 The definitions in this section apply throughout this chapter  
32 unless the context clearly requires otherwise.

33 (1) "Domestic or family violence" includes, but is not limited  
34 to, conduct when committed by one family member against another that  
35 is classified in the jurisdiction where the conduct occurred as a  
36 domestic violence crime or a crime committed in another jurisdiction  
37 that under the laws of this state would be classified as domestic  
38 violence under RCW 10.99.020.

1           (2) "~~Family ((or household) members"~~ means ((~~spouses, former~~  
2 ~~spouses, persons who have a child in common regardless of whether~~  
3 ~~they have been married or have lived together at any time, adult~~  
4 ~~persons related by blood or marriage, adult persons who are presently~~  
5 ~~residing together or who have resided together in the past, persons~~  
6 ~~sixteen years of age or older who are presently residing together or~~  
7 ~~who have resided together in the past and who have or have had a~~  
8 ~~dating relationship, persons sixteen years of age or older with whom~~  
9 ~~a person sixteen years of age or older has or has had a dating~~  
10 ~~relationship, and persons who have a biological or legal parent-child~~  
11 ~~relationship, including stepparents and stepchildren and grandparents~~  
12 ~~and grandchildren)) intimate partners and family or household members~~  
13 ~~as those terms are defined in section 2 of this act.~~

14           (3) "Foreign protection order" means an injunction or other order  
15 related to domestic or family violence, harassment, sexual abuse, or  
16 stalking, for the purpose of preventing violent or threatening acts  
17 or harassment against, or contact or communication with or physical  
18 proximity to another person issued by a court of another state,  
19 territory, or possession of the United States, the Commonwealth of  
20 Puerto Rico, or the District of Columbia, or any United States  
21 military tribunal, or a tribal court, in a civil or criminal action.

22           (4) "Harassment" includes, but is not limited to, conduct that is  
23 classified in the jurisdiction where the conduct occurred as  
24 harassment or a crime committed in another jurisdiction that under  
25 the laws of this state would be classified as harassment under RCW  
26 9A.46.040.

27           (5) "Judicial day" does not include Saturdays, Sundays, or legal  
28 holidays in Washington state.

29           (6) "Person entitled to protection" means a person, regardless of  
30 whether the person was the moving party in the foreign jurisdiction,  
31 who is benefited by the foreign protection order.

32           (7) "Person under restraint" means a person, regardless of  
33 whether the person was the responding party in the foreign  
34 jurisdiction, whose ability to contact or communicate with another  
35 person, or to be physically close to another person, is restricted by  
36 the foreign protection order.

37           (8) "Sexual abuse" includes, but is not limited to, conduct that  
38 is classified in the jurisdiction where the conduct occurred as a sex  
39 offense or a crime committed in another jurisdiction that under the

1 laws of this state would be classified as a sex offense under RCW  
2 9.94A.030.

3 (9) "Stalking" includes, but is not limited to, conduct that is  
4 classified in the jurisdiction where the conduct occurred as stalking  
5 or a crime committed in another jurisdiction that under the laws of  
6 this state would be classified as stalking under RCW 9A.46.110.

7 (10) "Washington court" includes the superior, district, and  
8 municipal courts of the state of Washington.

9 **Sec. 145.** RCW 26.52.070 and 2000 c 119 s 26 are each amended to  
10 read as follows:

11 (1) Whenever a foreign protection order is granted to a person  
12 entitled to protection and the person under restraint knows of the  
13 foreign protection order, a violation of a provision prohibiting the  
14 person under restraint from contacting or communicating with another  
15 person, or of a provision excluding the person under restraint from a  
16 residence, workplace, school, or day care, or of a provision  
17 prohibiting a person from knowingly coming within, or knowingly  
18 remaining within, a specified distance of a location, a protected  
19 party's person, or a protected party's vehicle, or a violation of any  
20 provision for which the foreign protection order specifically  
21 indicates that a violation will be a crime, is punishable under ((RCW  
22 ~~26.50.110~~)) section 56 of this act.

23 (2) A peace officer shall arrest without a warrant and take into  
24 custody a person when the peace officer has probable cause to believe  
25 that a foreign protection order has been issued of which the person  
26 under restraint has knowledge and the person under restraint has  
27 violated a provision of the foreign protection order that prohibits  
28 the person under restraint from contacting or communicating with  
29 another person, or a provision that excludes the person under  
30 restraint from a residence, workplace, school, or day care, or of a  
31 provision prohibiting a person from knowingly coming within, or  
32 knowingly remaining within, a specified distance of a location, a  
33 protected party's person, or a protected party's vehicle, or a  
34 violation of any provision for which the foreign protection order  
35 specifically indicates that a violation will be a crime. Presence of  
36 the order in the law enforcement computer-based criminal intelligence  
37 information system is not the only means of establishing knowledge of  
38 the order.

1       **Sec. 146.** RCW 36.18.020 and 2018 c 269 s 17 are each amended to  
2 read as follows:

3       (1) Revenue collected under this section is subject to division  
4 with the state under RCW 36.18.025 and with the county or regional  
5 law library fund under RCW 27.24.070, except as provided in  
6 subsection (5) of this section.

7       (2) Clerks of superior courts shall collect the following fees  
8 for their official services:

9       (a) In addition to any other fee required by law, the party  
10 filing the first or initial document in any civil action, including,  
11 but not limited to an action for restitution, adoption, or change of  
12 name, and any party filing a counterclaim, cross-claim, or third-  
13 party claim in any such civil action, shall pay, at the time the  
14 document is filed, a fee of two hundred dollars except, in an  
15 unlawful detainer action under chapter 59.18 or 59.20 RCW for which  
16 the plaintiff shall pay a case initiating filing fee of forty-five  
17 dollars, or in proceedings filed under RCW 28A.225.030 alleging a  
18 violation of the compulsory attendance laws where the petitioner  
19 shall not pay a filing fee. The forty-five dollar filing fee under  
20 this subsection for an unlawful detainer action shall not include an  
21 order to show cause or any other order or judgment except a default  
22 order or default judgment in an unlawful detainer action.

23       (b) Any party, except a defendant in a criminal case, filing the  
24 first or initial document on an appeal from a court of limited  
25 jurisdiction or any party on any civil appeal, shall pay, when the  
26 document is filed, a fee of two hundred dollars.

27       (c) For filing of a petition for judicial review as required  
28 under RCW 34.05.514 a filing fee of two hundred dollars.

29       (d) For filing of a petition for (~~unlawful harassment~~) an  
30 antiharassment protection order under (~~RCW 10.14.040~~) section 13 of  
31 this act a filing fee of fifty-three dollars.

32       (e) For filing the notice of debt due for the compensation of a  
33 crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

34       (f) In probate proceedings, the party instituting such  
35 proceedings, shall pay at the time of filing the first document  
36 therein, a fee of two hundred dollars.

37       (g) For filing any petition to contest a will admitted to probate  
38 or a petition to admit a will which has been rejected, or a petition  
39 objecting to a written agreement or memorandum as provided in RCW  
40 11.96A.220, there shall be paid a fee of two hundred dollars.

1 (h) Upon conviction or plea of guilty, upon failure to prosecute  
2 an appeal from a court of limited jurisdiction as provided by law, or  
3 upon affirmance of a conviction by a court of limited jurisdiction,  
4 an adult defendant in a criminal case shall be liable for a fee of  
5 two hundred dollars, except this fee shall not be imposed on a  
6 defendant who is indigent as defined in RCW 10.101.010(3) (a) through  
7 (c).

8 (i) With the exception of demands for jury hereafter made and  
9 garnishments hereafter issued, civil actions and probate proceedings  
10 filed prior to midnight, July 1, 1972, shall be completed and  
11 governed by the fee schedule in effect as of January 1, 1972.  
12 However, no fee shall be assessed if an order of dismissal on the  
13 clerk's record be filed as provided by rule of the supreme court.

14 (3) No fee shall be collected when a petition for relinquishment  
15 of parental rights is filed pursuant to RCW 26.33.080 or for forms  
16 and instructional brochures provided under (~~RCW 26.50.030~~) section  
17 16 of this act.

18 (4) No fee shall be collected when an abstract of judgment is  
19 filed by the county clerk of another county for the purposes of  
20 collection of legal financial obligations.

21 (5)(a) Until July 1, 2021, in addition to the fees required to be  
22 collected under this section, clerks of the superior courts must  
23 collect surcharges as provided in this subsection (5) of which  
24 seventy-five percent must be remitted to the state treasurer for  
25 deposit in the judicial stabilization trust account and twenty-five  
26 percent must be retained by the county.

27 (b) On filing fees required to be collected under subsection  
28 (2)(b) of this section, a surcharge of thirty dollars must be  
29 collected.

30 (c) On all filing fees required to be collected under this  
31 section, except for fees required under subsection (2)(b), (d), and  
32 (h) of this section, a surcharge of forty dollars must be collected.

33 **Sec. 147.** RCW 36.28A.410 and 2019 c 263 s 915 and 2019 c 46 s  
34 5041 are each reenacted and amended to read as follows:

35 (1)(a) Subject to the availability of amounts appropriated for  
36 this specific purpose, the Washington association of sheriffs and  
37 police chiefs shall create and operate a statewide automated  
38 protected person notification system to automatically notify a  
39 registered person via the registered person's choice of telephone or

1 email when a respondent subject to a court order specified in (b) of  
2 this subsection has attempted to purchase or acquire a firearm and  
3 been denied based on a background check or completed and submitted  
4 firearm purchase or transfer application that indicates the  
5 respondent is ineligible to possess a firearm under state or federal  
6 law. The system must permit a person to register for notification, or  
7 a registered person to update the person's registration information,  
8 for the statewide automated protected person notification system by  
9 calling a toll-free telephone number or by accessing a public  
10 website.

11 (b) The notification requirements of this section apply to any  
12 court order issued under chapter 7.--- RCW (the new chapter created  
13 in section 78 of this act) or former chapter 7.92 RCW ((and)), RCW  
14 ((7.90.090,)) 9A.46.080, ((10.14.080,)) 10.99.040, 10.99.045,  
15 26.09.050, 26.09.060, 26.10.040, ((26.10.115,)) 26.26A.470, or  
16 26.26B.020((, 26.50.060, or 26.50.070)), any of the former RCW  
17 7.90.090, 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign  
18 protection order filed with a Washington court pursuant to chapter  
19 26.52 RCW, and any Canadian domestic violence protection order filed  
20 with a Washington court pursuant to chapter 26.55 RCW, where the  
21 order prohibits the respondent from possessing firearms or where by  
22 operation of law the respondent is ineligible to possess firearms  
23 during the term of the order. The notification requirements of this  
24 section apply even if the respondent has notified the Washington  
25 state patrol that he or she has appealed a background check denial  
26 under RCW 43.43.823.

27 (2) An appointed or elected official, public employee, or public  
28 agency as defined in RCW 4.24.470, or combination of units of  
29 government and its employees, as provided in RCW 36.28A.010, are  
30 immune from civil liability for damages for any release of  
31 information or the failure to release information related to the  
32 statewide automated protected person notification system in this  
33 section, so long as the release or failure to release was without  
34 gross negligence. The immunity provided under this subsection applies  
35 to the release of relevant and necessary information to other public  
36 officials, public employees, or public agencies, and to the general  
37 public.

38 (3) Information and records prepared, owned, used, or retained by  
39 the Washington association of sheriffs and police chiefs pursuant to  
40 chapter 261, Laws of 2017, including information a person submits to

1 register and participate in the statewide automated protected person  
2 notification system, are exempt from public inspection and copying  
3 under chapter 42.56 RCW.

4 **Sec. 148.** RCW 41.04.655 and 2020 c 29 s 14 and 2020 c 6 s 1 are  
5 each reenacted and amended to read as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout RCW 41.04.650 through 41.04.670,  
8 28A.400.380, and section 7, chapter 93, Laws of 1989.

9 (1) "Domestic violence" means any of the following acts committed  
10 by one family or household member against another or by one intimate  
11 partner against another, as those terms are defined in RCW  
12 (~~26.50.010~~) 10.99.020:

13 (a) Physical harm, bodily injury, assault, or the infliction of  
14 fear of imminent physical harm, bodily injury, or assault;

15 (b) Sexual assault; or

16 (c) Stalking as defined in RCW 9A.46.110.

17 (2) "Employee" means any employee of the state, including  
18 employees of school districts and educational service districts, who  
19 are entitled to accrue sick leave or annual leave and for whom  
20 accurate leave records are maintained.

21 (3) "Parental leave" means leave to bond and care for a newborn  
22 child after birth or to bond and care for a child after placement for  
23 adoption or foster care.

24 (4) "Pregnancy disability" means a pregnancy-related medical  
25 condition or miscarriage.

26 (5) "Program" means the leave sharing program established in RCW  
27 41.04.660.

28 (6) "Service in the uniformed services" means the performance of  
29 duty on a voluntary or involuntary basis in a uniformed service under  
30 competent authority and includes active duty, active duty for  
31 training, initial active duty for training, inactive duty training,  
32 full-time national guard duty including state-ordered active duty,  
33 and a period for which a person is absent from a position of  
34 employment for the purpose of an examination to determine the fitness  
35 of the person to perform any such duty.

36 (7) "Sexual assault" has the same meaning as set forth in RCW  
37 70.125.030.

38 (8) "Stalking" has the same meaning as set forth in RCW  
39 9A.46.110.



1 (9) "State agency" or "agency" means departments, offices,  
2 agencies, or institutions of state government, the legislature,  
3 institutions of higher education, school districts, and educational  
4 service districts.

5 (10) "Uniformed services" means the armed forces, the army  
6 national guard, and the air national guard of any state, territory,  
7 commonwealth, possession, or district when engaged in active duty for  
8 training, inactive duty training, full-time national guard duty, or  
9 state active duty, the commissioned corps of the public health  
10 service, the coast guard, and any other category of persons  
11 designated by the president of the United States in time of war or  
12 national emergency.

13 (11) "Victim" means a person against whom domestic violence,  
14 sexual assault, or stalking has been committed as defined in this  
15 section.

16 **Sec. 149.** RCW 43.43.754 and 2020 c 26 s 7 are each amended to  
17 read as follows:

18 (1) A biological sample must be collected for purposes of DNA  
19 identification analysis from:

20 (a) Every adult or juvenile individual convicted of a felony, or  
21 any of the following crimes (or equivalent juvenile offenses):

22 (i) Assault in the fourth degree where domestic violence as  
23 defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041,  
24 9.94A.030);

25 (ii) Assault in the fourth degree with sexual motivation (RCW  
26 9A.36.041, 9.94A.835);

27 (iii) Communication with a minor for immoral purposes (RCW  
28 9.68A.090);

29 (iv) Custodial sexual misconduct in the second degree (RCW  
30 9A.44.170);

31 (v) Failure to register (chapter 9A.44 RCW);

32 (vi) Harassment (RCW 9A.46.020);

33 (vii) Patronizing a prostitute (RCW 9A.88.110);

34 (viii) Sexual misconduct with a minor in the second degree (RCW  
35 9A.44.096);

36 (ix) Stalking (RCW 9A.46.110);

37 (x) Indecent exposure (RCW 9A.88.010);

1 (xi) Violation of a sexual assault protection order granted under  
2 chapter 7.--- RCW (the new chapter created in section 78 of this act)  
3 or former chapter 7.90 RCW; and

4 (b) Every adult or juvenile individual who is required to  
5 register under RCW 9A.44.130.

6 (2)(a) A municipal jurisdiction may also submit any biological  
7 sample to the laboratory services bureau of the Washington state  
8 patrol for purposes of DNA identification analysis when:

9 (i) The sample was collected from a defendant upon conviction for  
10 a municipal offense where the underlying ordinance does not adopt the  
11 relevant state statute by reference but the offense is otherwise  
12 equivalent to an offense in subsection (1)(a) of this section;

13 (ii) The equivalent offense in subsection (1)(a) of this section  
14 was an offense for which collection of a biological sample was  
15 required under this section at the time of the conviction; and

16 (iii) The sample was collected on or after June 12, 2008, and  
17 before January 1, 2020.

18 (b) When submitting a biological sample under this subsection,  
19 the municipal jurisdiction must include a signed affidavit from the  
20 municipal prosecuting authority of the jurisdiction in which the  
21 conviction occurred specifying the state crime to which the municipal  
22 offense is equivalent.

23 (3) Law enforcement may submit to the forensic laboratory  
24 services bureau of the Washington state patrol, for purposes of DNA  
25 identification analysis, any lawfully obtained biological sample  
26 within its control from a deceased offender who was previously  
27 convicted of an offense under subsection (1)(a) of this section,  
28 regardless of the date of conviction.

29 (4) If the Washington state patrol crime laboratory already has a  
30 DNA sample from an individual for a qualifying offense, a subsequent  
31 submission is not required to be submitted.

32 (5) Biological samples shall be collected in the following  
33 manner:

34 (a) For persons convicted of any offense listed in subsection  
35 (1)(a) of this section or adjudicated guilty of an equivalent  
36 juvenile offense, who do not serve a term of confinement in a  
37 department of corrections facility or a department of children,  
38 youth, and families facility, and are serving a term of confinement  
39 in a city or county jail facility, the city or county jail facility  
40 shall be responsible for obtaining the biological samples.

1 (b) The local police department or sheriff's office shall be  
2 responsible for obtaining the biological samples for:

3 (i) Persons convicted of any offense listed in subsection (1)(a)  
4 of this section or adjudicated guilty of an equivalent juvenile  
5 offense, who do not serve a term of confinement in a department of  
6 corrections facility, department of children, youth, and families  
7 facility, or a city or county jail facility; and

8 (ii) Persons who are required to register under RCW 9A.44.130.

9 (c) For persons convicted of any offense listed in subsection  
10 (1)(a) of this section or adjudicated guilty of an equivalent  
11 juvenile offense, who are serving or who are to serve a term of  
12 confinement in a department of corrections facility or a department  
13 of children, youth, and families facility, the facility holding the  
14 person shall be responsible for obtaining the biological samples as  
15 part of the intake process. If the facility did not collect the  
16 biological sample during the intake process, then the facility shall  
17 collect the biological sample as soon as is practicable. For those  
18 persons incarcerated before June 12, 2008, who have not yet had a  
19 biological sample collected, priority shall be given to those persons  
20 who will be released the soonest.

21 (d) For persons convicted of any offense listed in subsection  
22 (1)(a) of this section or adjudicated guilty of an equivalent  
23 juvenile offense, who will not serve a term of confinement, the court  
24 shall: Order the person to report to the local police department or  
25 sheriff's office as provided under subsection (5)(b)(i) of this  
26 section within a reasonable period of time established by the court  
27 in order to provide a biological sample; or if the local police  
28 department or sheriff's office has a protocol for collecting the  
29 biological sample in the courtroom, order the person to immediately  
30 provide the biological sample to the local police department or  
31 sheriff's office before leaving the presence of the court. The court  
32 must further inform the person that refusal to provide a biological  
33 sample is a gross misdemeanor under this section.

34 (6) Any biological sample taken pursuant to RCW 43.43.752 through  
35 43.43.758 may be retained by the forensic laboratory services bureau,  
36 and shall be used solely for the purpose of providing DNA or other  
37 tests for identification analysis and prosecution of a criminal  
38 offense or for the identification of human remains or missing  
39 persons. Nothing in this section prohibits the submission of results

1 derived from the biological samples to the federal bureau of  
2 investigation combined DNA index system.

3 (7) The forensic laboratory services bureau of the Washington  
4 state patrol is responsible for testing performed on all biological  
5 samples that are collected under this section, to the extent allowed  
6 by funding available for this purpose. Known duplicate samples may be  
7 excluded from testing unless testing is deemed necessary or advisable  
8 by the director.

9 (8) This section applies to:

10 (a) All adults and juveniles to whom this section applied prior  
11 to June 12, 2008;

12 (b) All adults and juveniles to whom this section did not apply  
13 prior to June 12, 2008, who:

14 (i) Are convicted on or after June 12, 2008, of an offense listed  
15 in subsection (1)(a) of this section on the date of conviction; or

16 (ii) Were convicted prior to June 12, 2008, of an offense listed  
17 in subsection (1)(a) of this section and are still incarcerated on or  
18 after June 12, 2008;

19 (c) All adults and juveniles who are required to register under  
20 RCW 9A.44.130 on or after June 12, 2008, whether convicted before,  
21 on, or after June 12, 2008; and

22 (d) All samples submitted under subsections (2) and (3) of this  
23 section.

24 (9) This section creates no rights in a third person. No cause of  
25 action may be brought based upon the noncollection or nonanalysis or  
26 the delayed collection or analysis of a biological sample authorized  
27 to be taken under RCW 43.43.752 through 43.43.758.

28 (10) The detention, arrest, or conviction of a person based upon  
29 a database match or database information is not invalidated if it is  
30 determined that the sample was obtained or placed in the database by  
31 mistake, or if the conviction or juvenile adjudication that resulted  
32 in the collection of the biological sample was subsequently vacated  
33 or otherwise altered in any future proceeding including but not  
34 limited to posttrial or postfact-finding motions, appeals, or  
35 collateral attacks. No cause of action may be brought against the  
36 state based upon the analysis of a biological sample authorized to be  
37 taken pursuant to a municipal ordinance if the conviction or  
38 adjudication that resulted in the collection of the biological sample  
39 was subsequently vacated or otherwise altered in any future

1 proceeding including, but not limited to, posttrial or postfact-  
2 finding motions, appeals, or collateral attacks.

3 (11) A person commits the crime of refusal to provide DNA if the  
4 person willfully refuses to comply with a legal request for a DNA  
5 sample as required under this section. The refusal to provide DNA is  
6 a gross misdemeanor.

7 **Sec. 150.** RCW 43.43.842 and 2019 c 446 s 44 and 2019 c 444 s 22  
8 are each reenacted and amended to read as follows:

9 (1)(a) The secretary of social and health services and the  
10 secretary of health shall adopt additional requirements for the  
11 licensure or relicensure of agencies, facilities, and licensed  
12 individuals who provide care and treatment to vulnerable adults,  
13 including nursing pools registered under chapter 18.52C RCW. These  
14 additional requirements shall ensure that any person associated with  
15 a licensed agency or facility having unsupervised access with a  
16 vulnerable adult shall not be the respondent in an active  
17 (~~protective~~) vulnerable adult protection order under chapter 7.---  
18 RCW ((74.34.130)) (the new chapter created in section 78 of this  
19 act), nor have been: (i) Convicted of a crime against children or  
20 other persons as defined in RCW 43.43.830, except as provided in this  
21 section; (ii) convicted of crimes relating to financial exploitation  
22 as defined in RCW 43.43.830, except as provided in this section; or  
23 (iii) found in any disciplinary board final decision to have abused a  
24 vulnerable adult (~~under~~) as defined in RCW 43.43.830.

25 (b) A person associated with a licensed agency or facility who  
26 has unsupervised access with a vulnerable adult shall make the  
27 disclosures specified in RCW 43.43.834(2). The person shall make the  
28 disclosures in writing, sign, and swear to the contents under penalty  
29 of perjury. The person shall, in the disclosures, specify all crimes  
30 against children or other persons, all crimes relating to financial  
31 exploitation, and all crimes relating to drugs as defined in RCW  
32 43.43.830, committed by the person.

33 (2) The rules adopted under this section shall permit the  
34 licensee to consider the criminal history of an applicant for  
35 employment in a licensed facility when the applicant has one or more  
36 convictions for a past offense and:

37 (a) The offense was simple assault, assault in the fourth degree,  
38 or the same offense as it may be renamed, and three or more years

1 have passed between the most recent conviction and the date of  
2 application for employment;

3 (b) The offense was prostitution, or the same offense as it may  
4 be renamed, and three or more years have passed between the most  
5 recent conviction and the date of application for employment;

6 (c) The offense was theft in the third degree, or the same  
7 offense as it may be renamed, and three or more years have passed  
8 between the most recent conviction and the date of application for  
9 employment;

10 (d) The offense was theft in the second degree, or the same  
11 offense as it may be renamed, and five or more years have passed  
12 between the most recent conviction and the date of application for  
13 employment;

14 (e) The offense was forgery, or the same offense as it may be  
15 renamed, and five or more years have passed between the most recent  
16 conviction and the date of application for employment;

17 (f) The department of social and health services reviewed the  
18 employee's otherwise disqualifying criminal history through the  
19 department of social and health services' background assessment  
20 review team process conducted in 2002, and determined that such  
21 employee could remain in a position covered by this section; or

22 (g) The otherwise disqualifying conviction or disposition has  
23 been the subject of a pardon, annulment, or other equivalent  
24 procedure.

25 The offenses set forth in (a) through (g) of this subsection do  
26 not automatically disqualify an applicant from employment by a  
27 licensee. Nothing in this section may be construed to require the  
28 employment of any person against a licensee's judgment.

29 (3) The rules adopted pursuant to subsection (2) of this section  
30 may not allow a licensee to automatically deny an applicant with a  
31 conviction for an offense set forth in subsection (2) of this section  
32 for a position as a substance use disorder professional or substance  
33 use disorder professional trainee certified under chapter 18.205 RCW  
34 if:

35 (a) At least one year has passed between the applicant's most  
36 recent conviction for an offense set forth in subsection (2) of this  
37 section and the date of application for employment;

38 (b) The offense was committed as a result of the applicant's  
39 substance use or untreated mental health symptoms; and

1 (c) The applicant is at least one year in recovery from a  
2 substance use disorder, whether through abstinence or stability on  
3 medication-assisted therapy, or in recovery from a mental health  
4 disorder.

5 (4) The rules adopted pursuant to subsection (2) of this section  
6 may not allow a licensee to automatically deny an applicant with a  
7 conviction for an offense set forth in subsection (2) of this section  
8 for a position as an agency affiliated counselor registered under  
9 chapter 18.19 RCW practicing as a peer counselor in an agency or  
10 facility if:

11 (a) At least one year has passed between the applicant's most  
12 recent conviction for an offense set forth in subsection (2) of this  
13 section and the date of application for employment;

14 (b) The offense was committed as a result of the person's  
15 substance use or untreated mental health symptoms; and

16 (c) The applicant is at least one year in recovery from a  
17 substance use disorder, whether through abstinence or stability on  
18 medication-assisted therapy, or in recovery from mental health  
19 challenges.

20 (5) In consultation with law enforcement personnel, the secretary  
21 of social and health services and the secretary of health shall  
22 investigate, or cause to be investigated, the conviction record and  
23 the protection proceeding record information under this chapter of  
24 the staff of each agency or facility under their respective  
25 jurisdictions seeking licensure or relicensure. An individual  
26 responding to a criminal background inquiry request from his or her  
27 employer or potential employer shall disclose the information about  
28 his or her criminal history under penalty of perjury. The secretaries  
29 shall use the information solely for the purpose of determining  
30 eligibility for licensure or relicensure. Criminal justice agencies  
31 shall provide the secretaries such information as they may have and  
32 that the secretaries may require for such purpose.

33 **Sec. 151.** RCW 48.18.550 and 2020 c 29 s 15 are each amended to  
34 read as follows:

35 (1) No insurer shall deny or refuse to accept an application for  
36 insurance, refuse to insure, refuse to renew, cancel, restrict, or  
37 otherwise terminate a policy of insurance, or charge a different rate  
38 for the same coverage on the basis that the applicant or insured  
39 person is, has been, or may be a victim of domestic abuse.

1 (2) Nothing in this section shall prevent an insurer from taking  
2 any of the actions set forth in subsection (1) of this section on the  
3 basis of loss history or medical condition or for any other reason  
4 not otherwise prohibited by this section, any other law, regulation,  
5 or rule.

6 (3) Any form filed or filed after June 11, 1998, subject to RCW  
7 48.18.120(1) or subject to a rule adopted under RCW 48.18.120(1) may  
8 exclude coverage for losses caused by intentional or fraudulent acts  
9 of any insured. Such an exclusion, however, shall not apply to deny  
10 an insured's otherwise-covered property loss if the property loss is  
11 caused by an act of domestic abuse by another insured under the  
12 policy, the insured claiming property loss files a police report and  
13 cooperates with any law enforcement investigation relating to the act  
14 of domestic abuse, and the insured claiming property loss did not  
15 cooperate in, or contribute to, the creation of the property loss.  
16 Payment by the insurer to an insured may be limited to the person's  
17 insurable interest in the property less payments made to a mortgagee  
18 or other party with a legal secured interest in the property. An  
19 insurer making payment to an insured under this section has all  
20 rights of subrogation to recover against the perpetrator of the act  
21 that caused the loss.

22 (4) Nothing in this section prohibits an insurer from  
23 investigating a claim and complying with chapter 48.30A RCW.

24 (5) For the purposes of this section, the following definitions  
25 apply:

26 (a) "Domestic abuse" means: (i) Physical harm, bodily injury,  
27 assault, or the infliction of fear of imminent physical harm, bodily  
28 injury, or assault between family or household members or intimate  
29 partners; (ii) sexual assault of one family or household member by  
30 another or of one intimate partner by another; (iii) stalking as  
31 defined in RCW 9A.46.110 of one family or household member by another  
32 or of one intimate partner by another; or (iv) intentionally,  
33 knowingly, or recklessly causing damage to property so as to  
34 intimidate or attempt to control the behavior of another family or  
35 household member or of another intimate partner.

36 (b) "Family or household member" has the same meaning as in RCW  
37 (~~(26.50.010)~~) 10.99.020.

38 (c) "Intimate partner" has the same meaning as in RCW  
39 (~~(26.50.010)~~) 10.99.020.



1       **Sec. 152.** RCW 49.76.020 and 2017 3rd sp.s. c 5 s 90 are each  
2 amended to read as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

5       (1) "Child," "spouse," "parent," "parent-in-law," "grandparent,"  
6 and "sick leave and other paid time off" have the same meanings as in  
7 RCW 49.12.265.

8       (2) "Dating relationship" has the same meaning as in ((RCW  
9 ~~26.50.010~~) section 2 of this act.

10       (3) "Department," "director," "employer," and "employee" have the  
11 same meanings as in RCW 49.12.005.

12       (4) "Domestic violence" has the same meaning as in ((RCW  
13 ~~26.50.010~~) section 2 of this act.

14       (5) "Family member" means any individual whose relationship to  
15 the employee can be classified as a child, spouse, parent, parent-in-  
16 law, grandparent, or person with whom the employee has a dating  
17 relationship.

18       (6) "Intermittent leave" is leave taken in separate blocks of  
19 time due to a single qualifying reason.

20       (7) "Reduced leave schedule" means a leave schedule that reduces  
21 the usual number of hours per workweek, or hours per workday, of an  
22 employee.

23       (8) "Sexual assault" has the same meaning as in RCW 70.125.030.

24       (9) "Stalking" has the same meaning as in RCW 9A.46.110.

25       **Sec. 153.** RCW 50.20.050 and 2009 c 493 s 3 and 2009 c 247 s 1  
26 are each reenacted and amended to read as follows:

27       (1) With respect to claims that have an effective date on or  
28 after January 4, 2004, and for separations that occur before  
29 September 6, 2009:

30       (a) An individual shall be disqualified from benefits beginning  
31 with the first day of the calendar week in which he or she has left  
32 work voluntarily without good cause and thereafter for seven calendar  
33 weeks and until he or she has obtained bona fide work in employment  
34 covered by this title and earned wages in that employment equal to  
35 seven times his or her weekly benefit amount.

36       The disqualification shall continue if the work obtained is a  
37 mere sham to qualify for benefits and is not bona fide work. In  
38 determining whether work is of a bona fide nature, the commissioner  
39 shall consider factors including but not limited to the following:

1 (i) The duration of the work;

2 (ii) The extent of direction and control by the employer over the  
3 work; and

4 (iii) The level of skill required for the work in light of the  
5 individual's training and experience.

6 (b) An individual is not disqualified from benefits under (a) of  
7 this subsection when:

8 (i) He or she has left work to accept a bona fide offer of bona  
9 fide work as described in (a) of this subsection;

10 (ii) The separation was necessary because of the illness or  
11 disability of the claimant or the death, illness, or disability of a  
12 member of the claimant's immediate family if:

13 (A) The claimant pursued all reasonable alternatives to preserve  
14 his or her employment status by requesting a leave of absence, by  
15 having promptly notified the employer of the reason for the absence,  
16 and by having promptly requested reemployment when again able to  
17 assume employment. These alternatives need not be pursued, however,  
18 when they would have been a futile act, including those instances  
19 when the futility of the act was a result of a recognized labor/  
20 management dispatch system; and

21 (B) The claimant terminated his or her employment status, and is  
22 not entitled to be reinstated to the same position or a comparable or  
23 similar position;

24 (iii) (A) With respect to claims that have an effective date  
25 before July 2, 2006, he or she: (I) Left work to relocate for the  
26 spouse's employment that, due to a mandatory military transfer: (1)  
27 Is outside the existing labor market area; and (2) is in Washington  
28 or another state that, pursuant to statute, does not consider such an  
29 individual to have left work voluntarily without good cause; and (II)  
30 remained employed as long as was reasonable prior to the move;

31 (B) With respect to claims that have an effective date on or  
32 after July 2, 2006, he or she: (I) Left work to relocate for the  
33 spouse's employment that, due to a mandatory military transfer, is  
34 outside the existing labor market area; and (II) remained employed as  
35 long as was reasonable prior to the move;

36 (iv) The separation was necessary to protect the claimant or the  
37 claimant's immediate family members from domestic violence, as  
38 defined in (~~RCW 26.50.010~~) section 2 of this act, or stalking, as  
39 defined in RCW 9A.46.110;

1 (v) The individual's usual compensation was reduced by twenty-  
2 five percent or more;

3 (vi) The individual's usual hours were reduced by twenty-five  
4 percent or more;

5 (vii) The individual's worksite changed, such change caused a  
6 material increase in distance or difficulty of travel, and, after the  
7 change, the commute was greater than is customary for workers in the  
8 individual's job classification and labor market;

9 (viii) The individual's worksite safety deteriorated, the  
10 individual reported such safety deterioration to the employer, and  
11 the employer failed to correct the hazards within a reasonable period  
12 of time;

13 (ix) The individual left work because of illegal activities in  
14 the individual's worksite, the individual reported such activities to  
15 the employer, and the employer failed to end such activities within a  
16 reasonable period of time;

17 (x) The individual's usual work was changed to work that violates  
18 the individual's religious convictions or sincere moral beliefs; or

19 (xi) The individual left work to enter an apprenticeship program  
20 approved by the Washington state apprenticeship training council.  
21 Benefits are payable beginning Sunday of the week prior to the week  
22 in which the individual begins active participation in the  
23 apprenticeship program.

24 (2) With respect to separations that occur on or after September  
25 6, 2009:

26 (a) An individual shall be disqualified from benefits beginning  
27 with the first day of the calendar week in which he or she has left  
28 work voluntarily without good cause and thereafter for seven calendar  
29 weeks and until he or she has obtained bona fide work in employment  
30 covered by this title and earned wages in that employment equal to  
31 seven times his or her weekly benefit amount. Good cause reasons to  
32 leave work are limited to reasons listed in (b) of this subsection.

33 The disqualification shall continue if the work obtained is a  
34 mere sham to qualify for benefits and is not bona fide work. In  
35 determining whether work is of a bona fide nature, the commissioner  
36 shall consider factors including but not limited to the following:

37 (i) The duration of the work;

38 (ii) The extent of direction and control by the employer over the  
39 work; and

1 (iii) The level of skill required for the work in light of the  
2 individual's training and experience.

3 (b) An individual has good cause and is not disqualified from  
4 benefits under (a) of this subsection only under the following  
5 circumstances:

6 (i) He or she has left work to accept a bona fide offer of bona  
7 fide work as described in (a) of this subsection;

8 (ii) The separation was necessary because of the illness or  
9 disability of the claimant or the death, illness, or disability of a  
10 member of the claimant's immediate family if:

11 (A) The claimant pursued all reasonable alternatives to preserve  
12 his or her employment status by requesting a leave of absence, by  
13 having promptly notified the employer of the reason for the absence,  
14 and by having promptly requested reemployment when again able to  
15 assume employment. These alternatives need not be pursued, however,  
16 when they would have been a futile act, including those instances  
17 when the futility of the act was a result of a recognized labor/  
18 management dispatch system; and

19 (B) The claimant terminated his or her employment status, and is  
20 not entitled to be reinstated to the same position or a comparable or  
21 similar position;

22 (iii) The claimant: (A) Left work to relocate for the employment  
23 of a spouse or domestic partner that is outside the existing labor  
24 market area; and (B) remained employed as long as was reasonable  
25 prior to the move;

26 (iv) The separation was necessary to protect the claimant or the  
27 claimant's immediate family members from domestic violence, as  
28 defined in (~~RCW 26.50.010~~) section 2 of this act, or stalking, as  
29 defined in RCW 9A.46.110;

30 (v) The individual's usual compensation was reduced by twenty-  
31 five percent or more;

32 (vi) The individual's usual hours were reduced by twenty-five  
33 percent or more;

34 (vii) The individual's worksite changed, such change caused a  
35 material increase in distance or difficulty of travel, and, after the  
36 change, the commute was greater than is customary for workers in the  
37 individual's job classification and labor market;

38 (viii) The individual's worksite safety deteriorated, the  
39 individual reported such safety deterioration to the employer, and

1 the employer failed to correct the hazards within a reasonable period  
2 of time;

3 (ix) The individual left work because of illegal activities in  
4 the individual's worksite, the individual reported such activities to  
5 the employer, and the employer failed to end such activities within a  
6 reasonable period of time;

7 (x) The individual's usual work was changed to work that violates  
8 the individual's religious convictions or sincere moral beliefs; or

9 (xi) The individual left work to enter an apprenticeship program  
10 approved by the Washington state apprenticeship training council.  
11 Benefits are payable beginning Sunday of the week prior to the week  
12 in which the individual begins active participation in the  
13 apprenticeship program.

14 (3) Notwithstanding subsection ~~((+2))~~ (1) of this section, for  
15 separations occurring on or after July 26, 2009, an individual who  
16 was simultaneously employed in full-time employment and part-time  
17 employment and is otherwise eligible for benefits from the loss of  
18 the full-time employment shall not be disqualified from benefits  
19 because the individual:

20 (a) Voluntarily quit the part-time employment before the loss of  
21 the full-time employment; and

22 (b) Did not have prior knowledge that he or she would be  
23 separated from full-time employment.

24 **Sec. 154.** RCW 59.18.570 and 2009 c 395 s 1 are each reenacted  
25 and amended to read as follows:

26 The definitions in this section apply throughout this section and  
27 RCW 59.18.575 through 59.18.585 unless the context clearly requires  
28 otherwise.

29 (1) "Credit reporting agency" has the same meaning as set forth  
30 in RCW 19.182.010(5).

31 (2) "Domestic violence" has the same meaning as set forth in  
32 ~~((RCW 26.50.010))~~ section 2 of this act.

33 (3) "Household member" means a child or adult residing with the  
34 tenant other than the perpetrator of domestic violence, stalking, or  
35 sexual assault.

36 (4) "Landlord" has the same meaning as in RCW 59.18.030 and  
37 includes the landlord's employees.

38 (5) "Qualified third party" means any of the following people  
39 acting in their official capacity:

- 1 (a) Law enforcement officers;  
2 (b) Persons subject to the provisions of chapter 18.120 RCW;  
3 (c) Employees of a court of the state;  
4 (d) Licensed mental health professionals or other licensed  
5 counselors;  
6 (e) Employees of crime victim/witness programs as defined in RCW  
7 7.69.020 who are trained advocates for the program; and  
8 (f) Members of the clergy as defined in RCW 26.44.020.  
9 (6) "Sexual assault" has the same meaning as set forth in RCW  
10 70.125.030.  
11 (7) "Stalking" has the same meaning as set forth in RCW  
12 9A.46.110.  
13 (8) "Tenant screening service provider" means any nongovernmental  
14 agency that provides, for a fee, background information on  
15 prospective tenants to landlords.  
16 (9) "Unlawful harassment" has the same meaning as in ((RCW  
17 ~~10.14.020~~)) section 2 of this act and also includes any request for  
18 sexual favors to a tenant or household member in return for a change  
19 in or performance of any or all terms of a lease or rental agreement.

20 **Sec. 155.** RCW 59.18.575 and 2019 c 46 s 5042 are each amended to  
21 read as follows:

22 (1)(a) If a tenant notifies the landlord in writing that he or  
23 she or a household member was a victim of an act that constitutes a  
24 crime of domestic violence, sexual assault, unlawful harassment, or  
25 stalking, and either (a)(i) or (ii) of this subsection applies, then  
26 subsection (2) of this section applies:

27 (i) The tenant or the household member has a domestic violence  
28 protection order, sexual assault protection order, stalking  
29 protection order, or antiharassment protection order under chapter  
30 7.--- RCW (the new chapter created in section 78 of this act), or a  
31 valid order for protection under one or more of the following:  
32 Chapter ((7.90, 26.50,)) 26.26A((7)) or 26.26B RCW, or any of the  
33 former chapters 7.90 and 26.50 RCW, or RCW 9A.46.040, 9A.46.050,  
34 ((10.14.080,)) 10.99.040 (2) or (3), or 26.09.050, or former RCW  
35 10.14.080; or

36 (ii) The tenant or the household member has reported the domestic  
37 violence, sexual assault, unlawful harassment, or stalking to a  
38 qualified third party acting in his or her official capacity and the

1 qualified third party has provided the tenant or the household member  
2 a written record of the report signed by the qualified third party.

3 (b) When a copy of a valid order for protection or a written  
4 record of a report signed by a qualified third party, as required  
5 under (a) of this subsection, is made available to the landlord, the  
6 tenant may terminate the rental agreement and quit the premises  
7 without further obligation under the rental agreement or under this  
8 chapter. However, the request to terminate the rental agreement must  
9 occur within ninety days of the reported act, event, or circumstance  
10 that gave rise to the protective order or report to a qualified third  
11 party. A record of the report to a qualified third party that is  
12 provided to the tenant or household member shall consist of a  
13 document signed and dated by the qualified third party stating: (i)  
14 That the tenant or the household member notified him or her that he  
15 or she was a victim of an act or acts that constitute a crime of  
16 domestic violence, sexual assault, unlawful harassment, or stalking;  
17 (ii) the time and date the act or acts occurred; (iii) the location  
18 where the act or acts occurred; (iv) a brief description of the act  
19 or acts of domestic violence, sexual assault, unlawful harassment, or  
20 stalking; and (v) that the tenant or household member informed him or  
21 her of the name of the alleged perpetrator of the act or acts. The  
22 record of the report provided to the tenant or household member shall  
23 not include the name of the alleged perpetrator of the act or acts of  
24 domestic violence, sexual assault, unlawful harassment, or stalking.  
25 The qualified third party shall keep a copy of the record of the  
26 report and shall note on the retained copy the name of the alleged  
27 perpetrator of the act or acts of domestic violence, sexual assault,  
28 unlawful harassment, or stalking. The record of the report to a  
29 qualified third party may be accomplished by completion of a form  
30 provided by the qualified third party, in substantially the following  
31 form:

32 .....  
33 [Name of organization, agency, clinic, professional service  
34 provider]  
35 I and/or my ..... (household member) am/is a victim  
36 of  
37 ... domestic violence as defined by ((RCW  
38 26.50.010)) section 2 of this act.

1 . . . sexual assault as defined by RCW

2 70.125.030.

3 . . . stalking as defined by RCW 9A.46.110.

4 . . . unlawful harassment as defined by RCW

5 59.18.570.

6 Briefly describe the incident of domestic violence,  
7 sexual assault, unlawful harassment, or stalking: . . . . .  
8 . . . . .

9 The incident(s) that I rely on in support of this  
10 declaration occurred on the following date(s) and time(s)  
11 and at the following location(s): . . . . .

12 The incident(s) that I rely on in support of this  
13 declaration were committed by the following person(s): . . .  
14 . . . . .

15 I state under penalty of perjury under the laws of the  
16 state of Washington that the foregoing is true and correct.

17 Dated at . . . . . (city) . ., Washington, this . . . day  
18 of . . . ., . . . . (year)

19 . . . . .

20 Signature of Tenant or  
21 Household Member

22 I verify that I have provided to the person whose  
23 signature appears above the statutes cited in RCW  
24 59.18.575 and that the individual was a victim of an act that  
25 constitutes a crime of domestic violence, sexual assault,  
26 unlawful harassment, or stalking, and that the individual  
27 informed me of the name of the alleged perpetrator of the  
28 act.

29 Dated this . . . day of . . . ., . . . . (year)

30 . . . . .

31 Signature of authorized  
32 officer/employee of  
33 (Organization, agency, clinic,  
34 professional service provider)

35 (2) A tenant who terminates a rental agreement under this section  
36 is discharged from the payment of rent for any period following the  
37 last day of the month of the quitting date. The tenant shall remain



1 liable for the rent for the month in which he or she terminated the  
2 rental agreement unless the termination is in accordance with RCW  
3 59.18.200(1). Notwithstanding lease provisions that allow for  
4 forfeiture of a deposit for early termination, a tenant who  
5 terminates under this section is entitled to the return of the full  
6 deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who  
7 are parties to the rental agreement, except household members who are  
8 the victims of sexual assault, stalking, unlawful harassment, or  
9 domestic violence, are not released from their obligations under the  
10 rental agreement or other obligations under this chapter.

11 (3) (a) Notwithstanding any other provision under this section, if  
12 a tenant or a household member is a victim of sexual assault,  
13 stalking, or unlawful harassment by a landlord, the tenant may  
14 terminate the rental agreement and quit the premises without further  
15 obligation under the rental agreement or under this chapter prior to  
16 making a copy of a valid order for protection or a written record of  
17 a report signed by a qualified third party available to the landlord,  
18 provided that:

19 (i) The tenant must deliver a copy of a valid order for  
20 protection or written record of a report signed by a qualified third  
21 party to the landlord by mail, fax, or personal delivery by a third  
22 party within seven days of quitting the tenant's dwelling unit; and

23 (ii) A written record of a report signed by the qualified third  
24 party must be substantially in the form specified under subsection  
25 (1)(b) of this section. The record of the report provided to the  
26 landlord must not include the name of the alleged perpetrator of the  
27 act. On written request by the landlord, the qualified third party  
28 shall, within seven days, provide the name of the alleged perpetrator  
29 of the act to the landlord only if the alleged perpetrator was a  
30 person meeting the definition of the term "landlord" under RCW  
31 59.18.570.

32 (b) A tenant who terminates his or her rental agreement under  
33 this subsection is discharged from the payment of rent for any period  
34 following the latter of: (i) The date the tenant vacates the unit; or  
35 (ii) the date the record of the report of the qualified third party  
36 and the written notice that the tenant has vacated are delivered to  
37 the landlord by mail, fax, or personal delivery by a third party. The  
38 tenant is entitled to a pro rata refund of any prepaid rent and must  
39 receive a full and specific statement of the basis for retaining any

1 of the deposit together with any refund due in accordance with RCW  
2 59.18.280.

3 (4) If a tenant or a household member is a victim of sexual  
4 assault, stalking, or unlawful harassment by a landlord, the tenant  
5 may change or add locks to the tenant's dwelling unit at the tenant's  
6 expense. If a tenant exercises his or her rights to change or add  
7 locks, the following rules apply:

8 (a) Within seven days of changing or adding locks, the tenant  
9 must deliver to the landlord by mail, fax, or personal delivery by a  
10 third party: (i) Written notice that the tenant has changed or added  
11 locks; and (ii) a copy of a valid order for protection or a written  
12 record of a report signed by a qualified third party. A written  
13 record of a report signed by a qualified third party must be  
14 substantially in the form specified under subsection (1)(b) of this  
15 section. The record of the report provided to the landlord must not  
16 include the name of the alleged perpetrator of the act. On written  
17 request by the landlord, the qualified third party shall, within  
18 seven days, provide the name of the alleged perpetrator to the  
19 landlord only if the alleged perpetrator was a person meeting the  
20 definition of the term "landlord" under RCW 59.18.570.

21 (b) After the tenant provides notice to the landlord that the  
22 tenant has changed or added locks, the tenant's rental agreement  
23 shall terminate on the ninetieth day after providing such notice,  
24 unless:

25 (i) Within sixty days of providing notice that the tenant has  
26 changed or added locks, the tenant notifies the landlord in writing  
27 that the tenant does not wish to terminate his or her rental  
28 agreement. If the perpetrator has been identified by the qualified  
29 third party and is no longer an employee or agent of the landlord or  
30 owner and does not reside at the property, the tenant shall provide  
31 the owner or owner's designated agent with a copy of the key to the  
32 new locks at the same time as providing notice that the tenant does  
33 not wish to terminate his or her rental agreement. A tenant who has a  
34 valid protection, antiharassment, or other protective order against  
35 the owner of the premises or against an employee or agent of the  
36 landlord or owner is not required to provide a key to the new locks  
37 until the protective order expires or the tenant vacates; or

38 (ii) The tenant exercises his or her rights to terminate the  
39 rental agreement under subsection (3) of this section within sixty  
40 days of providing notice that the tenant has changed or added locks.

1 (c) After a landlord receives notice that a tenant has changed or  
2 added locks to his or her dwelling unit under (a) of this subsection,  
3 the landlord may not enter the tenant's dwelling unit except as  
4 follows:

5 (i) In the case of an emergency, the landlord may enter the unit  
6 if accompanied by a law enforcement or fire official acting in his or  
7 her official capacity. If the landlord reasonably concludes that the  
8 circumstances require immediate entry into the unit, the landlord  
9 may, after notifying emergency services, use such force as necessary  
10 to enter the unit if the tenant is not present; or

11 (ii) The landlord complies with the requirements of RCW 59.18.150  
12 and clearly specifies in writing the time and date that the landlord  
13 intends to enter the unit and the purpose for entering the unit. The  
14 tenant must make arrangements to permit access by the landlord.

15 (d) The exercise of rights to change or add locks under this  
16 subsection does not discharge the tenant from the payment of rent  
17 until the rental agreement is terminated and the tenant vacates the  
18 unit.

19 (e) The tenant may not change any locks to common areas and must  
20 make keys for new locks available to other household members.

21 (f) Upon vacating the dwelling unit, the tenant must deliver the  
22 key and all copies of the key to the landlord by mail or personal  
23 delivery by a third party.

24 (5) A tenant's remedies under this section do not preempt any  
25 other legal remedy available to the tenant.

26 (6) The provision of verification of a report under subsection  
27 (1)(b) of this section does not waive the confidential or privileged  
28 nature of the communication between a victim of domestic violence,  
29 sexual assault, or stalking with a qualified third party pursuant to  
30 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence  
31 obtained from such disclosure may be used in any civil,  
32 administrative, or criminal proceeding against the victim unless a  
33 written waiver of applicable evidentiary privilege is obtained,  
34 except that the verification itself, and no other privileged  
35 information, under subsection (1)(b) of this section may be used in  
36 civil proceedings brought under this section.

37 **Sec. 156.** RCW 71.09.305 and 2002 c 68 s 6 are each amended to  
38 read as follows:

39 (1) Unless otherwise ordered by the court:

1 (a) Residents of a secure community transition facility shall  
2 wear electronic monitoring devices at all times. To the extent that  
3 electronic monitoring devices that employ global positioning system  
4 technology are available and funds for this purpose are appropriated  
5 by the legislature, the department shall use these devices.

6 (b) At least one staff member, or other court-authorized and  
7 department-approved person must escort each resident when the  
8 resident leaves the secure community transition facility for  
9 appointments, employment, or other approved activities. Escorting  
10 persons must supervise the resident closely and maintain close  
11 proximity to the resident. The escort must immediately notify the  
12 department of any serious violation, as defined in RCW 71.09.325, by  
13 the resident and must immediately notify law enforcement of any  
14 violation of law by the resident. The escort may not be a relative of  
15 the resident or a person with whom the resident has, or has had, a  
16 dating relationship as defined in (~~RCW 26.50.010~~) section 2 of this  
17 act.

18 (2) Staff members of the special commitment center and any other  
19 total confinement facility and any secure community transition  
20 facility must be trained in self-defense and appropriate crisis  
21 responses including incident de-escalation. Prior to escorting a  
22 person outside of a facility, staff members must also have training  
23 in the offense pattern of the offender they are escorting.

24 (3) Any escort must carry a cellular telephone or a similar  
25 device at all times when escorting a resident of a secure community  
26 transition facility.

27 (4) The department shall require training in offender pattern,  
28 self-defense, and incident response for all court-authorized escorts  
29 who are not employed by the department or the department of  
30 corrections.

31 **Sec. 157.** RCW 71.32.090 and 2003 c 283 s 9 are each amended to  
32 read as follows:

33 A witness may not be any of the following:

34 (1) A person designated to make health care decisions on the  
35 principal's behalf;

36 (2) A health care provider or professional person directly  
37 involved with the provision of care to the principal at the time the  
38 directive is executed;

1 (3) An owner, operator, employee, or relative of an owner or  
2 operator of a health care facility or long-term care facility in  
3 which the principal is a patient or resident;

4 (4) A person who is related by blood, marriage, or adoption to  
5 the person or with whom the principal has a dating relationship, as  
6 defined in ((RCW 26.50.010)) section 2 of this act;

7 (5) A person who is declared to be an incapacitated person; or

8 (6) A person who would benefit financially if the principal  
9 making the directive undergoes mental health treatment.

10 **Sec. 158.** RCW 71.32.200 and 2016 c 209 s 412 are each amended to  
11 read as follows:

12 Any person with reasonable cause to believe that a directive has  
13 been created or revoked under circumstances amounting to fraud,  
14 duress, or undue influence may petition the court for appointment of  
15 a guardian for the person or to review the actions of the agent or  
16 person alleged to be involved in improper conduct under RCW  
17 11.125.160 or ((74.34.110)) chapter 74.34 RCW.

18 **Sec. 159.** RCW 71.32.260 and 2016 c 209 s 413 and 2016 c 155 s 16  
19 are each reenacted and amended to read as follows:

20 The directive shall be in substantially the following form:

21 **Mental Health Advance Directive**

22 **NOTICE TO PERSONS**

23 **CREATING A MENTAL HEALTH ADVANCE DIRECTIVE**

24 This is an important legal document. It creates an advance directive for mental health treatment. Before signing this  
25 document you should know these important facts:

26 (1) This document is called an advance directive and allows you to make decisions in advance about your mental health  
27 treatment, including medications, short-term admission to inpatient treatment and electroconvulsive therapy.

28 **YOU DO NOT HAVE TO FILL OUT OR SIGN THIS FORM.**

29 **IF YOU DO NOT SIGN THIS FORM, IT WILL NOT TAKE EFFECT.**

30 If you choose to complete and sign this document, you may still decide to leave some items blank.

31 (2) You have the right to appoint a person as your agent to make treatment decisions for you. You must notify your agent  
32 that you have appointed him or her as an agent. The person you appoint has a duty to act consistently with your wishes  
33 made known by you. If your agent does not know what your wishes are, he or she has a duty to act in your best interest.

34 Your agent has the right to withdraw from the appointment at any time.

1 (3) The instructions you include with this advance directive and the authority you give your agent to act will only become  
2 effective under the conditions you select in this document. You may choose to limit this directive and your agent's authority  
3 to times when you are incapacitated or to times when you are exhibiting symptoms or behavior that you specify. You may  
4 also make this directive effective immediately. No matter when you choose to make this directive effective, your treatment  
5 providers must still seek your informed consent at all times that you have capacity to give informed consent.

6 (4) You have the right to revoke this document in writing at any time you have capacity.

7 **YOU MAY NOT REVOKE THIS DIRECTIVE WHEN YOU HAVE BEEN FOUND TO BE**  
8 **INCAPACITATED UNLESS YOU HAVE SPECIFICALLY STATED IN THIS DIRECTIVE THAT**  
9 **YOU WANT IT TO BE REVOCABLE WHEN YOU ARE INCAPACITATED.**

10 (5) This directive will stay in effect until you revoke it unless you specify an expiration date. If you specify an expiration  
11 date and you are incapacitated at the time it expires, it will remain in effect until you have capacity to make treatment  
12 decisions again unless you chose to be able to revoke it while you are incapacitated and you revoke the directive.

13 (6) You cannot use your advance directive to consent to civil commitment. The procedures that apply to your advance  
14 directive are different than those provided for in the Involuntary Treatment Act. Involuntary treatment is a different  
15 process.

16 (7) If there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

17 (8) You should be aware that there are some circumstances where your provider may not have to follow your directive.

18 (9) You should discuss any treatment decisions in your directive with your provider.

19 (10) You may ask the court to rule on the validity of your directive.

20  
21 **PART I.**

22 **STATEMENT OF INTENT TO CREATE A**  
23 **MENTAL HEALTH ADVANCE DIRECTIVE**

24 I, . . . . . being a person with capacity, willfully and voluntarily execute this mental health advance directive so that  
25 my choices regarding my mental health care will be carried out in circumstances when I am unable to express my  
26 instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health  
27 decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

28 The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed  
29 sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in  
30 my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the  
31 extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

32 I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot  
33 revoke this directive if a court, two health care providers, or one mental health professional and one health care provider  
34 find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive  
35 while incapacitated.

1 I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this  
2 directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional  
3 person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial  
4 exploitation, or abandonment to carry out my directive.

5 I understand that there are some circumstances where my provider may not have to follow my directive.

6  
7 **PART II.**

8 **WHEN THIS DIRECTIVE IS EFFECTIVE**

9 *YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.*

10 I intend that this directive become effective (*YOU MUST CHOOSE ONLY ONE*):

11 . . . . . Immediately upon my signing of this directive.

12 . . . . . If I become incapacitated.

13 . . . . . When the following circumstances, symptoms, or behaviors occur: . . . . .

14  
15 **PART III.**

16 **DURATION OF THIS DIRECTIVE**

17 *YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.*

18 I want this directive to (*YOU MUST CHOOSE ONLY ONE*):

19 . . . . . Remain valid and in effect for an indefinite period of time.

20 . . . . . Automatically expire . . . . . years from the date it was created.

21  
22 **PART IV.**

23 **WHEN I MAY REVOKE THIS DIRECTIVE**

24 *YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.*

25 I intend that I be able to revoke this directive (*YOU MUST CHOOSE ONLY ONE*):

26 . . . . . Only when I have capacity.

27 I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if  
28 I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this  
29 directive, even if I object at the time.

30 . . . . . Even if I am incapacitated.

31 I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further  
32 understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I  
33 specify in this directive, even if I want the treatment.

1  
2 **PART V.**

3 **PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS ((~~f~~**  
4 **~~PHYSICIAN ASSISTANTS,))~~, PHYSICIAN ASSISTANTS, OR PSYCHIATRIC ADVANCED REGISTERED**  
5 **NURSE PRACTITIONERS**

6 **A. Preferences and Instructions About Physician(s), Physician Assistant(s), or Psychiatric Advanced Registered**  
7 **Nurse Practitioner(s) to be Involved in My Treatment**

8 I would like the physician(s), physician assistant(s), or psychiatric advanced registered nurse practitioner(s) named below  
9 to be involved in my treatment decisions:

10 Dr., PA-C, or PARNP . . . . . Contact information: . . . . .

11 Dr., PA-C, or PARNP . . . . . Contact information: . . . . .

12 I do not wish to be treated by Dr. or PARNP. . . . .

13 **B. Preferences and Instructions About Other Providers**

14 I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the  
15 following treatment provider(s) to be contacted when this directive is effective:

16 Name . . . . . Profession . . . . . Contact information. . . . .

17 Name . . . . . Profession . . . . . Contact information. . . . .

18 **C. Preferences and Instructions About Medications for Psychiatric Treatment** (*initial and complete all that apply*)

19 . . . . . I consent, and authorize my agent (if appointed) to consent, to the following  
20 medications: . . . . .

21 . . . . . I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following  
22 medications: . . . . .

23 . . . . . I am willing to take the medications excluded above if my only reason for excluding them is the side effects which  
24 include. . . . .  
25 and these side effects can be eliminated by dosage adjustment or other means

26 . . . . . I am willing to try any other medication the hospital doctor, physician assistant, or psychiatric advanced registered  
27 nurse practitioner recommends

28 . . . . . I am willing to try any other medications my outpatient doctor, physician assistant, or psychiatric advanced  
29 registered nurse practitioner recommends

30 . . . . . I do not want to try any other medications.

31 **Medication Allergies**

32 I have allergies to, or severe side effects from, the following: . . . . .

33  
34 **Other Medication Preferences or Instructions**



1 . . . . . I have the following other preferences or instructions about medications. . . . .

2

3 **D. Preferences and Instructions About Hospitalization and Alternatives**

4 *(initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)*

5 . . . . . In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions  
6 that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as  
7 alternatives to psychiatric hospitalizations.

8 . . . . . I would also like the interventions below to be tried before hospitalization is considered:

9 . . . . . Calling someone or having someone call me when needed.

10 Name: . . . . . Telephone: . . . . .

11 . . . . . Staying overnight with someone

12 Name: . . . . . Telephone: . . . . .

13 . . . . . Having a mental health service provider come to see me

14 . . . . . Going to a crisis triage center or emergency room

15 . . . . . Staying overnight at a crisis respite (temporary) bed

16 . . . . . Seeing a service provider for help with psychiatric medications

17 . . . . . Other, specify: . . . . .

18 **Authority to Consent to Inpatient Treatment**

19 I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment  
20 for . . . . . days *(not to exceed 14 days)*

21 (Sign one):

22 . . . . . If deemed appropriate by my agent (if appointed) and treating physician, physician assistant, or psychiatric  
23 advanced registered nurse practitioner

24 . . . . .

25 (Signature)

26 or

27 . . . . . Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for  
28 hospitalization) . . . . .

29 . . . . .

30 (Signature)

31 . . . . . I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

32 . . . . .

33 (Signature)

34 **Hospital Preferences and Instructions**

1 If hospitalization is required, I prefer the following hospitals: .....

2 I do not consent to be admitted to the following hospitals: .....

3 **E. Preferences and Instructions About Preemergency**

4 I would like the interventions below to be tried before use of seclusion or restraint is considered

5 (*initial all that apply*):

6 ..... "Talk me down" one-on-one

7 ..... More medication

8 ..... Time out/privacy

9 ..... Show of authority/force

10 ..... Shift my attention to something else

11 ..... Set firm limits on my behavior

12 ..... Help me to discuss/vent feelings

13 ..... Decrease stimulation

14 ..... Offer to have neutral person settle dispute

15 ..... Other, specify .....

16 **F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications**

17 If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of  
18 medication, I prefer these interventions in the order I have chosen (*choose "1" for first choice, "2" for second choice, and*  
19 *so on*):

20 ..... Seclusion

21 ..... Seclusion and physical restraint (combined)

22 ..... Medication by injection

23 ..... Medication in pill or liquid form

24 In the event that my attending physician, physician assistant, or psychiatric advanced registered nurse practitioner decides  
25 to use medication in response to an emergency situation after due consideration of my preferences and instructions for  
26 emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have  
27 expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in  
28 emergency situations do not constitute consent to use of the medication for nonemergency treatment.

29 **G. Preferences and Instructions About Electroconvulsive Therapy**  
30 **(ECT or Shock Therapy)**

31 My wishes regarding electroconvulsive therapy are (*sign one*):

32 ..... I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive  
33 therapy

1 .....

2 (Signature)

3 ..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

4 .....

5 (Signature)

6 ..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but  
7 only under the following conditions: .....

8

9 (Signature)

10 **H. Preferences and Instructions About Who is Permitted to Visit**

11 If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

12 Name: .....

13 Name: .....

14 Name: .....

15 I understand that persons not listed above may be permitted to visit me.

16 **I. Additional Instructions About My Mental Health Care**

17 Other instructions about my mental health care: .....

18 In case of emergency, please contact:

19 Name: ..... Address: .....

20 Work telephone: ..... Home telephone: .....

21 Physician, Physician Assistant, or Psychiatric Address: .....

22 Advanced Registered Nurse Practitioner: .....

23 Telephone: .....

24 The following may help me to avoid a hospitalization: .....

25 I generally react to being hospitalized as follows: .....

26 Staff of the hospital or crisis unit can help me by doing the following: .....

27 **J. Refusal of Treatment**

28 I do not consent to any mental health treatment.

29 .....

30 (Signature)

31

32 **PART VI.**

33 **DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)**

34 *(Fill out this part only if you wish to appoint an agent or nominate a guardian.)*

1 I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes  
2 the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure,  
3 consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be  
4 made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this  
5 document **and my agent does not otherwise know my wishes**, I authorize my agent to make the decision that my agent  
6 determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this  
7 durable power of attorney, I may revoke it unless prohibited by other state law.

8 **A. Designation of an Agent**

9 I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this document  
10 and request that this person be notified immediately when this directive becomes effective:

11 Name: ..... Address: .....

12 Work telephone: ..... Home telephone: .....

13 Relationship: .....

14 **B. Designation of Alternate Agent**

15 If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to  
16 serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified  
17 immediately when this directive becomes effective or when my original agent is no longer my agent:

18 Name: ..... Address: .....

19 Work telephone: ..... Home telephone: .....

20 Relationship: .....

21 **C. When My Spouse is My Agent** (*initial if desired*)

22 ..... If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is  
23 dissolved, unless there is a court order to the contrary or I have remarried.

24 **D. Limitations on My Agent's Authority**

25 I do not grant my agent the authority to consent on my behalf to the following:

26 **E. Limitations on My Ability to Revoke this Durable Power of Attorney**

27 I choose to limit my ability to revoke this durable power of attorney as follows:

28 **F. Preference as to Court-Appointed Guardian**

29 In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I **nominate** the  
30 following person **as my guardian**:

31 Name: ..... Address: .....

32 Work telephone: ..... Home telephone: .....

33 Relationship: .....

1 The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or  
2 decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by  
3 law.

4 .....

5 (Signature required if nomination is made)

6

7

**PART VII.  
OTHER DOCUMENTS**

9

*(Initial all that apply)*

10 I have executed the following documents that include the power to make decisions regarding health care services for  
11 myself:

12 ..... Health care power of attorney (chapter 11.125 RCW)

13 ..... "Living will" (Health care directive; chapter 70.122 RCW)

14 ..... I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated  
15 below:

16

17

**PART VIII.  
NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS**

19

*(Fill out this part only if you wish to provide nontreatment instructions.)*

20 I understand the preferences and instructions in this part are **NOT** the responsibility of my treatment provider and that no  
21 treatment provider is required to act on them.

22

**A. Who Should Be Notified**

23 I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

24 Name: ..... Address: .....

25 Day telephone: ..... Evening telephone: .....

26 Name: ..... Address: .....

27 Day telephone: ..... Evening telephone: .....

28

**B. Preferences or Instructions About Personal Affairs**

29 I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am  
30 admitted to a mental health treatment facility:

31

**C. Additional Preferences and Instructions:**

32

33

**PART IX.  
SIGNATURE**

34

1 By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed  
2 consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I  
3 intend that my consent in this directive be construed as being consistent with the elements of informed consent under  
4 chapter 7.70 RCW.

5 Signature: ..... Date: .....

6 Printed Name: .....

7 This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her  
8 request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the  
9 Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not  
10 appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

- 11 (A) A person designated to make medical decisions on the principal's behalf;
- 12 (B) A health care provider or professional person directly involved with the provision of care to the principal at the time the  
13 directive is executed;
- 14 (C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in  
15 which the principal is a patient or resident;
- 16 (D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating  
17 relationship as defined in (~~RCW 26.50.010~~) section 2 of this act;
- 18 (E) An incapacitated person;
- 19 (F) A person who would benefit financially if the principal undergoes mental health treatment; or
- 20 (G) A minor.

21 Witness 1: Signature: ..... Date: .....

22 Printed Name: .....

23 Telephone: ..... Address: .....

24 Witness 2: Signature: ..... Date: .....

25 Printed Name: .....

26 Telephone: ..... Address: .....

27  
28 **PART X.**  
29 **RECORD OF DIRECTIVE**

30 I have given a copy of this directive to the following persons: .....

31 DO NOT FILL OUT PART XI UNLESS YOU INTEND TO REVOKE  
32 THIS DIRECTIVE IN PART OR IN WHOLE

33  
34 **PART XI.**  
35 **REVOCATION OF THIS DIRECTIVE**

1 (Initial any that apply):

2 ..... I am revoking the following part(s) of this directive (specify): .....

3 ..... I am revoking all of this directive.

4 By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any  
5 revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

6 Signature: ..... Date: .....

7 Printed Name: .....

8 **DO NOT SIGN THIS PART UNLESS YOU INTEND TO REVOKE THIS**  
9 **DIRECTIVE IN PART OR IN WHOLE**

10 **Sec. 160.** RCW 72.09.712 and 2019 c 46 s 5043 are each amended to  
11 read as follows:

12 (1) At the earliest possible date, and in no event later than  
13 thirty days before release except in the event of escape or emergency  
14 furloughs as defined in RCW 72.66.010, the department of corrections  
15 shall send written notice of parole, release, community custody, work  
16 release placement, furlough, or escape about a specific inmate  
17 convicted of a violent offense, a sex offense as defined by RCW  
18 9.94A.030, a domestic violence court order violation pursuant to  
19 section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300,  
20 26.10.220, 26.26B.050, (~~(26.50.110,)~~) or 26.52.070 (~~(, or 74.34.145)~~),  
21 or any of the former RCW 26.50.110 and 74.34.145, or a felony  
22 harassment offense as defined by RCW 9A.46.060 or 9A.46.110, to the  
23 following:

24 (a) The chief of police of the city, if any, in which the inmate  
25 will reside or in which placement will be made in a work release  
26 program; and

27 (b) The sheriff of the county in which the inmate will reside or  
28 in which placement will be made in a work release program.

29 The sheriff of the county where the offender was convicted shall  
30 be notified if the department does not know where the offender will  
31 reside. The department shall notify the state patrol of the release  
32 of all sex offenders, and that information shall be placed in the  
33 Washington crime information center for dissemination to all law  
34 enforcement.

35 (2) The same notice as required by subsection (1) of this section  
36 shall be sent to the following if such notice has been requested in  
37 writing about a specific inmate convicted of a violent offense, a sex

1 offense as defined by RCW 9.94A.030, a domestic violence court order  
2 violation pursuant to section 56 of this act, RCW 10.99.040,  
3 10.99.050, 26.09.300, 26.10.220, 26.26B.050, (~~(26.50.110,)~~) or  
4 26.52.070(~~(, or 74.34.145)~~), or any of the former RCW 26.50.110 and  
5 74.34.145, or a felony harassment offense as defined by RCW 9A.46.060  
6 or 9A.46.110:

7 (a) The victim of the crime for which the inmate was convicted or  
8 the victim's next of kin if the crime was a homicide;

9 (b) Any witnesses who testified against the inmate in any court  
10 proceedings involving the violent offense;

11 (c) Any person specified in writing by the prosecuting attorney;  
12 and

13 (d) Any person who requests such notice about a specific inmate  
14 convicted of a sex offense as defined by RCW 9.94A.030 from the  
15 department of corrections at least sixty days prior to the expected  
16 release date of the offender.

17 Information regarding victims, next of kin, or witnesses  
18 requesting the notice, information regarding any other person  
19 specified in writing by the prosecuting attorney to receive the  
20 notice, and the notice are confidential and shall not be available to  
21 the inmate. Whenever the department of corrections mails notice  
22 pursuant to this subsection and the notice is returned as  
23 undeliverable, the department shall attempt alternative methods of  
24 notification, including a telephone call to the person's last known  
25 telephone number.

26 (3) The existence of the notice requirements contained in  
27 subsections (1) and (2) of this section shall not require an  
28 extension of the release date in the event that the release plan  
29 changes after notification.

30 (4) If an inmate convicted of a violent offense, a sex offense as  
31 defined by RCW 9.94A.030, a domestic violence court order violation  
32 pursuant to section 56 of this act, RCW 10.99.040, 10.99.050,  
33 26.09.300, 26.10.220, 26.26B.050, (~~(26.50.110,)~~) or 26.52.070(~~(, or~~  
34 ~~74.34.145)~~), or any of the former RCW 26.50.110 and 74.34.145, or a  
35 felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110,  
36 escapes from a correctional facility, the department of corrections  
37 shall immediately notify, by the most reasonable and expedient means  
38 available, the chief of police of the city and the sheriff of the  
39 county in which the inmate resided immediately before the inmate's  
40 arrest and conviction. If previously requested, the department shall



1 also notify the witnesses and the victim of the crime for which the  
2 inmate was convicted or the victim's next of kin if the crime was a  
3 homicide. If the inmate is recaptured, the department shall send  
4 notice to the persons designated in this subsection as soon as  
5 possible but in no event later than two working days after the  
6 department learns of such recapture.

7 (5) If the victim, the victim's next of kin, or any witness is  
8 under the age of sixteen, the notice required by this section shall  
9 be sent to the parents or legal guardian of the child.

10 (6) The department of corrections shall send the notices required  
11 by this chapter to the last address provided to the department by the  
12 requesting party. The requesting party shall furnish the department  
13 with a current address.

14 (7) The department of corrections shall keep, for a minimum of  
15 two years following the release of an inmate, the following:

16 (a) A document signed by an individual as proof that that person  
17 is registered in the victim or witness notification program; and

18 (b) A receipt showing that an individual registered in the victim  
19 or witness notification program was mailed a notice, at the  
20 individual's last known address, upon the release or movement of an  
21 inmate.

22 (8) For purposes of this section the following terms have the  
23 following meanings:

24 (a) "Violent offense" means a violent offense under RCW  
25 9.94A.030;

26 (b) "Next of kin" means a person's spouse, state registered  
27 domestic partner, parents, siblings and children.

28 (9) Nothing in this section shall impose any liability upon a  
29 chief of police of a city or sheriff of a county for failing to  
30 request in writing a notice as provided in subsection (1) of this  
31 section.

32 **Sec. 161.** RCW 72.09.714 and 2019 c 46 s 5044 are each amended to  
33 read as follows:

34 The department of corrections shall provide the victims,  
35 witnesses, and next of kin in the case of a homicide and victims and  
36 witnesses involved in violent offense cases, sex offenses as defined  
37 by RCW 9.94A.030, a domestic violence court order violation pursuant  
38 to section 56 of this act, RCW 10.99.040, 10.99.050, 26.09.300,  
39 26.10.220, 26.26B.050, (~~(26.50.110,)~~) or 26.52.070 (~~(, or 74.34.145)~~),

1 or any of the former RCW 26.50.110 and 74.34.145, or a felony  
2 harassment pursuant to RCW 9A.46.060 or 9A.46.110, a statement of the  
3 rights of victims and witnesses to request and receive notification  
4 under RCW 72.09.712 and 72.09.716.

5 **Sec. 162.** RCW 74.34.020 and 2020 c 312 s 735 are each amended to  
6 read as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9 (1) "Abandonment" means action or inaction by a person or entity  
10 with a duty of care for a vulnerable adult that leaves the vulnerable  
11 person without the means or ability to obtain necessary food,  
12 clothing, shelter, or health care.

13 (2) "Abuse" means the intentional, willful, or reckless action or  
14 inaction that inflicts injury, unreasonable confinement,  
15 intimidation, or punishment on a vulnerable adult. In instances of  
16 abuse of a vulnerable adult who is unable to express or demonstrate  
17 physical harm, pain, or mental anguish, the abuse is presumed to  
18 cause physical harm, pain, or mental anguish. Abuse includes sexual  
19 abuse, mental abuse, physical abuse, and personal exploitation of a  
20 vulnerable adult, and improper use of restraint against a vulnerable  
21 adult which have the following meanings:

22 (a) "Sexual abuse" means any form of nonconsensual sexual  
23 conduct, including but not limited to unwanted or inappropriate  
24 touching, rape, (~~sodomy~~) molestation, indecent liberties, sexual  
25 coercion, sexually explicit photographing or recording, voyeurism,  
26 indecent exposure, and sexual harassment. Sexual abuse also includes  
27 any sexual conduct between a staff person, who is not also a resident  
28 or client, of a facility or a staff person of a program authorized  
29 under chapter 71A.12 RCW, and a vulnerable adult living in that  
30 facility or receiving service from a program authorized under chapter  
31 71A.12 RCW, whether or not it is consensual.

32 (b) "Physical abuse" means the intentional, willful, or reckless  
33 action of inflicting bodily injury or physical mistreatment. Physical  
34 abuse includes, but is not limited to, striking with or without an  
35 object, slapping, pinching, choking, kicking, shoving, or prodding.

36 (c) "Mental abuse" means ((a)) an intentional, willful, or  
37 reckless verbal or nonverbal action that threatens, humiliates,  
38 harasses, coerces, intimidates, isolates, unreasonably confines, or

1 punishes a vulnerable adult. Mental abuse may include ridiculing,  
2 yelling, or swearing.

3 (d) "Personal exploitation" means an act of forcing, compelling,  
4 or exerting undue influence over a vulnerable adult causing the  
5 vulnerable adult to act in a way that is inconsistent with relevant  
6 past behavior, or causing the vulnerable adult to perform services  
7 for the benefit of another.

8 (e) "Improper use of restraint" means the inappropriate use of  
9 chemical, physical, or mechanical restraints for convenience or  
10 discipline or in a manner that: (i) Is inconsistent with federal or  
11 state licensing or certification requirements for facilities,  
12 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is  
13 not medically authorized; or (iii) otherwise constitutes abuse under  
14 this section.

15 (3) "Chemical restraint" means the administration of any drug to  
16 manage a vulnerable adult's behavior in a way that reduces the safety  
17 risk to the vulnerable adult or others, has the temporary effect of  
18 restricting the vulnerable adult's freedom of movement, and is not  
19 standard treatment for the vulnerable adult's medical or psychiatric  
20 condition.

21 (4) "Consent" means express written consent granted after the  
22 vulnerable adult or his or her legal representative has been fully  
23 informed of the nature of the services to be offered and that the  
24 receipt of services is voluntary.

25 (5) "Department" means the department of social and health  
26 services.

27 (6) "Facility" means a residence licensed or required to be  
28 licensed under chapter 18.20 RCW, assisted living facilities; chapter  
29 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;  
30 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential  
31 habilitation centers; or any other facility licensed or certified by  
32 the department.

33 (7) "Financial exploitation" means the illegal or improper use,  
34 control over, or withholding of the property, income, resources, or  
35 trust funds of the vulnerable adult by any person or entity for any  
36 person's or entity's profit or advantage other than for the  
37 vulnerable adult's profit or advantage. "Financial exploitation"  
38 includes, but is not limited to:

39 (a) The use of deception, intimidation, or undue influence by a  
40 person or entity in a position of trust and confidence with a

1 vulnerable adult to obtain or use the property, income, resources, or  
2 trust funds of the vulnerable adult for the benefit of a person or  
3 entity other than the vulnerable adult;

4 (b) The breach of a fiduciary duty, including, but not limited  
5 to, the misuse of a power of attorney, trust, or a guardianship  
6 appointment, that results in the unauthorized appropriation, sale, or  
7 transfer of the property, income, resources, or trust funds of the  
8 vulnerable adult for the benefit of a person or entity other than the  
9 vulnerable adult; or

10 (c) Obtaining or using a vulnerable adult's property, income,  
11 resources, or trust funds without lawful authority, by a person or  
12 entity who knows or clearly should know that the vulnerable adult  
13 lacks the capacity to consent to the release or use of his or her  
14 property, income, resources, or trust funds.

15 (8) "Financial institution" has the same meaning as in RCW  
16 30A.22.040 and 30A.22.041. For purposes of this chapter only,  
17 "financial institution" also means a "broker-dealer" or "investment  
18 adviser" as defined in RCW 21.20.005.

19 (9) "Hospital" means a facility licensed under chapter 70.41 or  
20 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any  
21 employee, agent, officer, director, or independent contractor  
22 thereof.

23 (10) "Individual provider" means a person under contract with the  
24 department to provide services in the home under chapter 74.09 or  
25 74.39A RCW.

26 (11) "Interested person" means a person who demonstrates to the  
27 court's satisfaction that the person is interested in the welfare of  
28 the vulnerable adult, that the person has a good faith belief that  
29 the court's intervention is necessary, and that the vulnerable adult  
30 is unable, due to incapacity, undue influence, or duress at the time  
31 the petition is filed, to protect his or her own interests.

32 (12)(a) "Isolate" or "isolation" means to restrict a vulnerable  
33 adult's ability to communicate, visit, interact, or otherwise  
34 associate with persons of his or her choosing. Isolation may be  
35 evidenced by acts including but not limited to:

36 (i) Acts that prevent a vulnerable adult from sending, making, or  
37 receiving his or her personal mail, electronic communications, or  
38 telephone calls; or

39 (ii) Acts that prevent or obstruct the vulnerable adult from  
40 meeting with others, such as telling a prospective visitor or caller

1 that a vulnerable adult is not present, or does not wish contact,  
2 where the statement is contrary to the express wishes of the  
3 vulnerable adult.

4 (b) The term "isolate" or "isolation" may not be construed in a  
5 manner that prevents a guardian or limited guardian from performing  
6 his or her fiduciary obligations under chapter 11.130 RCW or prevents  
7 a hospital or facility from providing treatment consistent with the  
8 standard of care for delivery of health services.

9 (13) "Mandated reporter" is an employee of the department; law  
10 enforcement officer; social worker; professional school personnel;  
11 individual provider; an employee of a facility; an operator of a  
12 facility; an employee of a social service, welfare, mental health,  
13 adult day health, adult day care, home health, home care, or hospice  
14 agency; county coroner or medical examiner; Christian Science  
15 practitioner; or health care provider subject to chapter 18.130 RCW.

16 (14) "Mechanical restraint" means any device attached or adjacent  
17 to the vulnerable adult's body that he or she cannot easily remove  
18 that restricts freedom of movement or normal access to his or her  
19 body. "Mechanical restraint" does not include the use of devices,  
20 materials, or equipment that are (a) medically authorized, as  
21 required, and (b) used in a manner that is consistent with federal or  
22 state licensing or certification requirements for facilities,  
23 hospitals, or programs authorized under chapter 71A.12 RCW.

24 (15) "Neglect" means (a) a pattern of conduct or inaction by a  
25 person or entity with a duty of care that fails to provide the goods  
26 and services that maintain physical or mental health of a vulnerable  
27 adult, or that fails to avoid or prevent physical or mental harm or  
28 pain to a vulnerable adult; or (b) an act or omission by a person or  
29 entity with a duty of care that demonstrates a serious disregard of  
30 consequences of such a magnitude as to constitute a clear and present  
31 danger to the vulnerable adult's health, welfare, or safety,  
32 including but not limited to conduct prohibited under RCW 9A.42.100.

33 (16) "Permissive reporter" means any person, including, but not  
34 limited to, an employee of a financial institution, attorney, or  
35 volunteer in a facility or program providing services for vulnerable  
36 adults.

37 (17) "Physical restraint" means the application of physical force  
38 without the use of any device, for the purpose of restraining the  
39 free movement of a vulnerable adult's body. "Physical restraint" does  
40 not include (a) briefly holding without undue force a vulnerable

1 adult in order to calm or comfort him or her, or (b) holding a  
2 vulnerable adult's hand to safely escort him or her from one area to  
3 another.

4 (18) "Protective services" means any services provided by the  
5 department to a vulnerable adult with the consent of the vulnerable  
6 adult, or the legal representative of the vulnerable adult, who has  
7 been abandoned, abused, financially exploited, neglected, or in a  
8 state of self-neglect. These services may include, but are not  
9 limited to case management, social casework, home care, placement,  
10 arranging for medical evaluations, psychological evaluations, day  
11 care, or referral for legal assistance.

12 (19) "Self-neglect" means the failure of a vulnerable adult, not  
13 living in a facility, to provide for himself or herself the goods and  
14 services necessary for the vulnerable adult's physical or mental  
15 health, and the absence of which impairs or threatens the vulnerable  
16 adult's well-being. This definition may include a vulnerable adult  
17 who is receiving services through home health, hospice, or a home  
18 care agency, or an individual provider when the neglect is not a  
19 result of inaction by that agency or individual provider.

20 (20) "Social worker" means:

21 (a) A social worker as defined in RCW 18.320.010(2); or

22 (b) Anyone engaged in a professional capacity during the regular  
23 course of employment in encouraging or promoting the health, welfare,  
24 support, or education of vulnerable adults, or providing social  
25 services to vulnerable adults, whether in an individual capacity or  
26 as an employee or agent of any public or private organization or  
27 institution.

28 (21) "Vulnerable adult" includes a person:

29 (a) Sixty years of age or older who has the functional, mental,  
30 or physical inability to care for himself or herself; or

31 (b) Subject to a guardianship under RCW 11.130.265 or adult  
32 subject to conservatorship under RCW 11.130.360; or

33 (c) Who has a developmental disability as defined under RCW  
34 71A.10.020; or

35 (d) Admitted to any facility; or

36 (e) Receiving services from home health, hospice, or home care  
37 agencies licensed or required to be licensed under chapter 70.127  
38 RCW; or

39 (f) Receiving services from an individual provider; or

1 (g) Who self-directs his or her own care and receives services  
2 from a personal aide under chapter 74.39 RCW.

3 (22) "Vulnerable adult advocacy team" means a team of three or  
4 more persons who coordinate a multidisciplinary process, in  
5 compliance with chapter 266, Laws of 2017 and the protocol governed  
6 by RCW 74.34.320, for preventing, identifying, investigating,  
7 prosecuting, and providing services related to abuse, neglect, or  
8 financial exploitation of vulnerable adults.

9 **Sec. 163.** RCW 74.34.110 and 2007 c 312 s 3 are each amended to  
10 read as follows:

11 ~~((An action known as a petition for an order for protection of a  
12 vulnerable adult in cases of abandonment, abuse, financial  
13 exploitation, or neglect is created.~~

14 ~~(1))~~ A vulnerable adult, or interested person on behalf of the  
15 vulnerable adult, may seek relief from abandonment, abuse, financial  
16 exploitation, or neglect, or the threat thereof, by filing a petition  
17 for ~~((an order for))~~ a vulnerable adult protection ((in superior  
18 court)) order under chapter 7.--- RCW (the new chapter created in  
19 section 78 of this act).

20 ~~((2) A petition shall allege that the petitioner, or person on  
21 whose behalf the petition is brought, is a vulnerable adult and that  
22 the petitioner, or person on whose behalf the petition is brought,  
23 has been abandoned, abused, financially exploited, or neglected, or  
24 is threatened with abandonment, abuse, financial exploitation, or  
25 neglect by respondent.~~

26 ~~(3) A petition shall be accompanied by affidavit made under oath,  
27 or a declaration signed under penalty of perjury, stating the  
28 specific facts and circumstances which demonstrate the need for the  
29 relief sought. If the petition is filed by an interested person, the  
30 affidavit or declaration must also include a statement of why the  
31 petitioner qualifies as an interested person.~~

32 ~~(4) A petition for an order may be made whether or not there is a  
33 pending lawsuit, complaint, petition, or other action pending that  
34 relates to the issues presented in the petition for an order for  
35 protection.~~

36 ~~(5) Within ninety days of receipt of the master copy from the  
37 administrative office of the courts, all court clerk's offices shall  
38 make available the standardized forms and instructions required by  
39 RCW 74.34.115.~~

1 ~~(6) Any assistance or information provided by any person,~~  
2 ~~including, but not limited to, court clerks, employees of the~~  
3 ~~department, and other court facilitators, to another to complete the~~  
4 ~~forms provided by the court in subsection (5) of this section does~~  
5 ~~not constitute the practice of law.~~

6 ~~(7) A petitioner is not required to post bond to obtain relief in~~  
7 ~~any proceeding under this section.~~

8 ~~(8) An action under this section shall be filed in the county~~  
9 ~~where the vulnerable adult resides; except that if the vulnerable~~  
10 ~~adult has left or been removed from the residence as a result of~~  
11 ~~abandonment, abuse, financial exploitation, or neglect, or in order~~  
12 ~~to avoid abandonment, abuse, financial exploitation, or neglect, the~~  
13 ~~petitioner may bring an action in the county of either the vulnerable~~  
14 ~~adult's previous or new residence.~~

15 ~~(9) No filing fee may be charged to the petitioner for~~  
16 ~~proceedings under this section. Standard forms and written~~  
17 ~~instructions shall be provided free of charge.))~~

18 **PART XVI**

19 **TECHNICAL CORRECTIONS WITH RECODIFICATIONS**

20 **Sec. 164.** RCW 7.90.150 and 2006 c 138 s 16 are each amended to  
21 read as follows:

22 (1) (a) When any person charged with or arrested for a sex offense  
23 as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a  
24 violation of RCW 9.68A.090, or a gross misdemeanor that is, under  
25 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or  
26 criminal conspiracy to commit an offense that is classified as a sex  
27 offense under RCW 9.94A.030, is released from custody before  
28 arraignment or trial on bail or personal recognizance, the court  
29 authorizing the release may prohibit that person from having any  
30 contact with the victim. The jurisdiction authorizing the release  
31 shall determine whether that person should be prohibited from having  
32 any contact with the victim. If there is no outstanding restraining  
33 or protective order prohibiting that person from having contact with  
34 the victim, the court authorizing release may issue, by telephone, a  
35 sexual assault (~~protection~~) no-contact order prohibiting the person  
36 charged or arrested from having contact with the victim or from  
37 knowingly coming within, or knowingly remaining within, a specified  
38 distance of a location.



1 (b) In issuing the order, the court shall consider the provisions  
2 of RCW 9.41.800.

3 (c) The sexual assault (~~(protection)~~) no-contact order shall also  
4 be issued in writing as soon as possible.

5 (2) (a) At the time of arraignment or whenever a motion is brought  
6 to modify the conditions of the defendant's release, the court shall  
7 determine whether a sexual assault (~~(protection)~~) no-contact order  
8 shall be issued or extended. If a sexual assault (~~(protection)~~) no-  
9 contact order is issued or extended, the court may also include in  
10 the conditions of release a requirement that the defendant submit to  
11 electronic monitoring. If electronic monitoring is ordered, the court  
12 shall specify who shall provide the monitoring services, and the  
13 terms under which the monitoring shall be performed. Upon conviction,  
14 the court may require as a condition of the sentence that the  
15 defendant reimburse the providing agency for the costs of the  
16 electronic monitoring.

17 (b) A sexual assault (~~(protection)~~) no-contact order issued by  
18 the court in conjunction with criminal charges shall terminate if the  
19 defendant is acquitted or the charges are dismissed, unless the  
20 victim files an independent action for a sexual assault protection  
21 order. If the victim files an independent action for a sexual assault  
22 protection order, the order may be continued by the court until a  
23 full hearing is conducted pursuant to (~~(RCW 7.90.050)~~) chapter 7.---  
24 RCW (the new chapter created in section 78 of this act).

25 (3) (a) The written order releasing the person charged or arrested  
26 shall contain the court's directives and shall bear the legend:  
27 "Violation of this order is a criminal offense under chapter  
28 (~~(26.50)~~) 7.--- RCW (the new chapter created in section 78 of this  
29 act) and will subject a violator to arrest. You can be arrested even  
30 if any person protected by the order invites or allows you to violate  
31 the order's prohibitions. You have the sole responsibility to avoid  
32 or refrain from violating the order's provisions. Only the court can  
33 change the order."

34 (b) A certified copy of the order shall be provided to the victim  
35 at no charge.

36 (4) If a sexual assault (~~(protection)~~) no-contact order has been  
37 issued prior to charging, that order shall expire at arraignment or  
38 within seventy-two hours if charges are not filed. Such orders need  
39 not be entered into the computer-based criminal intelligence

1 information system in this state which is used by law enforcement  
2 agencies to list outstanding warrants.

3 (5) Whenever an order prohibiting contact is issued pursuant to  
4 subsection (2) of this section, the clerk of the court shall forward  
5 a copy of the order on or before the next judicial day to the  
6 appropriate law enforcement agency specified in the order. Upon  
7 receipt of the copy of the order, the law enforcement agency shall  
8 enter the order for one year or until the expiration date specified  
9 on the order into any computer-based criminal intelligence  
10 information system available in this state used by law enforcement  
11 agencies to list outstanding warrants. Entry into the computer-based  
12 criminal intelligence information system constitutes notice to all  
13 law enforcement agencies of the existence of the order. The order is  
14 fully enforceable in any jurisdiction in the state.

15 (6) (a) When a defendant is found guilty of a sex offense as  
16 defined in RCW 9.94A.030, any violation of RCW 9A.44.096, or any  
17 violation of RCW 9.68A.090, or any gross misdemeanor that is, under  
18 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or  
19 criminal conspiracy to commit an offense that is classified as a sex  
20 offense under RCW 9.94A.030, and a condition of the sentence  
21 restricts the defendant's ability to have contact with the victim,  
22 the condition shall be recorded as a sexual assault (~~(protection)~~)  
23 no-contact order.

24 (b) The written order entered as a condition of sentencing shall  
25 contain the court's directives and shall bear the legend: "Violation  
26 of this order is a criminal offense under chapter (~~(26.50)~~) 7.--- RCW  
27 (the new chapter created in section 78 of this act) and will subject  
28 a violator to arrest. You can be arrested even if any person  
29 protected by the order invites or allows you to violate the order's  
30 prohibitions. You have the sole responsibility to avoid or refrain  
31 from violating the order's provisions. Only the court can change the  
32 order."

33 (c) A final sexual assault (~~(protection)~~) no-contact order  
34 entered in conjunction with a criminal prosecution shall remain in  
35 effect for a period of two years following the expiration of any  
36 sentence of imprisonment and subsequent period of community  
37 supervision, conditional release, probation, or parole.

38 (d) A certified copy of the order shall be provided to the victim  
39 at no charge.

1 (7) A knowing violation of a court order issued under subsection  
2 (1), (2), or (6) of this section is punishable under ((RCW  
3 ~~26.50.110~~)) section 56 of this act.

4 (8) Whenever a sexual assault ((~~protection~~)) no-contact order is  
5 issued, modified, or terminated under subsection (1), (2), or (6) of  
6 this section, the clerk of the court shall forward a copy of the  
7 order on or before the next judicial day to the appropriate law  
8 enforcement agency specified in the order. Upon receipt of the copy  
9 of the order, the law enforcement agency shall enter the order for  
10 one year or until the expiration date specified on the order into any  
11 computer-based criminal intelligence information system available in  
12 this state used by law enforcement agencies to list outstanding  
13 warrants. Entry into the computer-based criminal intelligence  
14 information system constitutes notice to all law enforcement agencies  
15 of the existence of the order. The order is fully enforceable in any  
16 jurisdiction in the state. Upon receipt of notice that an order has  
17 been terminated under subsection (2) of this section, the law  
18 enforcement agency shall remove the order from the computer-based  
19 criminal intelligence information system.

20 **Sec. 165.** RCW 7.92.160 and 2013 c 84 s 16 are each amended to  
21 read as follows:

22 (1)(a) When any person charged with or arrested for stalking as  
23 defined in RCW 9A.46.110 or any other stalking-related offense under  
24 RCW 9A.46.060 is released from custody before arraignment or trial on  
25 bail or personal recognizance, the court authorizing the release may  
26 prohibit that person from having any contact with the victim. The  
27 jurisdiction authorizing the release shall determine whether that  
28 person should be prohibited from having any contact with the victim.  
29 If there is no outstanding restraining or protective order  
30 prohibiting that person from having contact with the victim, and the  
31 victim does not qualify for a domestic violence protection order  
32 under chapter ((~~26.50~~)) 7.--- RCW (the new chapter created in section  
33 78 of this act), the court authorizing release may issue, by  
34 telephone, a stalking no-contact order prohibiting the person charged  
35 or arrested from having contact with the victim or from knowingly  
36 coming within, or knowingly remaining within, a specified distance of  
37 a location.

38 (b) In issuing the order, the court shall consider the provisions  
39 of RCW 9.41.800.

1 (c) The stalking no-contact order shall also be issued in writing  
2 as soon as possible.

3 (2) (a) At the time of arraignment or whenever a motion is brought  
4 to modify the conditions of the defendant's release, the court shall  
5 determine whether a stalking no-contact order shall be issued or  
6 extended. If a stalking no-contact order is issued or extended, the  
7 court may also include in the conditions of release a requirement  
8 that the defendant submit to electronic monitoring, including real-  
9 time global ((~~position-satellite-[global-positioning-system]~~))  
10 positioning system monitoring with victim notification. If electronic  
11 monitoring is ordered, the court shall specify who shall provide the  
12 monitoring services, and the terms under which the monitoring shall  
13 be performed. Upon conviction, the court may require as a condition  
14 of the sentence that the defendant reimburse the providing agency for  
15 the costs of the electronic monitoring, including costs relating to  
16 real-time global ((~~position-satellite-[global-positioning-system]~~))  
17 positioning system monitoring with victim notification.

18 (b) A stalking no-contact order issued by the court in  
19 conjunction with criminal charges shall terminate if the defendant is  
20 acquitted or the charges are dismissed, unless the victim files an  
21 independent action for a stalking protection order. If the victim  
22 files an independent action for a civil stalking protection order,  
23 the order may be continued by the court until a full hearing is  
24 conducted pursuant to ((~~RCW 7.92.060~~)) chapter 7.--- RCW (the new  
25 chapter created in section 78 of this act).

26 (3) (a) The written order releasing the person charged or arrested  
27 shall contain the court's directives and shall bear the legend:  
28 "Violation of this order is a criminal offense under chapter  
29 ((~~26.50~~)) 7.--- RCW (the new chapter created in section 78 of this  
30 act) and will subject a violator to arrest. You can be arrested even  
31 if any person protected by the order invites or allows you to violate  
32 the order's prohibitions. You have the sole responsibility to avoid  
33 or refrain from violating the order's provisions. Only the court can  
34 change the order."

35 (b) A certified copy of the order shall be provided to the victim  
36 at no charge.

37 (4) If a stalking no-contact order has been issued prior to  
38 charging, that order shall expire at arraignment or within  
39 seventy-two hours if charges are not filed.

1 (5) Whenever an order prohibiting contact is issued pursuant to  
2 subsection (2) of this section, the clerk of the court shall forward  
3 a copy of the order on or before the next judicial day to the  
4 appropriate law enforcement agency specified in the order. Upon  
5 receipt of the copy of the order, the law enforcement agency shall  
6 enter the order for one year unless a different expiration date is  
7 specified on the order into any computer-based criminal intelligence  
8 information system available in this state used by law enforcement  
9 agencies to list outstanding warrants. Entry into the computer-based  
10 criminal intelligence information system constitutes notice to all  
11 law enforcement agencies of the existence of the order. The order is  
12 fully enforceable in any jurisdiction in the state.

13 (6) (a) When a defendant is found guilty of stalking as defined in  
14 RCW 9A.46.110 or any other stalking-related offense under RCW  
15 9A.46.060 and a condition of the sentence restricts the defendant's  
16 ability to have contact with the victim, and the victim does not  
17 qualify for a domestic violence protection order under chapter  
18 ~~((26.50))~~ 7.--- RCW (the new chapter created in section 78 of this  
19 act), the condition shall be recorded as a stalking no-contact order.

20 (b) The written order entered as a condition of sentencing shall  
21 contain the court's directives and shall bear the legend: "Violation  
22 of this order is a criminal offense under chapter ~~((26.50))~~ 7.--- RCW  
23 (the new chapter created in section 78 of this act) and will subject  
24 a violator to arrest. You can be arrested even if any person  
25 protected by the order invites or allows you to violate the order's  
26 prohibitions. You have the sole responsibility to avoid or refrain  
27 from violating the order's provisions. Only the court can change the  
28 order."

29 (c) A final stalking no-contact order entered in conjunction with  
30 a criminal prosecution shall remain in effect for a period of five  
31 years from the date of entry.

32 (d) A certified copy of the order shall be provided to the victim  
33 at no charge.

34 (7) A knowing violation of a court order issued under subsection  
35 (1), (2), or (6) of this section is punishable under ~~((RCW~~  
36 ~~26.50.110))~~ section 56 of this act.

37 (8) Whenever a stalking no-contact order is issued, modified, or  
38 terminated under subsection (1), (2), or (6) of this section, the  
39 clerk of the court shall forward a copy of the order on or before the  
40 next judicial day to the appropriate law enforcement agency specified

1 in the order. Upon receipt of the copy of the order, the law  
2 enforcement agency shall enter the order for one year unless a  
3 different expiration date is specified on the order into any  
4 computer-based criminal intelligence information system available in  
5 this state used by law enforcement agencies to list outstanding  
6 warrants. Entry into the computer-based criminal intelligence  
7 information system constitutes notice to all law enforcement agencies  
8 of the existence of the order. The order is fully enforceable in any  
9 jurisdiction in the state. Upon receipt of notice that an order has  
10 been terminated under subsection (2) of this section, the law  
11 enforcement agency shall remove the order from the computer-based  
12 criminal intelligence information system.

13  
14

**PART XVII**  
**RECODIFICATIONS AND REPEALERS**

15 NEW SECTION. **Sec. 166.** RECODIFICATION. RCW 26.50.150 is  
16 recodified as a section in chapter 43.20A RCW.

17 NEW SECTION. **Sec. 167.** RECODIFICATION. RCW 26.50.250 is  
18 recodified as a section in chapter 70.123 RCW.

19 NEW SECTION. **Sec. 168.** RECODIFICATION. RCW 7.90.150 is  
20 recodified as a section in chapter 9A.44 RCW.

21 NEW SECTION. **Sec. 169.** RECODIFICATION. RCW 7.92.160 is  
22 recodified as a section in chapter 9A.46 RCW.

23 NEW SECTION. **Sec. 170.** REPEALERS. The following acts or parts  
24 of acts are each repealed:

25 (1) RCW 7.90.005 (Legislative declaration) and 2007 c 212 s 1 &  
26 2006 c 138 s 1;

27 (2) RCW 7.90.010 (Definitions) and 2020 c 296 s 3 & 2006 c 138 s  
28 2;

29 (3) RCW 7.90.020 (Petition for a sexual assault protection order—  
30 Creation—Contents—Administration) and 2019 c 258 s 2, 2007 c 55 s 1,  
31 & 2006 c 138 s 5;

32 (4) RCW 7.90.030 (Petition—Who may file) and 2007 c 212 s 2 &  
33 2006 c 138 s 3;

1 (5) RCW 7.90.040 (Petition—Additional requirements) and 2013 c 74  
2 s 1 & 2006 c 138 s 4;

3 (6) RCW 7.90.050 (Petition—Hearings prior to issuance of  
4 protection order) and 2013 c 74 s 2 & 2006 c 138 s 6;

5 (7) RCW 7.90.052 (Service by publication—When authorized) and  
6 2013 c 74 s 6;

7 (8) RCW 7.90.053 (Service by mail—When authorized) and 2013 c 74  
8 s 7;

9 (9) RCW 7.90.054 (Issuance of order following service by  
10 publication or mail) and 2013 c 74 s 8;

11 (10) RCW 7.90.055 (Fees not permitted—Filing, service of process,  
12 certified copies) and 2007 c 55 s 2;

13 (11) RCW 7.90.060 (Sexual assault advocates) and 2006 c 138 s 7;

14 (12) RCW 7.90.070 (Appointment of counsel) and 2006 c 138 s 8;

15 (13) RCW 7.90.080 (Evidence) and 2006 c 138 s 9;

16 (14) RCW 7.90.090 (Burden of proof—Issuance of protection order—  
17 Remedies—Violations) and 2019 c 245 s 4 & 2006 c 138 s 10;

18 (15) RCW 7.90.100 (Accountability for conduct of others) and 2006  
19 c 138 s 11;

20 (16) RCW 7.90.110 (Ex parte temporary sexual assault protection  
21 orders—Issuance) and 2019 c 245 s 5, 2007 c 212 s 3, & 2006 c 138 s  
22 12;

23 (17) RCW 7.90.120 (Ex parte orders—Duration) and 2017 c 233 s 1,  
24 2013 c 74 s 3, & 2006 c 138 s 13;

25 (18) RCW 7.90.121 (Renewal of ex parte order) and 2017 c 233 s 2  
26 & 2013 c 74 s 4;

27 (19) RCW 7.90.130 (Sexual assault protection orders—Contents) and  
28 2006 c 138 s 14;

29 (20) RCW 7.90.140 (Sexual assault protection orders—Service to  
30 respondent) and 2019 c 245 s 6, 2013 c 74 s 5, & 2006 c 138 s 15;

31 (21) RCW 7.90.155 (Sexual assault protection orders—Personal  
32 jurisdiction—Nonresident individuals) and 2010 c 274 s 307;

33 (22) RCW 7.90.160 (Law enforcement agencies—Entry of protection  
34 order data) and 2006 c 138 s 17;

35 (23) RCW 7.90.170 (Modification or termination of protection  
36 orders) and 2017 c 233 s 3, 2013 c 74 s 9, & 2006 c 138 s 18;

37 (24) RCW 7.90.180 (Administrative office of the courts—Court  
38 clerks—Instructional and informational material) and 2006 c 138 s 19;

1 (25) RCW 7.90.190 (Admissibility of ex parte temporary orders in  
2 civil actions) and 2006 c 138 s 20;

3 (26) RCW 7.90.900 (Short title—2006 c 138) and 2006 c 138 s 28;

4 (27) RCW 7.92.010 (Intent—Finding) and 2013 c 84 s 1;

5 (28) RCW 7.92.020 (Definitions) and 2020 c 296 s 4 & 2013 c 84 s  
6 2;

7 (29) RCW 7.92.030 (Petition for stalking protection order—  
8 Creation—Contents) and 2013 c 84 s 3;

9 (30) RCW 7.92.040 (Petition—Who may file) and 2013 c 84 s 4;

10 (31) RCW 7.92.050 (Petition—Additional requirements) and 2013 c  
11 84 s 5;

12 (32) RCW 7.92.060 (Petition—Hearings prior to issuance of  
13 protection order) and 2013 c 84 s 6;

14 (33) RCW 7.92.070 (Consultation with judicial information system)  
15 and 2013 c 84 s 7;

16 (34) RCW 7.92.080 (Fees not permitted) and 2013 c 84 s 8;

17 (35) RCW 7.92.090 (Victim's advocates) and 2013 c 84 s 9;

18 (36) RCW 7.92.100 (Burden of proof—Issuance of protection order—  
19 Remedies) and 2019 c 245 s 7 & 2013 c 84 s 10;

20 (37) RCW 7.92.110 (Accountability for conduct of others) and 2013  
21 c 84 s 11;

22 (38) RCW 7.92.120 (Ex parte temporary order for protection—  
23 Issuance) and 2019 c 245 s 8 & 2013 c 84 s 12;

24 (39) RCW 7.92.125 (Ex parte temporary order—Admissibility in  
25 subsequent civil actions) and 2013 c 84 s 22;

26 (40) RCW 7.92.130 (Protection orders—Duration) and 2013 c 84 s  
27 13;

28 (41) RCW 7.92.140 (Protection order—Contents) and 2013 c 84 s 14;

29 (42) RCW 7.92.150 (Protection orders—Service to respondent—  
30 Service by publication) and 2019 c 245 s 9 & 2013 c 84 s 15;

31 (43) RCW 7.92.170 (Personal jurisdiction by court over  
32 nonresident individuals) and 2013 c 84 s 17;

33 (44) RCW 7.92.180 (Copy of order to be forwarded to law  
34 enforcement agency—Entry of information into computer-based  
35 information systems) and 2013 c 84 s 18;

36 (45) RCW 7.92.190 (Modification or termination of protection  
37 orders) and 2019 c 245 s 10 & 2013 c 84 s 19;

38 (46) RCW 7.92.900 (Construction—Filing of criminal charges not  
39 required) and 2013 c 84 s 23;



1 (47) RCW 7.92.901 (Short title) and 2013 c 84 s 24;  
2 (48) RCW 7.94.010 (Purpose—Intent) and 2019 c 246 s 1 & 2017 c 3  
3 s 1 (Initiative Measure No. 1491, approved November 8, 2016);  
4 (49) RCW 7.94.020 (Definitions) and 2017 c 3 s 3 (Initiative  
5 Measure No. 1491, approved November 8, 2016);  
6 (50) RCW 7.94.030 (Petition for order) and 2019 c 246 s 2 & 2017  
7 c 3 s 4 (Initiative Measure No. 1491, approved November 8, 2016);  
8 (51) RCW 7.94.040 (Hearings on petition—Grounds for order  
9 issuance) and 2019 c 246 s 3 & 2017 c 3 s 5 (Initiative Measure No.  
10 1491, approved November 8, 2016);  
11 (52) RCW 7.94.050 (Ex parte orders) and 2017 c 3 s 6 (Initiative  
12 Measure No. 1491, approved November 8, 2016);  
13 (53) RCW 7.94.060 (Service of orders) and 2019 c 246 s 4 & 2017 c  
14 3 s 7 (Initiative Measure No. 1491, approved November 8, 2016);  
15 (54) RCW 7.94.070 (Service by publication or mail) and 2017 c 3 s  
16 8 (Initiative Measure No. 1491, approved November 8, 2016);  
17 (55) RCW 7.94.080 (Termination and renewal of orders) and 2017 c  
18 3 s 9 (Initiative Measure No. 1491, approved November 8, 2016);  
19 (56) RCW 7.94.090 (Firearms—Surrender) and 2020 c 126 s 2 & 2017  
20 c 3 s 10 (Initiative Measure No. 1491, approved November 8, 2016);  
21 (57) RCW 7.94.100 (Firearms—Return—Disposal) and 2017 c 3 s 11  
22 (Initiative Measure No. 1491, approved November 8, 2016);  
23 (58) RCW 7.94.110 (Reporting of orders) and 2017 c 3 s 12  
24 (Initiative Measure No. 1491, approved November 8, 2016);  
25 (59) RCW 7.94.120 (Penalties) and 2017 c 3 s 13 (Initiative  
26 Measure No. 1491, approved November 8, 2016);  
27 (60) RCW 7.94.130 (Other authority retained) and 2017 c 3 s 14  
28 (Initiative Measure No. 1491, approved November 8, 2016);  
29 (61) RCW 7.94.140 (Liability) and 2017 c 3 s 15 (Initiative  
30 Measure No. 1491, approved November 8, 2016);  
31 (62) RCW 7.94.150 (Instructional and informational material) and  
32 2019 c 246 s 5 & 2017 c 3 s 16 (Initiative Measure No. 1491, approved  
33 November 8, 2016);  
34 (63) RCW 7.94.900 (Short title—2017 c 3 (Initiative Measure No.  
35 1491)) and 2017 c 3 s 2 (Initiative Measure No. 1491, approved  
36 November 8, 2016);  
37 (64) RCW 10.14.010 (Legislative finding, intent) and 1987 c 280 s  
38 1;

1 (65) RCW 10.14.020 (Definitions) and 2011 c 307 s 2, 2001 c 260 s  
2 2, 1999 c 27 s 4, 1995 c 127 s 1, & 1987 c 280 s 2;

3 (66) RCW 10.14.030 (Course of conduct—Determination of purpose)  
4 and 1987 c 280 s 3;

5 (67) RCW 10.14.040 (Protection order—Petition) and 2002 c 117 s 1  
6 & 2001 c 260 s 3;

7 (68) RCW 10.14.045 (Protection order commissioners—Appointment  
8 authorized) and 2013 c 84 s 20;

9 (69) RCW 10.14.050 (Administrator for courts—Forms, information)  
10 and 1987 c 280 s 5;

11 (70) RCW 10.14.055 (Fees excused, when) and 2020 c 29 s 8 & 2002  
12 c 117 s 2;

13 (71) RCW 10.14.060 (Proceeding in forma pauperis) and 1987 c 280  
14 s 6;

15 (72) RCW 10.14.065 (Orders—Judicial information system to be  
16 consulted) and 2011 c 307 s 6;

17 (73) RCW 10.14.070 (Hearing—Service) and 2013 c 84 s 30, 2005 c  
18 144 s 1, 1992 c 143 s 10, & 1987 c 280 s 7;

19 (74) RCW 10.14.080 (Antiharassment protection orders—Ex parte  
20 temporary—Hearing—Longer term, renewal—Acts not prohibited) and  
21 2019 c 245 s 11, 2019 c 46 s 5011, 2011 c 307 s 3, 2001 c 311 s 1,  
22 1995 c 246 s 36, 1994 sp.s. c 7 s 448, 1992 c 143 s 11, & 1987 c 280  
23 s 8;

24 (75) RCW 10.14.085 (Hearing reset after ex parte order—Service by  
25 publication—Circumstances) and 2016 c 202 s 4 & 1992 c 143 s 12;

26 (76) RCW 10.14.090 (Representation or appearance) and 1992 c 143  
27 s 14 & 1987 c 280 s 9;

28 (77) RCW 10.14.100 (Service of order) and 2019 c 245 s 12, 2002 c  
29 117 s 3, 2001 c 311 s 2, 1992 c 143 s 15, & 1987 c 280 s 10;

30 (78) RCW 10.14.105 (Order following service by publication) and  
31 1992 c 143 s 13;

32 (79) RCW 10.14.110 (Notice to law enforcement agencies—  
33 Enforceability) and 1992 c 143 s 16 & 1987 c 280 s 11;

34 (80) RCW 10.14.115 (Enforcement of order—Knowledge prerequisite  
35 to penalties—Reasonable efforts to serve copy of order) and 1992 c  
36 143 s 17;

37 (81) RCW 10.14.120 (Disobedience of order—Penalties) and 2001 c  
38 260 s 4, 1989 c 373 s 14, & 1987 c 280 s 12;

1 (82) RCW 10.14.125 (Service by publication—Costs) and 2002 c 117  
2 s 4 & 1992 c 143 s 18;  
3 (83) RCW 10.14.130 (Exclusion of certain actions) and 2006 c 138  
4 s 22 & 1987 c 280 s 13;  
5 (84) RCW 10.14.140 (Other remedies) and 1987 c 280 s 14;  
6 (85) RCW 10.14.150 (Jurisdiction) and 2019 c 216 s 1, 2011 c 307  
7 s 1, 2005 c 196 s 1, 1999 c 170 s 1, 1991 c 33 s 2, & 1987 c 280 s  
8 15;  
9 (86) RCW 10.14.155 (Personal jurisdiction—Nonresident individual)  
10 and 2010 c 274 s 308;  
11 (87) RCW 10.14.160 (Where action may be brought) and 2005 c 196 s  
12 2, 1992 c 127 s 1, & 1987 c 280 s 16;  
13 (88) RCW 10.14.170 (Criminal penalty) and 2001 c 260 s 5 & 1987 c  
14 280 s 17;  
15 (89) RCW 10.14.180 (Modification of order) and 2019 c 245 s 13 &  
16 1987 c 280 s 18;  
17 (90) RCW 10.14.190 (Constitutional rights) and 1987 c 280 s 19;  
18 (91) RCW 10.14.200 (Availability of orders in family law  
19 proceedings) and 2019 c 46 s 5012, 1999 c 397 s 4, & 1995 c 246 s 35;  
20 (92) RCW 10.14.210 (Court appearance after violation) and 2012 c  
21 223 s 4;  
22 (93) RCW 10.14.800 (Master petition pattern form to be developed—  
23 Recommendations to legislature) and 2013 c 84 s 21;  
24 (94) RCW 26.50.010 (Definitions) and 2019 c 263 s 204;  
25 (95) RCW 26.50.020 (Commencement of action—Jurisdiction—Venue)  
26 and 2019 c 263 s 205, 2010 c 274 s 302, 1992 c 111 s 8, 1989 c 375 s  
27 28, 1987 c 71 s 1, 1985 c 303 s 1, & 1984 c 263 s 3;  
28 (96) RCW 26.50.021 (Actions on behalf of vulnerable adults—  
29 Authority of department of social and health services—Immunity from  
30 liability) and 2000 c 119 s 1;  
31 (97) RCW 26.50.025 (Orders under this chapter and chapter 26.09,  
32 26.10, 26.26A, or 26.26B RCW—Enforcement—Consolidation) and 2019 c  
33 46 s 5036 & 1995 c 246 s 2;  
34 (98) RCW 26.50.030 (Petition for an order for protection—  
35 Availability of forms and informational brochures—Bond not required)  
36 and 2005 c 282 s 39, 1996 c 248 s 12, 1995 c 246 s 3, 1992 c 111 s 2,  
37 1985 c 303 s 2, & 1984 c 263 s 4;  
38 (99) RCW 26.50.035 (Development of instructions, informational  
39 brochures, forms, and handbook by the administrative office of the

1 courts—Community resource list—Distribution of master copy) and 2019  
2 c 263 s 912, 2019 c 46 s 5037, 2005 c 282 s 40, 2000 c 119 s 14, 1995  
3 c 246 s 4, 1993 c 350 s 2, 1985 c 303 s 3, & 1984 c 263 s 31;

4 (100) RCW 26.50.040 (Fees not permitted—Filing, service of  
5 process, certified copies) and 1995 c 246 s 5, 1985 c 303 s 4, & 1984  
6 c 263 s 5;

7 (101) RCW 26.50.050 (Hearing—Service—Time) and 2008 c 287 s 2,  
8 1995 c 246 s 6, 1992 c 143 s 1, & 1984 c 263 s 6;

9 (102) RCW 26.50.055 (Appointment of interpreter) and 1995 c 246 s  
10 11;

11 (103) RCW 26.50.060 (Relief—Duration—Realignment of designation  
12 of parties—Award of costs, service fees, attorneys' fees, and limited  
13 license legal technician fees) and 2020 c 311 s 9, 2019 c 46 s 5038,  
14 2018 c 84 s 1, 2010 c 274 s 304, 2009 c 439 s 2, 2000 c 119 s 15,  
15 1999 c 147 s 2, 1996 c 248 s 13, 1995 c 246 s 7, & 1994 sp.s. c 7 s  
16 457;

17 (104) RCW 26.50.070 (Ex parte temporary order for protection) and  
18 2019 c 245 s 14, 2018 c 22 s 9, 2010 c 274 s 305, 2000 c 119 s 16,  
19 1996 c 248 s 14, 1995 c 246 s 8, 1994 sp.s. c 7 s 458, 1992 c 143 s  
20 3, 1989 c 411 s 2, & 1984 c 263 s 8;

21 (105) RCW 26.50.080 (Issuance of order—Assistance of peace  
22 officer—Designation of appropriate law enforcement agency) and 1995 c  
23 246 s 9 & 1984 c 263 s 9;

24 (106) RCW 26.50.085 (Hearing reset after ex parte order—Service  
25 by publication—Circumstances) and 2016 c 202 s 25 & 1992 c 143 s 4;

26 (107) RCW 26.50.090 (Order—Service—Fees) and 2019 c 245 s 15,  
27 1995 c 246 s 10, 1992 c 143 s 6, 1985 c 303 s 6, & 1984 c 263 s 10;

28 (108) RCW 26.50.095 (Order following service by publication) and  
29 1995 c 246 s 12 & 1992 c 143 s 5;

30 (109) RCW 26.50.100 (Order—Transmittal to law enforcement agency  
31 —Record in law enforcement information system—Enforceability) and  
32 1996 c 248 s 15, 1995 c 246 s 13, 1992 c 143 s 7, & 1984 c 263 s 11;

33 (110) RCW 26.50.110 (Violation of order—Penalties) and 2019 c 263  
34 s 913, 2019 c 46 s 5039, & 2017 c 230 s 9;

35 (111) RCW 26.50.115 (Enforcement of ex parte order—Knowledge of  
36 order prerequisite to penalties—Reasonable efforts to serve copy of  
37 order) and 1996 c 248 s 17, 1995 c 246 s 15, & 1992 c 143 s 8;

1 (112) RCW 26.50.120 (Violation of order—Prosecuting attorney or  
2 attorney for municipality may be requested to assist—Costs and  
3 attorney's fee) and 1984 c 263 s 13;  
4 (113) RCW 26.50.123 (Service by mail) and 1995 c 246 s 16;  
5 (114) RCW 26.50.125 (Service by publication or mailing—Costs) and  
6 2002 c 117 s 5, 1995 c 246 s 17, & 1992 c 143 s 9;  
7 (115) RCW 26.50.130 (Order for protection—Modification or  
8 termination—Service—Transmittal) and 2019 c 245 s 16, 2011 c 137 s  
9 2, 2008 c 287 s 3, & 1984 c 263 s 14;  
10 (116) RCW 26.50.135 (Residential placement or custody of a child—  
11 Prerequisite) and 1995 c 246 s 19;  
12 (117) RCW 26.50.140 (Peace officers—Immunity) and 1984 c 263 s  
13 17;  
14 (118) RCW 26.50.160 (Judicial information system—Database) and  
15 2019 c 263 s 914, 2019 c 46 s 5040, 2017 3rd sp.s. c 6 s 335, & 2006  
16 c 138 s 26;  
17 (119) RCW 26.50.165 (Judicial information system—Names of adult  
18 cohabitants in third-party custody actions) and 2003 c 105 s 4;  
19 (120) RCW 26.50.200 (Title to real estate—Effect) and 1985 c 303  
20 s 7 & 1984 c 263 s 15;  
21 (121) RCW 26.50.210 (Proceedings additional) and 1984 c 263 s 16;  
22 (122) RCW 26.50.220 (Parenting plan—Designation of parent for  
23 other state and federal purposes) and 1989 c 375 s 26;  
24 (123) RCW 26.50.230 (Protection order against person with a  
25 disability, brain injury, or impairment) and 2010 c 274 s 303;  
26 (124) RCW 26.50.240 (Personal jurisdiction—Nonresident  
27 individuals) and 2010 c 274 s 306;  
28 (125) RCW 26.50.900 (Short title) and 1984 c 263 s 1;  
29 (126) RCW 26.50.901 (Effective date—1984 c 263) and 1984 c 263 s  
30 32;  
31 (127) RCW 74.34.115 (Protection of vulnerable adults—  
32 Administrative office of the courts—Standard petition—Order for  
33 protection—Standard notice—Court staff handbook) and 2007 c 312 s 4;  
34 (128) RCW 74.34.120 (Protection of vulnerable adults—Hearing) and  
35 2007 c 312 s 5 & 1986 c 187 s 6;  
36 (129) RCW 74.34.130 (Protection of vulnerable adults—Judicial  
37 relief) and 2007 c 312 s 6;  
38 (130) RCW 74.34.135 (Protection of vulnerable adults—Filings by  
39 others—Dismissal of petition or order—Testimony or evidence—

1 Additional evidentiary hearings—Temporary order) and 2020 c 312 s 737  
2 & 2007 c 312 s 9;

3 (131) RCW 74.34.140 (Protection of vulnerable adults—Execution of  
4 protective order) and 2012 c 156 s 2 & 1986 c 187 s 8;

5 (132) RCW 74.34.145 (Protection of vulnerable adults—Notice of  
6 criminal penalties for violation—Enforcement under RCW 26.50.110) and  
7 2020 c 29 s 17, 2007 c 312 s 7, & 2000 c 119 s 2;

8 (133) RCW 74.34.150 (Protection of vulnerable adults—Department  
9 may seek relief) and 2007 c 312 s 8 & 1986 c 187 s 9;

10 (134) RCW 74.34.160 (Protection of vulnerable adults—Proceedings  
11 are supplemental) and 1986 c 187 s 11;

12 (135) RCW 74.34.163 (Application to modify or vacate order) and  
13 2020 c 312 s 738 & 2007 c 312 s 10;

14 (136) RCW 74.34.210 (Order for protection or action for damages—  
15 Standing—Jurisdiction) and 2007 c 312 s 11 & 1995 1st sp.s. c 18 s  
16 86; and

17 (137) RCW 26.10.115 (Temporary orders—Support—Restraining orders  
18 —Domestic violence or antiharassment protection orders—Notice of  
19 modification or termination of restraining order—Preservation of  
20 support debt) and 2019 c 245 s 18, 2000 c 119 s 9, 1995 c 246 s 29,  
21 1994 sp.s. c 7 s 454, & 1989 c 375 s 32.

22 NEW SECTION. **Sec. 171.** If specific funding for the purposes of  
23 this act, referencing this act by bill or chapter number, is not  
24 provided by June 30, 2021, in the omnibus appropriations act, this  
25 act is null and void.

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